

At a Special Term IAS Part 23, Supreme
Court of the State of New York, New
York County, 80 Centre Street
New York, NY, this 30th day of
December, 2020

BEFORE: Hon. Adam Silvera
Justice of the Supreme Court

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In the Matter of the Application of

ADRIANO ESPAILLAT, individually as a subway
rider MICHAEL SCHWEISNBERG, individually as a
subway rider and as President of the 504
DEMOCRATIC CLUB; and ROBERT KELLY,
individually as a subway rider and as Vice President
of LOCAL 100 TRANSPORT WORKERS UNION
OF GREATER NEW YORK,

Index No. 161335/2020

**ORDER TO SHOW_
CAUSE**

On behalf of classes of subway riders, similarly
situated;

Petitioners,

- against -

PATRICK FOYE, as Chief Executive Officer of
THE METROPOLITAN TRANSPORTATION
AUTHORITY, and SARA FEINBERG, as the
President of the NEW YORK CITY
TRANSIT AUTHORITY,

Respondents,

For an Order Pursuant to Article 78 of the Civil
Practice Law and Rules, Sections 1204 and 1205 of the
Public Authorities Law, and the NYC Human Rights
Law

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Upon the Verified Petition, verified on December 29, 2020; the affirmation of Arthur Z.
Schwartz, Esq., dated December 29, 2020; and the affidavit of Michael Schweinsburg sworn to
on December 29, 2020, Respondents Patrick Foye, as Chief Executive of the Metropolitan

Transportation Authority, and Sarah Feinberg, as President of the New York City Transit Authority, are hereby

ORDERED TO SHOW CAUSE, on the 12th day of January 2021 at 9:30 o'clock in the fore noon of that day, or as soon thereafter as counsel may be heard, at IAS Part 23, Courtroom 307, 80 Centre Street New York, New York, on on a videoconference link to be provided by the Court, why an order should not be issued pursuant to Article 78 of the Civil Practice Law and Rules, Section 1204 and 1205 of the New York Public Authorities Law, and the NYC Human Rights Law, enjoining and restraining Respondents, their agents, attorneys and assigns:

(a) from failing to provide lunch relief for Station Agents, and locking booths during Station Agents' lunch period, unless and until public hearings are conducted concerning each such partial closing pursuant to Sections 1204(15) and 1205(5) of the New York Public Authorities Law;

(b) from partially or fully closing any token booth in the New York City Subway System, including but not limited to the booths listed in Exhibits C to the Verified Petition, unless and until public hearings are conducted concerning each such partial or full closing pursuant to Sections 1204(15) and 1205(5) of the New York Public Authorities Law;

(c) from partially or fully closing any token booth in the New York City Subway System, including but not limited to the booths listed in Exhibit C of the Verified Petition unless adequate alternate arrangements for the safety and convenience of the public have been made pursuant to Section 1204(15) of the Public Authorities Law;

(d) from partially or fully closing any token booth in the New York City Subway System, including but not limited to the booths listed in Exhibit C of the Verified Petition, or by

locking the booths of Station Agents taking lunch, unless adequate accommodations are provided for persons with disabilities as required by the NYC Human Rights Law;

(d) from failing to conduct such hearings in each community affected by such proposed partial or full token booth closings, unless 45 days' notice is given to the local Community Board and to the affected public, so that comments may be elicited from the Community Board prior to the public hearing and MTA Board vote; and

WHY THIS COURT should not grant such other and further relief as is just and equitable; and it is further

ORDERED that service of a copy of this Order, the Verified Petition, and the affidavits and exhibits annexed thereto, upon the Respondents, on or before December 31, 2020, by email and overnight mail upon their counsel shall be considered sufficient, and it is further

ORDERED that Respondents shall serve a copy of their opposition papers, if any, upon Petitioners' counsel, and file a copy with this Court on or January 6, 2021 at 5 p.m: and it is further

ORDERED that Petitioners shall serve a copy of their Reply papers, if any, upon Petitioners' counsel, and file a copy with this Court on or January 11, 2021 at 5 p.m.

ENTERED



Justice of the Supreme Court
Hon. Adam Silvera
Ex Parte Judge

