

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDRA BUTLER; RICKY GIBSON;
O'BRIEN MORRIS; RICHARD EMMETT;
ROSELLE DIAZ; KEVIN FAISON;
SHANIQUA JACKSON; CENTER FOR
INDEPENDENCE OF THE DISABLED, NEW
YORK AND COALITION FOR THE
HOMELESS,

Case No. 15-CV-3783

Plaintiffs,
for themselves and on behalf of all others
similarly situated

- against -

CITY OF NEW YORK, THE NEW YORK
CITY DEPARTMENT OF HOMELESS
SERVICES and STEVEN BANKS, as
Commissioner of the New York City Department of
Homeless Services,

Defendants.

----- X

**PLAINTIFFS' COMBINED MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION, AND TO ENFORCE THE STIPULATION OF
SETTLEMENT**

THE LEGAL AID SOCIETY
199 Water Street
New York, NY 10038
Tel: (212) 577-3300
Fax: (212) 809-1574

JENNER & BLOCK LLP
919 Third Ave.
New York, NY 10022
Tel: (212) 891-1600

Counsel for Plaintiffs

Pursuant to Fed. R. Civ. P. 65, Plaintiffs respectfully move the Court for an immediate temporary restraining order and a preliminary injunction against Defendants enjoining them from involuntarily moving any class member from a density hotel pending adjudication of Plaintiffs' simultaneously-filed motion to enforce the terms of the Stipulation of Settlement. Defendants have violated numerous terms of the Stipulation of Settlement (ECF No. 67), which require Defendants to provide Reasonable Accommodations (RAs) to people who need them (§ 21); not discriminate against people with disabilities in its shelter programs (§ 22); have an interactive, individualized process to request an RA that does not require the use of any particular format (§ 25); decide RAs soon enough for them to be meaningful (§ 27); in "most cases" not require additional documentation (§ 30); grant RA requests provisionally if necessary to prevent serious harm (§ 34); and provide two weeks' notice of discontinuance of a provided RA (§ 41). Absent injunctive relief, Defendants' conduct will cause Plaintiffs to incur immediate and irreparable injury, loss, or damage. A memorandum in support follows and is incorporated by reference.

Dated: July 8, 2021
New York, New York

Respectfully Submitted,

/s/ Joshua Goldfein
Judith Goldiner
Joshua Goldfein
Beth Hofmeister
THE LEGAL AID SOCIETY
199 Water Street
New York, NY 10038
Tel: (212) 577-3300
Fax: (212) 809-1574
Email: JGoldfein@legal-aid.org

Dawn L. Smalls
Jacob D. Alderdice
Andrew C. Elliott
JENNER & BLOCK LLP
919 Third Ave., 38th Floor

New York, NY 10022
Telephone: 212-891-1600
Email: dsmalls@jenner.com

Ali I. Alsarraf
JENNER & BLOCK LLP
353 N. Clark St., 44th Floor
Chicago, IL 60654

Counsel for Plaintiffs