

22-101
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of

Index No. /2022

NYC FREEDOM TRAIL FOUNDATION INC.,

Petitioner(s),

-against-

NOTICE OF PETITION

PUBLIC DESIGN COMMISSION OF THE
CITY OF NEW YORK,

Respondent(s).

For a Judgment under Article 78 of the CPLR.

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SIRS:

PLEASE TAKE NOTICE that, upon the annexed Petition of Hirschel Law Firm, P.C., Verified by Jacob Morris, President of NYC Freedom Trail Foundation Inc., on January 20, 2022, together with the exhibits annexed thereto, an Application will be made to this Court at a Term thereof to be held at the Supreme Court, New York County Courthouse located 60 Centre Street, New York, New York, on the 18th day of March, 2022 at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for a Judgment, pursuant to Article 78 of the CPLR granting the Petitioner the following relief:

1. Annuling, vacating, setting aside and reversing the determination of the Respondent Public Design Commission of the City of New York, dated September 20, 2021, with respect to Agenda 27861 (“Agenda 27861”), wherein the Respondent determined to move Agenda 27861 from the “Public Hearing Agenda” to the “Consent Agenda”;

2. Seeking a Judgment that the determination of the Respondent dated September 20, 2021, with respect to Agenda 27861, be deemed arbitrary and capricious as a matter of law in

that Respondent failed to comply with its own methods and procedures with respect to granting approval and moving Agenda 27861 to the Consent Agenda;

3. Seeking a Judgment that by moving Agenda 27861 from the “Public Hearing Agenda” to the “Consent Agenda”, the Respondent acted in a manner that was arbitrary and capricious;

4. Seeking a Judgment that the matter be remanded back to the Respondent, and that Agenda 27861 be placed on the “Public Hearing Agenda”, in conforming with a prior determination of the Respondent and in conformity with its methods and procedures.

5. Together with such other and further relief as this Court may deem just, proper and appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR §7804(c), any answer and supporting affidavits must be served upon the undersigned at least five (5) days before the aforesaid date of the Petitioner’s application to this Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR §7804(e), Respondent, Public Design Commission of the City of New York must file its answer together with certified transcript of the record of the proceedings under consideration at least five (5) days before the aforesaid date of Petitioner’s application to this Court.

Pursuant to CPLR §506(a) and CPLR §506(b), Petitioner designates New York County as place of trial and/or hearing. The basis of venue is that all parties either reside or operate their principal place of business within the County of New York.

Date: Garden City, New York
January 20, 2022

HIRSCHEL LAW FIRM, P.C.
Attorneys for Petitioner

By: 

Daniel Hirschel, Esq.
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Respondent's Address:

Public Design Commission of the City of New York
City Hall, Third Floor
New York, NY 10007