SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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MORLEEN FISHER, TAMARA WILLIAMS, BJ ATHILL, RODAISHA SMITH, GARY CORBIN, COALITION FOR THE HOMELESS, on behalf of themselves and all others similarly situated

Index No. 452069/2020
IAS Part 37EFM
(Engoron, J.)

Petitioners,

- against -

STIPULATION
TO MARK OFF CALENDAR

THE CITY OF NEW YORK; THE NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES; STEVEN BANKS, as Commissioner of the New York City Department of Social Services; THE NEW YORK CITY DEPARTMENT OF HOMELESS SERVICES; JOSLYN CARTER, as Administrator of the New York City Department of Homeless Services,

Respondents.

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WHEREAS, on October 22, 2020, Petitioners Morleen Fisher, Tamara Williams, B.J. Athill, Radaisha Smith, and Gary Corbin (the "Individual Petitioners"), as well as the Coalition for the Homeless (collectively, the "Petitioners"), commenced this hybrid special proceeding pursuant to Article 78 of the CPLR and proposed class action pursuant to Article 9 of the CPLR seeking injunctive and declaratory relief, and, along with the Petition, Petitioners filed a proposed Order to Show Cause seeking a temporary restraining order and preliminary injunction granting the same ultimate relief sought in the action pendente lite;

WHEREAS, on November 6, 2020, the Court denied Petitioners' application for a temporary restraining order;

WHEREAS, on January 25, 2021, the Court denied Petitioners' motion for a preliminary injunction and class certification;

WHEREAS, on March 30, 2021 Respondents the City of New York, the New York City Department of Social Services (DSS), Steven Banks as Commissioner of DSS, the Department of Homeless Services (DHS), and Joslyn Carter, as the Administrator of DHS (collectively, hereinafter, "Respondents") filed a Verified Answer, and supporting documents regarding the Article 78 claims, and a motion to dismiss the plenary claims;

WHEREAS, on April 22, 2021, May 3, 2021, and July 12, 2021 the parties filed a stipulations of adjournment because the parties were involved in settlement negotiations,

WHEREAS, the current return date is September 15, 2021;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective parties, as follows:

1. The above-captioned hybrid Article 78 proceeding and plenary action shall be marked off the calendar without prejudice and be restored to the calendar on twenty (20) days notice.

2. A facsimile or electronically-transmitted signature hereon shall be deemed an original for purposes of this stipulation.

Dated: September 14, 2021
New York, New York

THE LEGAL AID SOCEITY
Attorney for Petitioners
199 Water Street
New York, New York 10038
Tel: (212) 577-3414
jgoldfein@legal-aid.org

By /s/
JOSHUA GOLDFEIN, ESQ.

GEORGIA M. PESTANA,
Corporation Counsel of the
City of New York
Attorney for Respondents
100 Church Street
New York, New York 10007
Tel: (212) 356-0873
ssprayre@law.nyc.gov

By: */s/*
SHARON SPRAYREGEN
Assistant Corporation Counsel

JENNER & BLOCK LLP
Attorney for Petitioners
919 Third Ave, 38th Floor
New York, New York 10022
Tel: (212) 891-1600
DSmalls@jenner.com

By: /s/
DAWN L. SMALLS, ESQ.

SO ORDERED: 9/15/2021

HON. ARTHUR F. ENGORON