STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

ALFONSO SMALLS, KARIEM TOMLIN JEROME LESLIE, TARON JACKSON, SAIWON ROBBINS, and MICHAEL WILLIAMS, on behalf of themselves and all similarly situated individuals,

Plaintiffs-Petitioners,

-against-

DANIEL F. MARTUSCELLO III, as Commissioner of the New York State Department of Corrections and Community Supervision,

Defendant-Respondent.

DECISION AND ORDER
(Motions 2 & 4)
Index No: 903926-25

APPEARANCES:

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LYNCH, J.:

This litigation arises from a dispute over the application of the Humane Alternatives to Long-Term Solitary Confinement Law (hereinafter referred to as "HALT"), which, as relevant

here, sets forth limitations on the amount of time incarcerated individuals can be confined to their cells. Plaintiffs-Petitioners (hereinafter referred to as "plaintiffs") are members of two putative classes of individuals incarcerated in facilities across the State of New York run by the Department of Corrections and Supervision (hereinafter referred to as "DOCCS"). Defendant-Respondent Daniel F. Martuscello (hereinafter referred to as "defendant") is the commissioner of DOCCS.

The specific facts leading up to the issues presented here are laid out more fully in the Court's July 1, 2025 Decision and Order, which granted plaintiffs' request for a preliminary injunction (hereinafter "the July Decision"). In sum, in February 2025, correction officers in 38 of the 41 facilities operated by DOCCS went on strike, causing Governor Kathy Hochul to declare a state of emergency and deploy the New York National Guard to assist DOCCS in operating its facilities. On February 20, 2025, defendant informed all DOCCS facility superintendents that he was "suspending the elements of HALT that cannot safely be operationalized under a prison wide state of emergency until [DOCCS] can safely operate the prisons" (NYSCEF Doc. No. 56, pg. 1). In March 2025, as part of a Memorandum of Agreement (hereinafter referred to as "the March 8 MOA") between the State and the New York State Correctional Officers and Police Benevolent Association, Inc., which set forth conditions to end the strike and addressed the concerns that led to it, defendant continued the suspension of HALT for a further 90 days from March 8, 2025.

Plaintiffs thereafter commenced the instant hybrid CPLR article 78 proceeding and plenary action, asserting that these two documents – the February 20 Memorandum and the March 8 MOA – constitute an improper suspension by defendant of the protections accorded to incarcerated individuals under HALT. Accordingly, plaintiffs seek an order (1) certifying this action as a class action, (2) declaring defendant's suspension of HALT to be in violation of the New York Constitution, article III, § 1 and article IV, § 3, as well as Correction Law § 137 (6) (j) (ii), and (3)

vacating and annulling the suspension of HALT programming and recreation under CPLR article 78, asserting that the suspension is arbitrary and capricious and violates HALT's plain language. In July 2025, the Court granted petitioner's request for a preliminary injunction, enjoining defendant from suspending any provisions of HALT in DOCCS facilities without a finding of a facility-wide emergency as set forth in Correction Law § 2 (23), and ordering that any such finding be filed publicly to the docket of this case together with the sworn affirmation of a DOCCS employee with personal knowledge as to its scope and expected duration.

Defendant thereafter submitted a lengthy affirmation to the Court discussing the conditions at each of DOCCS' facilities across the state, and reiterating that a state of emergency existed in many of them that required the continued suspension of certain provisions of HALT. Plaintiffs disputed whether this affirmation was sufficiently detailed, and, following some communication between the parties, plaintiffs filed a motion to enforce the preliminary injunction or, in the alternative, hold defendant in civil contempt. Defendant opposes, asserting that he is in compliance with the preliminary injunction. Currently pending before the Court, then, are two separate motions: plaintiffs' motion for class certification and plaintiffs' motion to enforce the preliminary injunction. The Court heard oral argument regarding both motions on October 22, 2025.[1]

I. Plaintiffs' Motion for Class Certification

Plaintiffs seek to certify two classes: one of "[a]ll individuals in DOCCS custody who are or will be subject to cell confinement exceeding 17 hours per day under the HALT Suspension and

[1] The Court notes that defendant has not responded to the hybrid petition/complaint itself. In a letter to the Court on May 30, 2025, counsel for defendant informed the Court that the parties had agreed to stay the deadline to answer until the motion for a preliminary injunction was resolved. That motion was decided in July 2025, but defendant has yet to answer the petition/complaint. As the Court and parties failed to set a specific date by which defendant's answer was due, defendant is hereby ordered to submit an answer to the petition/complaint within 30 days of the date of this Decision and Order.

who are not, at the time of such confinement, subject to placement in segregated confinement as a disciplinary sanction," and one of "[a]ll individuals in DOCCS custody who are or will be in disciplinary confinement or housed in a setting whose conditions must at a minimum conform or be comparable to the requirements of RRUs under the Correction Law" (NYSCEF Doc. No. 43, pg. 1). Plaintiffs claim that these classes meet all the requirements for certification, as set forth in CPLR 901 and 902. Defendant responds that class certification should be denied under the governmental operations rule and that, even if it is not, plaintiffs have failed to establish either the prerequisites of commonality, typicality, or adequacy, or show that the factors set forth in CPLR 902 support the certification of the proposed classes.

In a class action, "[o]ne or more members of a class may sue . . . as representative parties on behalf of all if:

> 1. the class is so numerous that joinder of all members, whether otherwise required or permitted, is impracticable;
> 2. there are questions of law or fact common to the class which predominate over any questions affecting only individual members;
> 3. the claims or defenses of the representative parties are typical of the claims or defenses of the class;
> 4. the representative parties will fairly and adequately protect the interests of the class; and
> 5. a class action is superior to other available methods for the fair and efficient adjudication of the controversy."

(CPLR 901 [a]; *see Stewart v Roberts*, 163 AD3d 89, 94 [3d Dept 2018]). Respectively, "[t]hese factors are commonly referred to as the requirements of numerosity, commonality, typicality, adequacy of representation and superiority" (*City of New York v Maul*, 14 NY3d 499, 508 [2010]). "If all of the CPLR 901 prerequisites are satisfied, the court must then consider the discretionary factors listed in CPLR 902" (*Jenack v Goshen Operations, LLC*, 222 AD3d 36, 44 [2d Dept 2023]; *see Morrissey v Nextel Partners, Inc.*, 72 AD3d 209, 216 [3d Dept 2010]). Those factors are:

> "1. The interest of members of the class in individually controlling the prosecution or defense of separate actions;
> 2. The impracticability or inefficiency of prosecuting or defending separate actions;
> 3. The extent and nature of any litigation concerning the controversy already commenced by or against members of the class;
> 4. The desirability or undesirability of concentrating the litigation of the claim in the particular forum;
> 5. The difficulties likely to be encountered in the management of a class action."

(CPLR 902; *see Jenack v Goshen Operations, LLC*, 222 AD3d at 44). "As proponents of the class action, plaintiffs [bear] the burden of demonstrating that [the] five prerequisites can be met" (*Burdick v Tonoga, Inc.*, 179 AD3d 53, 56 [3d Dept 2019] [citations omitted]); *see Olmann v Willoughby Rehabilitation & Health Care Ctr., LLC*, 186 AD3d 837, 855 [2d Dept 2020]). However, "these criteria must be liberally construed and any error, if there is to be one, should be in favor of allowing the class action" (*Hurrell-Harring v State of New York*, 81 AD3d 69, 72 [3d Dept 2011] [internal quotation marks, ellipsis and citations omitted]; *see Andryeyeva v New York Health Care, Inc.*, 33 NY3d 152, 183 [2019]).

The governmental operations rule does not preclude certification of the two classes proposed by plaintiffs. This rule "cautions against class certification where governmental operations are involved, since any relief granted to the named plaintiffs would adequately flow to and protect others similarly situated under principles of stare decisis" (*Hurrell-Harring v State of New York*, 81 AD3d at 74; *Stewart v Roberts*, 163 AD3d at 94). However, this is not an absolute rule, and classes may be certified even if governmental operations are involved when "the plaintiffs' ability to commence individual suits is highly compromised, due to indigency or otherwise" or "the condition sought to be remedied by the plaintiffs poses some immediate threat that cannot await individual determinations" (*New York City Coalition to End Lead Poisoning v Giuliani*, 245 AD2d 49, 51 [1st Dept 1997]; *see Hurrell-Harring v State of New York*, 81 AD3d at 75). Here, plaintiffs are indigent incarcerated individuals, and as such it is clear that their ability

to commence individual suits is compromised. Moreover, if the allegations here – that DOCCS is violating HALT and keeping them in their cells hours beyond the legal limit without a rational basis – are true, there is clearly an immediate threat to incarcerated individuals across the State which cannot await individual determinations. As such, the governmental operations rule does not bar the certification of a class here (*see New York City Coalition to End Lead Poisoning v Giuliani*, 245 AD2d at 51-52; *Brad H. v City of New York*, 185 Misc 2d 420, 424-425 [Sup Ct NY County 2000], *affd* 276 AD2d 440 [1st Dept 2000]).

Turning then to the requirements and factors in CPLR 901, the two classes proposed by plaintiffs should be certified. Plaintiffs have clearly satisfied the numerosity prong, given the number of incarcerated individuals across DOCCS' facilities who fall wtihin the ambit of the two proposed classes. Defendant challenges the issues of commonality, typicality, adequacy of representation, and superiority. The prerequisite of commonality "requires predominance of common questions over individual questions, not identity or unanimity of common questions, among class members" (*Ferrari v National Football League*, 153 AD3d 1589, 1591 [4th Dept 2017]; *accord Burdick v Tonoga, Inc.*, 179 AD3d at 56). "[C]ommonality cannot be determined by any mechanical test," and "the fact that questions peculiar to each individual may remain after resolution of the common questions is not fatal to the class action. Rather, it is predominance, not identity or unanimity, that is the linchpin of commonality" (*City of New York v Maul*, 14 NY3d at 514; *see Matter of Long Is. Power Auth. Hurricane Sandy Litig.*, 200 AD3d 1040, 1042 [2d Dept 2021], *lv dismissed* 39 NY3d 1175 [2023]).

Plaintiffs have met the requirement of commonality. One common question of law predominates over the individual questions presented by each putative class member's place of incarceration – namely, whether defendant's suspension of HALT since February 2025 is arbitrary

and capricious. Defendant argues that there is no commonality here because the suspension of HALT's protections requires a facility-by-facility analysis. This contention misses the mark, however, as plaintiffs contend that the challenged suspension was done at a statewide level. Accordingly, the analysis required to resolve this litigation is not a facility-by-facility one, but rather a single analysis of the rationality and constitutionality of the challenged determination. Because this one issue is integral to the instant action, a determination as to the propriety of defendant's challenged suspension of HALT would "resolve an issue that is central to the validity of each one of [plaintiffs'] claims in one stroke," and "generate common answers apt to drive the resolution of the litigation" (*Burdick v Tonoga, Inc.*, 179 AD3d at 56 [internal quotation marks and citation omitted]). Accordingly, plaintiffs have established the commonality prerequisite here (*see Jenack v Goshen Operations, LLC*, 222 AD3d at 45; *Hurrell-Harring v State of New York*, 81 AD3d at 72-73).

For similar reasons, plaintiffs have also established the prerequisite of typicality. "[T]he typicality requirement is satisfied if it is shown that a plaintiff's claims derive from the same practice or course of conduct that gave rise to the remaining claims of other class members and is based upon the same legal theory" (*Kozak v Kushner Vil. 329 E. 9th St. LLC*, 232 AD3d 542, 545 [1st Dept 2024] [internal quotation marks, brackets, and citation omitted]; *see Burdick v Tonoga, Inc.*, 179 AD3d at 60). While it is true that the putative class members are housed at different facilities, each of which has a different level of staffing, varying programming, and other unique challenges, these facility-by-facility considerations are not the dispositive analysis here. Instead, the issue presented is whether defendant's determinations in February and March 2025 were rational and constitutional, and the claims of the proposed classes are all based on the unifying legal theories that defendant's determinations were irrational and unconstitutional. Plaintiffs'

evidentiary submissions show that they were incarcerated when these determinations went into effect. Thus, plaintiffs have established that the claims of the representative parties are typical of the claims of the proposed classes (*see Ferrari v National Football League*, 153 AD3d at 1592; *Hurrell-Harring v State of New York*, 81 AD3d at 73).

The adequacy prerequisite has also been met. "The factors to be considered in determining adequacy of representation are whether any conflict exists between the representative and the class members, the representative's familiarity with the lawsuit and his or her financial resources, and the competence and experience of class counsel" (*Ackerman v Price Waterhouse*, 252 AD2d 179, 202 [1st Dept 1998] [citations omitted]; *see Globe Surgical Supply v GEICO Ins. Co.*, 59 AD3d 129, 143 [2d Dept 2008]). Again, defendant attempts to draw distinctions between the putative class members based on where they are incarcerated, contending that conflicts of interest will arise between class members as this lawsuit requires DOCCS to reopen or increase services at some facilities but not others. Again, this argument is unavailing. As noted above, there is a common legal question between putative class members in every DOCCS facility, and there is no indication that the vacatur of any improper statewide suspension would pit the plaintiffs against each other. Instead, all members of the proposed class share a common interest in the lifting of any improper suspension of HALT's protections. Plaintiffs' affidavits demonstrate that they are familiar with the lawsuit and willing to serve as class representatives, and there is no dispute that counsel at the Legal Aid Society are sufficiently competent and experienced to represent the proposed classes throughout this litigation. Therefore, plaintiffs have satisfied the requirement of adequacy (*see Ferrari v National Football League*, 153 AD3d at 1592-1593; *Pruitt v Rockefeller Ctr. Props.*, 167 AD2d 14, 24 [1st Dept 1991]).

Finally, plaintiffs have established that class action is the superior method to adjudicate the issue here. The challenged suspension of HALT impacts every incarcerated individual who is in segregated confinement, as defined by HALT, meaning that the number of potential plaintiffs in this action is likely in the thousands. If class certification is denied here, each one of those potential plaintiffs could institute an action challenging defendant's suspension of HALT, consuming a plethora of judicial resources. It would also require each of these plaintiffs to navigate the challenges of litigating from prison, which poses communication and cost concerns. This would also create the possibility of multiple inconsistent rulings on the propriety of defendant's determination. Therefore, provided that the members of the class were incarcerated at the time defendant issued his challenged determinations suspending HALT, a class action is clearly the superior method for the purpose of adjudicating this dispute, as it "will allow one action to do a job, or a good part of it, that would otherwise have to be done by many" (*Burdick v Tonoga, Inc.*, 179 AD3d at 60 [internal quotation marks and citation omitted] *see Stewart v Roberts*, 193 AD3d 121, 125 [3d Dept 2021]).

The factors set forth in CPLR 902 also weigh in favor of certifying plaintiffs' proposed classes. "Claims of uniform systemwide violations are particularly appropriate for class certification" (*Andryeyeva v New York Health Care, Inc.*, 33 NY3d at 184 [citation omitted]; *accord Moreno v Future Health Care Servs., Inc.*, 186 AD3d 594, 596 [2d Dept 2020]). Such a claim is presented here. There is no indication that class members are interested in controlling the prosecution of their own claims, nor has the Court been made aware of any other pending litigation concerning defendant's February and March 2025 suspension of HALT. For the reasons set forth above, it would be inefficient for every potential class member to prosecute separate actions for this claim, and this action is suited for a class action. Albany County is an adequate forum in which

to concentrate this litigation, as it is the county wherein defendant's principal office is located. Therefore, in light of the policy that "New York's statutory class certification provisions are to be liberally construed" (*Andryeyeva v New York Health Care, Inc.*, 33 NY3d at 183; *accord Stewart v Roberts*, 193 AD3d at 125), these factors support the certification of the two proposed classes (*see Jenack v Goshen Operations, LLC*, 222 AD3d at 46-47; *Ferrari v National Football League*, 153 AD3d at 1593; *Fleming v Barnwell Nursing Home & Health Facilities*, 309 AD2d 1132, 1134 [3d Dept 2003]).

II. Plaintiffs' Motion to Enforce the Preliminary Injunction

The other motion pending before the Court is plaintiffs' motion to enforce the preliminary injunction. Plaintiffs contend that defendant has not complied with the preliminary injunction issued by the Court in July 2025, as he has failed to identify which DOCCS facilities are experiencing a facility-wide emergency or provide sufficient information about the scope, existence and expected duration of such emergencies. As a result, plaintiffs ask the Court to order defendant to file a supplemental affirmation stating whether DOCCS is asserting a facility-wide emergency, the factors DOCCS relied on to make such a determination, whether staffing shortages are the primary basis for the emergency, the expected duration of such an emergency, and whether defendant is offering the out-of-cell time, programming, and congregate recreation mandated under HALT. Alternatively, plaintiffs ask the Court to hold defendant in contempt of court. Defendant opposes, contending that he has complied with the preliminary injunction and should not be held in contempt.

Under the relevant provisions of HALT, which was codified in amendments to the Correction Law that went into effect in March 2022, " '[s]egregated confinement' means the confinement of an incarcerated individual in any form of cell confinement for more than [17] hours

a day **other than in a facility-wide emergency**" (Correction Law § 2 [23] [emphasis added]). Additionally, "[p]ersons in segregated confinement shall be offered out-of-cell programming at least four hours per day, including at least one hour for recreation. Persons admitted to [RRUs] shall be offered at least six hours of daily out-of-cell congregate programming, services, treatment, recreation, activities and/or meals, with an additional minimum of one hour for recreation. Recreation in all [RRUs] shall take place in a congregate setting, unless exceptional circumstances mean doing so would create a significant and unreasonable risk to the safety and security of other incarcerated persons, staff, or the facility" (Correction Law § 137 [6] [j] [ii]).

In the preliminary injunction issued in July 2025, the Court ordered that "as of **July 11, 2025**, defendant Daniel F. Martuscello III [was] **preliminarily enjoined** from enforcing or implementing any suspension of the provisions of HALT in DOCCS facilities without a finding of a facility-wide emergency in each facility as set forth in Correction Law § 2 (23)," and that "if defendant Daniel F. Martuscello III makes a finding of such a facility-wide emergency, that finding shall be filed publicly to the docket in this case within two business days of the onset of such reliance and be accompanied by the sworn affirmation of a DOCCS employee with personal knowledge setting forth detailed facts describing the facility-wide emergency, including its scope and expected duration" (NYSCEF Doc. No. 67, pg. 11 [emphasis in original]).

Plaintiffs' motion to enforce the preliminary injunction is denied. First, the requirements to make a finding of civil contempt are not met, as plaintiffs have not demonstrated that defendant disobeyed the Court's July 2025 preliminary injunction. "To make a finding of civil contempt, it must be shown that, to a reasonable degree of certainty, a party has knowingly disobeyed a clear and unequivocal mandate of the court which results in prejudice to the rights of another party" (*Matter of New York State Off. of Victim Servs. v Robinson*, 151 AD3d 1515, 1516 [3d Dept 2017]

[internal quotation marks and citations omitted]; *see* Judiciary Law § 753 [A]; *Matter of Bemis v Town of Crown Point*, 121 AD3d 1448, 1452 [3d Dept 2014]).

Defendant has submitted multiple affirmations regarding DOCCS' attempts to comply with HALT's requirements. In July 2025, defendant submitted a 96-page affirmation, in which he gave a detailed analysis of conditions at the 35 DOCCS facilities across the State which have a residential rehabilitation unit ("RRU") or special housing unit ("SHU") and so are required to offer certain programming under HALT. In this affirmation, defendant summarized each facility's staffing levels, allocation of staff, reliance on the New York National Guard, limitations from staffing shortages, and progress in returning to compliance with HALT. Defendant concluded that all "DOCCS facilities remain under a 'facility-wide' emergency" due to insufficient staffing to both implement HALT's provisions and perform DOCCS' vital functions (NYSCEF Doc. No. 69, pg. 8). As set forth in defendant's affirmation, this facility-specific information was obtained after working with an executive team, which included the superintendent of each relevant facility. Defendant did not include a specific time horizon for the termination of the emergency conditions at each facility, but he did explain steps that DOCCS has taken to recruit further correction officers and detailed some facilities in which HALT programming had been partially reinstated. He added that the situation was fluid in every facility on a day-by-day basis (*see* NYSCEF Doc. No. 69). In a supplemental affirmation submitted in September 2025, defendant reported that 24 DOCCS facilities were compliant with HALT's RRU and SHU programming requirements, and that the other 11 facilities were in partial compliance (*see* NYSCEF Doc. No. 95).

In November 2025, defendant submitted a third affirmation. In this affirmation, he reiterated that each of DOCCS' facilities were still operating under Governor Hochul's February 2025 state of emergency declaration, and stated that HALT programming was fully operational in

all SHUs throughout the State, and in 30 of 35 facilities with RRUs. He reiterated that the five RRUs not fully compliant with HALT programming continued to experience staffing shortages and other operational challenges. Defendant added that it was not possible for him to provide a precise date by which the emergency would end in each facility, based upon the fluid situation across DOCCS (*see* NYSCEF Doc. No. 143). In conjunction with this affirmation, defendant also submitted affirmations from the superintendents of the five facilities that had yet to restore full programming in their RRUs. These five superintendents explained that insufficient staffing at all five facilities caused them each to be in a facility-wide emergency, as, even with the National Guard, these facilities each had a vacancy rate between 29% and 47% of their expected staffing levels (*see* NYSCEF Doc. Nos. 144-148).

In December 2025 defendant submitted a final supplemental affirmation, explaining that DOCCS' 13 maximum-security prisons[2] remained under facility-wide emergencies, preventing them from meeting the seven-hour out-of-cell requirement in Correction Law § 2 (23) for individuals incarcerated in general population but housed in cells. In this affirmation, he provided analyses of the staffing levels at each of these 13 facilities, explaining the challenges posed by the security staff vacancies, which ranged from 25% to 50% of their expected levels at these facilities. In sum, defendant concluded that the security staff shortfalls at each facility constituted an emergency that necessitated a deviation from the requirements of Correction Law § 2 (23) (*see* NYSCEF Doc. No. 153).

[2] Defendant identified these facilities as: Attica Correctional Facility, Auburn Correctional Facility, Bedford Hills Correctional Facility, Clinton Correctional Facility, Coxsackie Correctional Facility, Eastern NY Correctional Facility, Elmira Correctional Facility, Five Points Correctional Facility, Green Haven Correctional Facility, Shawangunk Correctional Facility, Sing Sing Correctional Facility, Upstate Correctional Facility, and Wende Correctional Facility.

Taken together, these affirmations from defendant and the facility superintendents are sufficient to satisfy the requirements of the July 2025 preliminary injunction. Defendant has explained in multiple ways that every facility in the DOCCS system remains in a state of emergency, and has provided individualized breakdowns for each facility as required by the language of Correction Law § 2 (23) and the preliminary injunction. While plaintiffs dispute defendant's representation that HALT programming has been restored in SHUs and RRUs across the State via affidavits from incarcerated individuals, and assert that individuals in general population are confined to their cells for more than 17 hours a day, these arguments miss the mark – the facility-wide emergencies laid out by defendant and the facility superintendents in their affirmations provide a rational basis for a suspension of HALT's programming and cell confinement requirements under the exception in Correction Law § 2 (23). Defendant has provided affirmations identifying a facility-wide emergency at every facility in the DOCCS system, as well as both individualized assessments of each facility in support of this conclusion and more detailed analyses for other specific facilities. In light of these voluminous submissions, even if the inconsistences identified by plaintiffs were on-point, the Court cannot conclude that defendant knowingly disobeyed the Court's July 2025 preliminary injunction, and so will not hold him in civil contempt (*see Matter of Justice v Fischer*, 126 AD3d 1266, 1266 [3d Dept 2015]; *Tel Oil Co. v City of Schenectady*, 292 AD2d 725, 725-726 [3d Dept 2002]).

Plaintiffs also ask that the Court find defendant in violation of the preliminary injunction under the Court's general powers as the court of record under Judiciary Law § 2-b (3). The Court declines to do so. Refocusing on the allegations in the petition, this is a hybrid proceeding and action asserting that defendant acted arbitrarily and capriciously in suspending HALT in February and March 2025, or, in the alternative, that these suspensions violated the New York Constitution.

The preliminary injunction was granted based, in part, on the Court's finding that plaintiffs were likely to succeed on the merits of their CPLR article 78 claim. The question in a CPLR article 78 proceeding is whether the challenged action was "taken without sound basis in reason or regard to the facts," and "[w]hen a determination is supported by a rational basis, it must be sustained even if the reviewing court would have reached a different result" (*Matter of Evercare Choice, Inc. v Zucker*, 218 AD3d 882, 885 [3d Dept 2023] [internal quotation marks and citations omitted]; *accord Matter of John E. Andrus Mem., Inc. v Commissioner of Health of the N.Y. State Dept. of Health*, 225 AD3d 959, 961 [3d Dept 2024]).

This standard must be front and center in the Court's review of defendant's actions. The Court's role in the instant litigation is not to oversee DOCCS, monitor defendant's decision-making as he acts as the commissioner of DOCCS, or substitute its own discretion for defendant's reasoned judgments. Instead, it is to determine whether defendant acted rationally in suspending HALT in February and March 2025, and enjoin him from implementing that potentially irrational suspension during the pendency of this litigation. The relief plaintiffs request in the instant motion – which includes requiring defendant to file to the Court's docket prompt identification of every facility where a facility-wide emergency is asserted, sworn information describing the basis, scope and duration of each emergency, biweekly updates on each emergency, a mechanism to determine HALT compliance at other DOCCS facilities, and a process for addressing allegations of future noncompliance (*see* NYSCEF Doc. No. 154) – asks the Court to go well beyond its judicial role. Granting such relief would surpass the requirements of the July 2025 preliminary injunction, and, critically, exceeds the Court's purview under the text of Correction Law § 2 (23), which requires only the finding of a facility-wide emergency for the suspension of HALT, not regular updates on the resolution of such an emergency or a temporal limitation on it. Defendant has submitted

sufficient information to the Court to conclude that he has a rational basis for the facility-wide emergencies asserted in the summer and fall of 2025, which is all that was required by the July 2025 preliminary injunction. Accordingly, plaintiffs' motion to enforce the preliminary injunction is denied.

Any remaining arguments not specifically addressed herein have been considered and found to be lacking in merit or need not be reached in light of this determination.

Accordingly, it is hereby

ORDERED that plaintiffs' motion for class certification is granted; and it is further

ORDERED that the classes are (1) all individuals in DOCCS custody who are or will be subject to cell confinement exceeding 17 hours per day under the HALT Suspension and who are not, at the time of such confinement, subject to placement in segregated confinement as a disciplinary sanction, and (2) of all individuals in DOCCS custody who are or will be in disciplinary confinement or housed in a setting whose conditions must at a minimum conform or be comparable to the requirements of RRUs under the Correction Law; and it is further

ORDERED that plaintiffs' motion to enforce the July 2025 preliminary injunction is denied; and it is further

ORDERED that defendant submit responsive papers to the hybrid petition/complaint within 30 days of the date of this Decision and Order.

The foregoing shall constitute the Decision and Order of this Court. The signing of this Decision and Order shall not constitute filing, entry, service, or notice of entry under CPLR 2220 and § 202.5-b(h)(2) of the Uniform Rules for the New York State Trial Courts. The parties are not relieved from the applicable provisions of those rules with respect to service and notice of entry of the Decision and Order.

SO ORDERED.

ENTER.

Dated: February 17, 2026
Albany, New York

HON. DANIEL C. LYNCH
Supreme Court Justice

02/17/2026

Papers considered:

1. Notice of Motion for Class Certification, dated April 18, 2025;
2. Memorandum of Law in Support of Motion for Class Certification of Katherine E. Haas, Esq., dated April 18, 2025;
3. Affirmation in Support of Katherine E. Haas, Esq., dated April 18, 2025;
4. Affirmations in Support of Plaintiffs (NYSCEF Docs. No. 20 – 25);
5. Memorandum of Law in Opposition of Brian P. Henchy, Esq., dated August 22, 2025;
6. Memorandum of Law in Reply of Lauren Stephens-Davidowitz, Esq., dated September 4, 2025;
7. Notice of Motion to Enforce the Preliminary Injunction, dated August 19, 2025;
8. Memorandum of Law in Support of Riley D. Evans, Esq., dated August 19, 2025;
9. Affirmation in Support of Riley D. Evans, Esq., dated August 19, 2025, together with Exhibits A – E;
10. Memorandum of Law in Opposition of Ryan W. Hickey, Esq., dated September 26, 2025;
11. Affirmations of Daniel F. Martuscello, dated July 14, 2025, September 26, 2025, November 14, 2025, and December 3, 2025;
12. Affirmation of Ryan W. Hickey, Esq., dated September 26, 2025, together with Exhibit A;
13. Memorandum of Law in Reply of Antony P. F. Gemmell, Esq., dated October 2, 2025;
14. Oral argument, held in-person at the Albany County Courthouse on October 22, 2025;
15. Supplemental Submission in Support of Antony P. F. Gemmell, Esq., dated November 7, 2025, together with Exhibits 1 – 37;
16. Supplemental Submission in Opposition of Ryan W. Hickey, Esq., dated November 14, 2025, together with affirmations of Julie Wolcott, Thomas Gee, Leanne Latona, Mark Rockwood, and Aaron Torres; and
17. Reply Supplemental Submission of Antony P. F. Gemmell, Esq., dated December 3, 2025, together with Exhibits 1 – 5.