

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

In the Matter of the Application of

MICHAEL MCCOY,

Petitioner,

For Judgment Pursuant to CPLR Articles 78 and  
30,

-against-

NEW YORK STATE JUSTICE CENTER FOR  
THE PROTECTION OF PEOPLE WITH  
SPECIAL NEEDS; DENISE MIRANDA, in her  
official capacity as Executive Director of the New  
York State Justice Center for the Protection of  
People with Special Needs,

Respondents.

**Index No.** \_\_\_\_\_

**VERIFIED PETITION**

**ORAL ARGUMENT  
REQUESTED**

Petitioner Michael McCoy (“Mr. McCoy”), by his counsel, Joshua Carrin of The Legal Aid Society, complaining of the Respondents, herein alleges and states as follows:

**INTRODUCTORY STATEMENT**

1. This proceeding, brought under Articles 78 and 30 of the Civil Practice Law and Rules (“CPLR”), challenges a determination of the New York State Justice Center for the Protection of People with Special Needs (the “Justice Center”) denying Mr. McCoy clearance for employment based on a criminal case that had been adjourned in contemplation of dismissal, thereby depriving him of a job opportunity and violating Section 296(16) of the New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law § 296(16). Additionally, Mr. McCoy seeks a declaratory judgment that the agency policy which prompted the adverse determination violates the NYSHRL, and an order directing the Justice Center to modify said policy to comport with Section 296(16). Finally, Mr. McCoy seeks damages for the wages he lost as a result of the

Justice Center's unlawful determination, as such damages are incidental to the primary relief sought in this action.

2. On July 11, 2019, an amendment to Section 296(16) of the NYSHRL went into effect which prohibits employers and licensing agencies from discriminating on the basis of a criminal case that has been adjourned in contemplation of dismissal. *See* N.Y. Exec. Law § 296(16). An adjournment in contemplation of dismissal, or "ACD," is a court order that schedules the dismissal of a criminal case, typically for six months after the ACD is ordered by the court. *See* N.Y. Crim. Proc. Law ("CPL") § 170.55(2). An ACD is not a conviction and does not involve any admission of guilt. CPL § 170.55(8). Section 296(16) was also amended to require that a criminal case that has been adjourned in contemplation of dismissal not be treated as a pending case. *See* N.Y. Exec. Law § 296(16). Thus, per the amended NYSHRL, from the moment an ACD is ordered by the court, it is no longer deemed a pending case and cannot be the basis for denial of employment or an employment license,<sup>1</sup> including during the adjournment period before the case is dismissed.

3. On August 28, 2019, Mr. McCoy was arrested and charged with three misdemeanor offenses and one non-criminal violation offense. On November 9, 2019, Mr. McCoy's criminal case was adjourned in contemplation of dismissal.

4. In October 2019, Mr. McCoy applied for a position as a full-time case manager with Urban Pathways, a nonprofit homeless services provider. Because the position involved working with adults who receive mental health services at a facility licensed or certified by the

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<sup>1</sup> License includes any mandatory permission to work, such as the clearance granted by the Justice Center. Although the NYSHRL does not specifically define license, Section 296(15) of the NYSHRL, which prohibits discrimination against job and license applicants with criminal histories, explicitly incorporates Article 23-A of the New York Correction Law, N.Y. Corr. Law §§ 750–755, which contains such a definition. *See* N.Y. Corr. Law § 750(4) ("License' means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession.").

New York State Office of Mental Health, his job application and fingerprints required review and clearance by the Justice Center's Criminal Background Check Unit ("CBC Unit"). *See* N.Y. Exec. Law § 553(5); N.Y. Mental Hygiene Law § 31.35; N.Y. Soc. Serv. Law § 488(4). Accordingly, Urban Pathways requested that the CBC Unit conduct a criminal background check review of Mr. McCoy, and Mr. McCoy's fingerprints were taken and forwarded to the CBC Unit by IdentoGO, a third-party provider.

5. On November 19, 2019, the CBC Unit informed Urban Pathways that it would not clear Mr. McCoy for employment because his criminal case had been adjourned in contemplation of dismissal. The CBC Unit's decision was in direct contravention of Section 296(16).

6. As a result of the Justice Center's adverse determination, Urban Pathways was prohibited from extending an offer of employment to Mr. McCoy, despite its desire to do so.

7. On January 7, 2020, CBC Unit Director James Buccini told Petitioner's counsel via telephone, in sum and substance, that it was Justice Center policy not to clear job applicants during the adjournment period of an ACD. Mr. Buccini asserted, in sum and substance, that the Justice Center was not subject to the recent Section 296(16) amendment concerning ACD-based discrimination and would therefore maintain its policy of denying clearance to job applicants during the adjournment period of an ACD.

8. Upon information and belief, the Justice Center is the only State licensing agency that has refused to modify its ACD policy to comport with the Section 296(16) amendment.

9. Petitioner's counsel's subsequent pre-litigation efforts to seek correction of the Justice Center's unlawful ACD policy were unsuccessful.

10. Respondents' refusal to clear Mr. McCoy for employment was a violation of lawful procedure and affected by an error of law because it violated Section 296(16) of the NYSHRL, which expressly prohibits licensing agencies from discriminating on the basis of a criminal case that has been adjourned in contemplation of dismissal.

11. By denying employment clearance to Mr. McCoy, who had no criminal convictions or pending criminal cases, and violating Section 296(16) of the NYSHRL, Respondents failed to perform a duty enjoined upon them by law.

12. Mr. McCoy requests that this Court vacate and reverse Respondents' determination and direct Respondents to clear him for employment.

13. Mr. McCoy requests that this Court declare that Respondents' ACD policy violates Section 296(16) of the NYSHRL.

14. Mr. McCoy requests that this Court order Respondents to modify their ACD policy to comport with Section 296(16) of the NYSHRL.

15. Mr. McCoy requests that this Court award him damages for the lost wages he suffered as a result of Respondents' violation of the NYSHRL, as the requested damages are incidental to the primary relief sought in this action. *See* CPLR § 7806.

16. Mr. McCoy also seeks the costs of this action and reasonable attorneys' fees.

#### **JURISDICTION, VENUE, AND PARTIES**

17. This Court has jurisdiction in this matter pursuant to Sections 7801, *et seq.*, and 3001 of the CPLR.

18. Venue is properly set in New York County pursuant to CPLR §§ 7804(b) and 506(b) because the material events leading to this action took place in New York County. Mr. McCoy applied for a job with a homeless services provider located in New York County, was the

subject of a background check request made in New York County, was fingerprinted in New York County, was denied employment in New York County because of Respondents' determination, and suffered damages as a result of Respondents' failure to clear him for work in New York County.

19. Petitioner Mr. McCoy resides in Kings County.

20. Respondent Justice Center is an administrative agency of the State of New York created and operating pursuant to Article 20 of the New York Executive Law. *See* N.Y. Exec. Law § 550, *et seq.* The Justice Center's principal office is located at 161 Delaware Avenue, Delmar, New York 12054-1310.

21. Respondent Denise Miranda is the Executive Director of the Justice Center. Ms. Miranda's principal office is located at 161 Delaware Avenue, Delmar, New York 12054-1310.

### **STATEMENT OF FACTS**

#### **Section 296(16) Was Amended Specifically to End ACD-Based Discrimination**

22. On April 12, 2019, New York State Governor Andrew Cuomo signed into law a bill amending Section 296(16) of the NYSHRL. Enacted as part of Governor Cuomo's reentry initiative to reduce barriers to employment for people with arrest records, the amendment makes it unlawful for employers and licensing agencies to discriminate on the basis of a criminal case that has resulted in an ACD. *See* L.2019, c. 55, pt. II, subpt. O, § 2 (eff. July 11, 2019).

23. The amendment was specifically enacted to close a loophole in Section 296(16) by extending protection to individuals whose criminal cases have been adjourned in contemplation of dismissal from the moment the ACD is ordered by the court, including during the adjournment period before the case is formally dismissed and sealed.<sup>2</sup>

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<sup>2</sup> *See* Sponsor's Mem., 2019 N.Y. Senate Bill S3995 ("This bill would clarify current law to prohibit employers and licensing agencies from considering ACD cases *during the period of the adjournment*, unless the ACD order is

24. Section 296(16) protects individuals from being denied jobs or licenses based on criminal cases that are “terminated in the individual’s favor,” which include cases dismissed due to an acquittal or speedy trial violation, in the interest of justice, because the district attorney declined to prosecute the case, and following the adjournment period of an ACD. *See* CPL § 160.50(3). These protections were created because the State recognized the unfairness of punishing people simply for being arrested without being found guilty of anything, as well as the importance of employment to living as a law-abiding person.<sup>3</sup>

25. Until Section 296(16) was amended, however, these protections did not extend to cases that were currently adjourned in contemplation of dismissal, which were considered to be “pending” matters during the adjournment period, and, consequently, were often used as a basis to deny employment and licensing opportunities.<sup>4</sup> Individuals who accepted an ACD were vulnerable to job and licensing discrimination for periods of six months to one year, despite that they had not been convicted of any offense and their cases were scheduled for dismissal and sealing.<sup>5</sup>

26. ACD-based discrimination by licensing agencies, including the Justice Center, was a particular concern animating the push to amend Section 296(16). Prior to enactment of the amendment, many such agencies that were statutorily authorized to deny or revoke mandatory

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revoked and the case is restored to the calendar for further prosecution.” (emphasis added)), *available at* <https://www.nysenate.gov/legislation/bills/2019/s3995>.

<sup>3</sup> Coalition of Reentry Advocates, *Memorandum in Support for Adding Adjournments in Contemplation of Dismissal to the Protections Included in the New York State Human Rights Law*, *available at* <https://static1.squarespace.com/static/53a4638be4b07c5a7b3fb1df/t/56719859a12f44f6b15c8a53/1450285145274/Extends+the+protections+of+the+Human+Rights+and+Criminal+Procedure+Laws+to+people+whose+cases+have+been+adjourned+in+contemplation+of+dismissal.pdf>.

<sup>4</sup> *See* Sponsor’s Mem., 2019 N.Y. Senate Bill S3995 (“Under existing law, employers can and often do deny job applicants who have received an ACD on the theory that the case is ‘pending’ . . . . This places an unfair and unnecessary obstacle in the path of job applicants, where the prosecution has already conceded that the person did nothing that requires pursuit of criminal charges. . . . Additionally, employers are often required to fire workers or suspend them without pay for the 6-month or 12-month period of an ACD because a government agency that must authorize the employment considers the case ‘pending’ and withholds necessary authorization.”).

<sup>5</sup> *Id.*

employment clearance based on “pending” criminal matters exercised that authority on the basis of ACDs.<sup>6</sup> Per the sponsor memorandum of the Senate bill that Governor Cuomo adopted in his reentry initiative:

[E]mployers are often required to fire workers or suspend them without pay for the 6-month or 12-month period of an ACD because a government agency that must authorize the employment considers the case “pending” and withholds necessary authorization. This is an onerous burden on employees, particularly low-income employees in service professions like health and education. A governmental licensing or supervisory agency should not block retention or reinstatement merely because time must pass before the ACD “ripens” into a dismissal.

Sponsor’s Mem., 2019 N.Y. Senate Bill S3995.

27. Therefore, to close the ACD loophole and ensure that individuals like Mr. McCoy are not penalized for arrests that are not going to result in a conviction,<sup>7</sup> Section 296(16) was amended to require that cases that have been adjourned in contemplation of dismissal (1) are no longer treated as pending cases, and (2) are afforded antidiscrimination protection from the moment the adjournment is ordered by the court, and for the duration of the adjournment period, until the case is finally dismissed and sealed.

28. This purpose is reflected in the preamble to the amendment, which states:

This Subpart amends the human rights law to specify that considering arrests that are followed by an order adjourning the criminal action in contemplation of dismissal, which adjournments are not convictions or admissions of guilt under section 170.55 of the criminal procedure law, is an unlawful discriminatory practice for civil purposes. This Subpart amends the human rights law to

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<sup>6</sup> For example, New York Executive Law § 845-b(5)(c) authorizes both the Justice Center and the New York State Department of Health to hold an application in abeyance where the applicant’s criminal history information reveals a pending criminal charge. Unlike the Justice Center, however, the Department of Health does not deny employment clearance to job applicants on the basis of ACDs, in compliance with the Section 296(16) amendment.

<sup>7</sup> An estimated 0.6% of cases that are adjourned in contemplation of dismissal are restored to the calendar for further prosecution. See Emilie Ruscoe, State bans workplace discrimination over minor charges, POLITICO NEW YORK (Apr. 11, 2019), <https://www.politico.com/states/new-york/albany/story/2019/04/10/state-bans-workplace-discrimination-over-minor-charges-963295>.

clarify as well that adjourning the criminal action in contemplation of dismissal is not a pending arrest for purposes of this Subpart, unless the case has been restored to the calendar.

L.2019, c. 55, pt. II, subpt. O, § 1 (eff. July 11, 2019).

29. The amended NYSHRL, Section 296(16), now states:

**It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof . . . to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by . . . an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law . . . in connection with the licensing [or] employment [of] such individual . . . . For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution.**

N.Y. Exec. Law § 296(16) (emphasis added).

#### **Mr. McCoy's Background, Arrest, and ACD**

30. Mr. McCoy is a 43-year-old social worker. He has a bachelor's degree in psychology from Virginia Commonwealth University. Since 2002, Mr. McCoy has worked primarily with adults who receive mental health services.

31. Mr. McCoy does not have a criminal record. Until August 28, 2019, Mr. McCoy had never been arrested. Mr. McCoy has not been arrested since that date.

32. On August 28, 2019, Mr. McCoy was arrested and charged with three misdemeanor offenses and one non-criminal violation offense arising from a personal dispute. Due to his lack of a criminal record and the nature of the charges, Mr. McCoy was released

directly from the police precinct and issued a desk appearance ticket instructing him to appear in court for his arraignment on September 16, 2019.

33. On September 16, 2019, Mr. McCoy appeared in Queens County Criminal Court for his arraignment as directed, and was released on his own recognizance.

34. At his second court appearance on November 6, 2019, the prosecutor offered to resolve Mr. McCoy's case with an ACD, and Mr. McCoy accepted. The Honorable Danielle L. Hartman ordered the ACD, and scheduled Mr. McCoy's case for final dismissal and sealing on May 5, 2020, six months later.

35. On May 5, 2020, Mr. McCoy's criminal case was dismissed and sealed.

**The Justice Center Denies Mr. McCoy Clearance to Work Based on his ACD**

36. In October 2019, subsequent to Mr. McCoy's arrest but before his case was adjourned in contemplation of dismissal, Mr. McCoy applied for a position as a full-time case manager with Urban Pathways, a nonprofit homeless services provider. The position entailed working with homeless adults who receive mental health services. Mr. McCoy was abundantly qualified for the job.

37. After Mr. McCoy completed the interview process, Urban Pathways chose to hire him. As required by statute, Urban Pathways requested that the CBC Unit conduct a criminal background check review of Mr. McCoy. Mr. McCoy's fingerprints were sent to the CBC Unit by IdentoGO, a third-party provider.

38. On October 30, 2019, one week before Mr. McCoy's criminal case was adjourned in contemplation of dismissal, Urban Pathways Human Resources representative Chaina De La Cruz notified Mr. McCoy via e-mail that the Justice Center had declined to clear Mr. McCoy for employment due to his unresolved criminal case: in CBC Unit parlance, the Justice Center had

elected to hold Mr. McCoy's application in abeyance. *See* Ex. A (De La Cruz e-mail, Oct. 30, 2019). Ms. De La Cruz further advised Mr. McCoy that the Justice Center would not render a final determination on his application until his case was resolved and he submitted official court disposition paperwork to that effect. *Id.*

39. On November 6, 2019, Mr. McCoy's criminal case was adjourned in contemplation of dismissal.

40. On November 7, 2019, Mr. McCoy obtained an official Certificate of Disposition from the Queens County Criminal Court clerk's office and immediately provided it to Urban Pathways. *See* Ex. B (De La Cruz e-mail, Nov. 19, 2019). Later that same day, Urban Pathways faxed Mr. McCoy's Certificate of Disposition to the CBC Unit for review. *Id.*

41. On November 19, 2019, Ms. De La Cruz e-mailed the CBC Unit to see if, in light of the favorable resolution of Mr. McCoy's criminal case, a determination had been made concerning his application. *Id.* Ms. De La Cruz reminded the CBC Unit that Urban Pathways was "very interested in hiring" Mr. McCoy. *Id.*

42. Later that same morning, the CBC Unit responded to Ms. De La Cruz with the following e-mail:

The Justice Center has reviewed the disposition paperwork provided by Michael McCoy. The applicant was held in abeyance and was granted an adjournment in contemplation of dismissal until May 5, 2020. This charge remains open until that time, and therefore Justice Center will continue to hold in abeyance.

Ex. C (Justice Center e-mail to Urban Pathways, Nov. 19, 2019).

43. The Justice Center did not notify Mr. McCoy of its adverse determination regarding his application for employment at that time or any time thereafter.

44. On December 6, 2019, Mr. McCoy, having still not heard about the status of his application from Urban Pathways or the Justice Center, contacted Ms. De La Cruz to see if he would be hired. Ex. D (Urban Pathways General Counsel e-mail, Jan. 9, 2020). Ms. De La Cruz informed Mr. McCoy of the Justice Center's adverse determination regarding his application, expressed regret that Urban Pathways could not hire Mr. McCoy as a result, and invited him to reapply in the future. *Id.*

45. Mr. McCoy first learned of the Justice Center's adverse determination regarding his application during his December 6, 2019 conversation with Ms. De La Cruz.

**The Justice Center Denied Mr. McCoy Clearance to Work Pursuant to a Policy in Violation of Section 296(16) of the NYSHRL**

46. On January 7, 2020, Petitioner's counsel contacted the Justice Center to ascertain the reason Mr. McCoy was not cleared for employment. CBC Unit Director James Buccini told Petitioner's counsel via telephone, in sum and substance, that it was Justice Center policy not to clear job applicants during the adjournment period of an ACD. Mr. Buccini asserted, in sum and substance, that the Justice Center was not subject to the recent Section 296(16) amendment concerning ACD-based discrimination and would therefore maintain its policy of denying clearance to job applicants during the adjournment period of an ACD.

**Pre-Litigation Efforts to Seek Correction of the Justice Center's Policy Were Unsuccessful**

47. On February 12, 2020, Petitioner's counsel submitted a letter to Mr. Buccini which explained the purpose and effect of the Section 296(16) amendment, and requested that the Justice Center conform its ACD policy to the NYSHRL (the "February 12 letter"). Ex. E (J. Carrin letter to Justice Center, Feb. 12, 2020).

48. On March 6, 2020, Justice Center General Counsel Michael Donegan responded on behalf of the agency in a letter which stated, in pertinent part:

[W]hile the Justice Center is not prepared to provide a substantive response to the issues raised in your correspondence at this time, we are closely reviewing the points you have made and anticipate being in a position to provide feedback in the near future. . . . [W]e are taking a comprehensive look at the concerns raised, rather than wait until we have completed our review.

Please be assured that the Justice Center will give a more detailed response going forward which will, hopefully, address most, if not all, of the matters raised by you in your letter.

Ex. F (M. Donegan letter, Mar. 6, 2020).

49. The Justice Center did not provide the promised substantive response.

50. Over the next several months, Petitioner's counsel repeatedly contacted the agency about its promised response, to no avail.

51. Eventually, on June 22, 2020, Mr. Donegan agreed to provide a substantive response to the February 12 letter within one week, or, in the alternative, notify Petitioner's counsel if a substantive response was not likely.

52. On July 1, 2020, Mr. Donegan e-mailed a letter to Petitioner's counsel in which he advised that "the Justice Center supports the Governor's criminal justice reform programs, including, specifically, those that facilitate re-entry and that remove barriers to employment[.]"

Ex. G (M. Donegan letter, July 1, 2020). Nevertheless, the Justice Center was still "evaluating your request [that the agency abide by Section 296(16) of the NYSHRL] and intend to issue guidance to clarify our policy in this matter." *Id.*

53. As of the date of this filing, the Justice Center has not provided a substantive response to the February 12 letter.

54. Upon information and belief, the Justice Center is the only State licensing agency that has refused to modify its ACD policy to comport with the Section 296(16) amendment.

**VIOLATIONS OF LAW**

**COUNT I**

**RESPONDENTS' REFUSAL TO CLEAR MR. MCCOY FOR EMPLOYMENT WAS A VIOLATION OF LAWFUL PROCEDURE AND AFFECTED BY AN ERROR OF LAW BECAUSE IT VIOLATED SECTION 296(16) OF THE NYSHRL**

55. Mr. McCoy re-alleges and incorporates by reference all preceding allegations of law and fact.

56. Section 296(16) of the NYSHRL prohibits discrimination based on a criminal case that has been ordered adjourned in contemplation of dismissal.

57. The NYSHRL Section 296(16) discrimination prohibitions apply to licensing determinations by government agencies, including the Justice Center.

58. Respondents' refusal to clear Mr. McCoy for employment based on a criminal case that had been adjourned in contemplation of dismissal was affected by an error of law and violated lawful procedure because it violated Section 296(16) of the NYSHRL.

59. Respondents' policy of denying employment clearance to all applicants whose criminal cases have been ordered adjourned in contemplation of dismissal is affected by an error of law and violates lawful procedure because it violates Section 296(16) of the NYSHRL.

60. As a result of Respondents' unlawful conduct, Mr. McCoy was denied employment as a full-time case manager with Urban Pathways, who, but for Respondents' unlawful conduct, would have hired Mr. McCoy.

61. Mr. McCoy was damaged as a result of Respondents' unlawful conduct, including the loss of past and future wages and benefits.

**COUNT II**

**BY REFUSING TO CLEAR MR. MCCOY FOR EMPLOYMENT RESPONDENTS  
HAVE FAILED TO PERFORM A DUTY ENJOINED UPON THEM BY LAW**

62. Mr. McCoy re-alleges and incorporates by reference all preceding allegations of law and fact.

63. When a service provider requests a criminal background check and employment clearance for an applicant, and that applicant does not have any criminal convictions or pending cases, Respondents have a duty to clear the applicant for employment.

64. Respondents also have a duty to abide by State antidiscrimination law in making their clearance determinations.

65. By denying employment clearance to Mr. McCoy, who had no criminal convictions or pending cases, and violating Section 296(16) of the NYSHRL, Respondents failed to perform a duty enjoined upon them by law.

66. By refusing to clear all applicants whose criminal cases have been ordered adjourned in contemplation of dismissal, Respondents have failed to perform a duty enjoined upon them by law.

**PRIOR APPLICATION**

67. No prior request has been made for the relief requested herein.

\* \* \* \*

**WHEREFORE**, Petitioner respectfully requests a judgment and order:

- a. Adjudging and declaring that Respondents' conduct in denying Mr. McCoy clearance for employment:
  - (i) was made in violation of lawful procedure, and was affected by an error of law;
  - (ii) constituted a failure to perform a duty enjoined upon Respondents by law; and
  - (iii) is null and void;
- b. Vacating Respondents' decision to hold Mr. McCoy's application in abeyance;
- c. Directing Respondents to issue a non-denial letter clearing Mr. McCoy for employment with Urban Pathways;
- d. Declaring that Respondents' act of holding Mr. McCoy's application in abeyance based on a criminal case that was adjourned in contemplation of dismissal constituted a violation of the NYSHRL;
- e. Declaring that Respondents' policy of holding applications in abeyance during the pendency of an ACD adjournment period violates Section 296(16) of the NYSHRL;
- f. Directing Respondents to modify agency ACD policy to comport with Section 296(16) of the NYSHRL; specifically, directing Respondents to cease holding applications in abeyance based on criminal cases that have been adjourned in contemplation of dismissal;
- g. Ordering Respondents to compensate Mr. McCoy for his damages for lost wages and benefits, as such damages are incidental to the primary relief sought;
- h. In the alternative, directing a trial of any triable issues raised by the pleadings and proof of the parties;
- i. Awarding Mr. McCoy attorney's fees and costs; and
- j. Granting such other and further relief as the Court deems just and proper.

Dated: July 10, 2020  
Brooklyn, New York

By: /s/ Joshua Carrin  
THE LEGAL AID SOCIETY  
Janet E. Sabel, Attorney-in-Chief  
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Index No. \_\_\_\_\_

VERIFICATION

STATE OF NEW YORK )  
                                  )     SS:  
COUNTY OF NEW YORK )

MICHAEL MCCOY, being sworn, deposes and says:

I have read the foregoing Petition and know the contents thereof, and the same is true to my own knowledge, except as to matters alleged upon information and belief, and as to those matters I believe them to be true.

*[Handwritten Signature]*

Michael McCoy

Sworn before me on the 11th  
day of July, 2020

*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public

