

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

ARNOLD CATALA, CORY ELDER, BEN
FOSTER, JERRY YOUNG,

Plaintiffs,

- against -

THE CITY OF NEW YORK, LYNELLE
MAGINLEY-LIDDIE IN HER OFFICIAL
CAPACITY AS COMMISSIONER OF THE
NEW YORK CITY DEPARTMENT OF
CORRECTION,

Defendants.

Summons

Index No. _____/2025

Summons File Date:
September 22, 2025

You are hereby summoned and required to serve upon Plaintiffs' attorney an answer to the Complaint in this action within twenty days after service of this summons, exclusive of the day of services, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint. The basis of venue designated is pursuant to CPLR § 503(d) because Plaintiffs are residents of Bronx County with its principal office in the Bronx.

Dated: September 22, 2025

New York, New York

Respectfully submitted,

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COMPLAINT

Jury Trial Demanded

Plaintiffs Arnold Catala, Cory Elder, Ben Foster, and Jerry Young (the “Plaintiffs”), by their attorneys, The Legal Aid Society and Willkie Farr & Gallagher LLP, individually and on behalf of similarly situated persons in the class and subclass defined below, allege as follows:

NATURE OF THIS ACTION

1. Solitary confinement is one of the most brutal punishments that our penal system inflicts upon human beings. In 2021, after considering extensive scientific evidence on the devastating physical and mental effects of solitary confinement and the personal accounts of survivors, New York State enacted the Humane Alternatives to Long-Term Solitary Confinement Act (“HALT”) banning the use of long-term solitary confinement (which HALT calls “segregated confinement”) in New York State and putting strict requirements and limitations on any use of

segregated confinement.¹ Codified in N.Y. Correct. L. § 137 and other sections cited below, HALT took effect on March 31, 2022.

2. More than three years after HALT came into effect, the New York City Department of Correction (“DOC”) regularly violates New York Law by confining people in cells for 23 hours a day or more in housing units within two DOC facilities on Rikers Island (“Rikers”), West Facility (“WF”) and the North Infirmery Command (“NIC”), without following the statutorily prescribed procedures, requirements and limitations.

3. Many people held in these housing units have disabilities or otherwise qualify as members of a “Special Population”² that the statute protects from placement in solitary confinement except briefly under very limited circumstances.³ Nevertheless, DOC has continued to violate HALT by holding members of Special Populations in segregated confinement, including, among others, people with broken legs; people with heart disease; people with chronic illnesses such as diabetes, lupus or hemophilia; people who rely on wheelchairs, canes, crutches or other devices for mobility; people who require the use of a Continuous Positive Airway Pressure

¹ The terms “segregated confinement” and “solitary confinement,” which refer to the same practice, are used interchangeably in this Complaint.

² The term Special Populations means any person who is: “(a) twenty-one years of age or younger; (b) fifty-five years of age or older; (c) with a disability as defined in paragraph (a) of subdivision twenty-one of section two hundred ninety-two of the executive law; or (d) who is pregnant, in the first eight weeks of the post-partum recovery period after giving birth, or caring for a child in a correctional institution pursuant to subdivisions two or three of section six hundred eleven of this chapter.” N.Y. Correct. L. § 2(33).

³ Specifically, HALT provides that:

Persons in a special population as defined in subdivision thirty-three of section two of this chapter shall not be placed in segregated confinement for any length of time, except in keeplock for a period prior to a disciplinary hearing pursuant to paragraph (l) of this subdivision. Individuals in a special population who are in keeplock prior to a disciplinary hearing shall be given seven hours a day out-of-cell time or shall be transferred to a residential rehabilitation unit or residential mental health treatment unit as expeditiously as possible, but in no case longer than forty-eight hours from the time an individual is admitted to keeplock.

N.Y. Correct. L. § 137(6)(h).

machine for sleep apnea; and people with mental health disabilities, including post-traumatic stress disorder, depression, and bipolar disorder.

4. The units in which prospective class and subclass members (as defined below in ¶ 6) are illegally confined lack adequate access to medical and mental health treatment or reasonable and suitable accommodations for people with disabilities.

5. Unless restrained by this Court, DOC will continue to violate HALT, each day increasing the irreparable physical and mental harm inflicted upon the Plaintiffs and the members of the proposed class and subclass described in the following paragraph.

6. Plaintiffs bring this case on behalf of:

- a. a class of similarly situated persons whom DOC holds or will hold in segregated confinement at Rikers in violation of the requirements and prohibitions of HALT, N.Y. Correct. L. § 137 (“Class Members”), on the second floor of NIC and in the Communicable Disease Unit in WF (the “WF CDU”) (together, the “Segregated Cells”); and
- b. a subclass of similarly situated persons who meet the criteria set forth in subparagraph 6.a., immediately above, and who are members of a Special Population (or of more than one Special Population) as defined in N.Y. Correct. L. § 2(33) (“Subclass Members”).

JURISDICTION & VENUE

7. This Court has jurisdiction over this action pursuant to Civil Practice Law & Rules (“CPLR”) §§ 301 and 3001, New York Judiciary Law § 140-b, and Article VI, § 7 of the New York Constitution.

8. Venue is proper in Bronx County under CPLR § 503(a) and § 504(3) in that the Plaintiffs and all Class Members (including all Subclass Members) are housed and reside in the

Bronx at Rikers Island, where the events and omissions giving rise to the claims set forth below occurred and where the causes of action set forth below arose.

PARTIES

9. Plaintiff Arnold Catala is a 37-year-old man who has been in WF since April 4, 2025. He is confined to his cell for 23-24 hours a day. Mr. Catala has high blood pressure, asthma, and a prosthetic leg, among other medical conditions. In the WF CDU he has not been receiving either medication or doctors' visits for his medical conditions. Mr. Catala is a Subclass Member.

10. Plaintiff Cory Elder is a 45-year-old man who has been in WF CDU since July 25, 2025; he also spent several weeks there in 2024. He uses a wheelchair and has epilepsy, among other medical problems, and he is confined in his cell for at least 23 hours a day. In addition, Mr. Elder has been deprived of outdoor recreation for weeks on end. He is depressed, a condition he attributes to being alone in his cell all day. Mr. Elder is a Subclass Member.

11. Plaintiff Ben Foster is a 33-year-old man who has been in NIC since early June and is confined to his cell for 23-24 hours a day. Mr. Foster is depressed in his cell. His only interaction with other people is yelling through the walls of his cell or exchanging quick glances with other incarcerated people on his way to one-hour of "recreation" alone in a cage.

12. Plaintiff Jerry Young is a 66-year-old man who has been in WF since January 2025. He is confined to his cell for 23-24 hours a day. Among other health conditions, Mr. Young has stomach cancer and uses a wheelchair. In his cell, Mr. Young is unable to communicate verbally with any other detainee unless he opens the food tray on the lower part of his door and shouts. When he is offered "recreation", it consists of an hour in a solitary cage. Mr. Young is frequently denied medical attention. Mr. Young is a Subclass Member.

13. Defendant the City of New York (sometimes referred to below as the "City") is a municipal entity created and authorized under the laws of the State of New York. By law, New

York City is authorized to and does maintain DOC, which acts as its agent in connection with the custody, control, and care of the City's jailed and imprisoned population, for which it is responsible. At all times mentioned herein, Defendant the City of New York, by its agents, servants, and employees, has been responsible, and it remains responsible, for the operation, actions and omissions of DOC and the operation, maintenance, and control of the facilities at Rikers, including the WF CDU and the housing units on the second floor of NIC.

14. Defendant Lynelle Maginley-Liddie is the Commissioner of DOC and is responsible for its administration and operation pursuant to and in compliance with applicable law. She is sued in her official capacity.

STATUTORY FRAMEWORK

15. Over eight sessions from 2014 to 2021, the New York Legislature considered proposed legislation responding to sustained calls from citizens, penologists, psychiatrists, social justice organizations, and survivors of long-term solitary confinement, for new laws to protect people from the devastating mental and physical effects of this outdated practice.

16. The Legislature considered voluminous evidence, including but not limited to expert opinion on the ineffectiveness of solitary confinement in the management of prisons and jails and its devastating effects on those who experience such confinement. In the first quarter of 2021, after amending the bill to address, among other things, concerns raised by DOC correction officers and their union, the Legislature passed HALT and Governor Andrew Cuomo signed it into law, to curtail the use of solitary confinement in New York prisons and jails.

17. HALT defines "segregated confinement" as "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 or for the purpose of providing medical or mental health treatment." N.Y. Correct. L. § 2(23). HALT limits who may be placed in segregated confinement and under what

circumstances. Even those who meet the statutory criteria may be kept there only for limited periods of time and have statutorily prescribed rights, all as detailed in the immediately following paragraphs.

18. Under the statute, to hold a person in segregated confinement for up to three days, or up to six days in any 30-day period, HALT requires DOC to conduct an evidentiary hearing pursuant to which it determines that the person has committed a violation of department rules permitting a penalty of segregated confinement. *Id.*, § 137(6)(k)(i).

19. To subject someone to segregated confinement for longer than three consecutive days or more than six days in any 30-day period, DOC must conduct a hearing resulting in (a) a written finding that the person committed one of seven enumerated serious offenses and (b) a written determination by the New York City Commissioner of Correction “based on specific objective criteria [that] the acts were so heinous or destructive that placement of the individual in general population housing creates a significant risk of imminent serious physical injury to staff or other incarcerated persons, and creates an unreasonable risk to the security of the facility.” *Id.*, § 137(6)(k)(ii).

20. HALT also prohibits DOC from keeping anyone in segregated confinement for “longer than necessary”, and in any event for more than 15 consecutive days, or for more than 20 days total in any 60-day period, except under very limited circumstances. N.Y. Correct. L. § 137(6)(i)(i).

21. Further, HALT requires DOC to provide all persons in segregated confinement with at least four hours a day of out-of-cell therapeutic programming, including at least an hour a day for recreation. N.Y. Correct. L. § 137(6)(j)(ii).

22. Recognizing that the effects of segregated confinement are particularly harmful for Special Population members, the Legislature categorically prohibited the imposition of segregated confinement on these groups, except for a brief period preceding a disciplinary hearing. N.Y. Correct. L. § 137(6)(h). Special Populations include, among others, incarcerated persons who are younger than 22, older than 54 or who have disabilities. (See paragraph 3, footnote 3, above, for complete statutory definition of Special Populations.)

23. DOC routinely ignores such statutory limitations and such statutorily prescribed rights enumerated in paragraphs 17 through 22, above, of persons incarcerated at Rikers, including those of the Class Members.

FACTUAL ALLEGATIONS

The Horrific Character of the Rikers Island Jails

24. The New York City jails are comprised of a complex of eight facilities, all of which are currently located on Rikers Island. Rikers' population is composed primarily of pre-trial detainees, with a smaller number of people who have been sentenced to less than one year of confinement. The current population of Rikers is over 7,000 people.

25. Rikers has long been plagued by violence, overcrowding, and abuse.

26. As a result of chronic barriers to accessing medical and mental health care, insufficient resources, continual violence on the part of correction officers and confined persons, and other horrendous conditions, many people die in DOC custody at Rikers. Since 2022, at least 45 people have died while being held in New York City jails. In 2025 alone, there have already been at least 12 deaths in DOC custody. As explained below, too many deaths at Rikers have followed DOC's improper use of solitary confinement.

Rikers Litigation and DOC's Response: Resistance and Defiance of Court Orders

27. For decades, brutality and mistreatment of incarcerated persons at Rikers have been the subject of class action and other litigation brought by The Legal Aid Society Prisoners' Rights Project and other counsel on behalf of incarcerated persons. Although these cases have resulted in significant relief for plaintiffs, DOC has repeatedly resisted and defied court orders, as well as oversight body mandates and recommended reforms that would restrain correction officers and improve conditions.

28. Recently, on May 13, 2025, Chief Judge Laura Taylor Swain entered contempt findings against DOC in *Nunez v. NYC Department of Correction*, No. 11-CV-5845 ("*Nunez*"), a class action brought on behalf of persons incarcerated at Rikers to address the entrenched violence and dysfunction of the New York City jails. *Nunez*, ECF 249 (S.D.N.Y. Oct. 21, 2015). Judge Swain found that the defendants "[had] not demonstrated diligent attempts to comply" with the Court's orders and had "repeatedly and consistently failed to remediate violations" *Nunez*, 782 F. Supp. 3d 146, 182 (S.D.N.Y. 2025).

29. More than a year ago, the monitoring team that Judge Swain had appointed in *Nunez* (the "Federal Monitor") reported "concerns about the length of stay and the lack of clarity for placement on the NIC units." The Federal Monitor recommended that DOC place people in NIC, if at all, only as a last resort and implement "(1) various procedures to ensure adherence to specific placement criteria and procedural due process, and (2) various protections to prevent undue isolation of those assigned to NIC and to safeguard against decompensation."⁴ *Id.*, ECF No. 706, Status Report dated Apr. 18, 2024 at pp. 48-49.

⁴ The American Psychological Association defines decompensation as "a breakdown in an individual's defense mechanisms, resulting in progressive loss of normal functioning or worsening of psychiatric symptoms." <https://dictionary.apa.org/decompensation> *Oxner v. Kijakazi*, No. 1:20-cv-03066-TSC-ZMF, 2022 U.S. Dist. LEXIS 218164, at *21 n.4 (D.D.C. Aug. 5, 2022).

30. In November 2024, the Federal Monitor issued a status report recommending the complete elimination of solitary confinement, specifically citing the NIC cages:

[T]he Monitoring Team recommends that the Department immediately ensure that solitary confinement is eliminated in Department policy and practice. This includes eliminating the use of cells in NIC with extended alcoves, and any other cells or housing units that contain similar physical properties, that do not permit adequate congregate engagement and access to programming.⁵

31. Since 2022, when HALT went into effect, approximately 50 people in City custody confined in WF or NIC have individually filed Article 78 petitions to challenge their solitary confinement.

32. To most of these legal challenges, DOC has responded by moving petitioners to other housing areas and mooted their claims. DOC then promptly violates the same rules by confining other people in custody in the vacated cells without adhering to legally required procedures or limitations.

33. In March 2021, people who were being held in the Segregated Cells and some other housing areas sued DOC for damages in federal court on behalf of themselves and a class of similarly situated persons for “placing substantial numbers of pretrial detainees in stealth isolation confinement facilities indefinitely without due process and for illegitimate purposes” and keeping them locked in their small, isolated cells for 23 hours per day or more. Complaint, *Dahkeem Miller v. City of New York*, No. 21-cv-2616, Dkt. No. 1 (Mar. 25, 2021) (hereinafter, *Dahkeem Miller*), Complaint, ECF No. 1 (Mar. 25, 2021). The plaintiffs alleged that DOC had kept them and other class members in indefinite confinement at NIC, without pre- or post-placement hearings, in violation of their procedural and substantive Due Process rights under the Fourteenth Amendment

⁵ *Nunez v. United States*, 1:11-cv-05845 (S.D.N.Y.), Status Report, ECF no. 802 (Nov. 22, 2024), at 277.

to the United States Constitution and of their Eighth Amendment right not to be subjected to cruel and unusual punishment.

34. In April 2023, New York City and the plaintiff class settled the *Dahkeem Miller* lawsuit for \$49,130,750. Despite this extraordinary award, DOC has continued to confine people unlawfully in the very same units and under the same conditions.

***DOC Has Long Used Segregated Confinement at Rikers in
Defiance of Applicable New York Law and Rules***

35. In New York City jails, segregated confinement has long been DOC's entrenched practice, with devastating mental and physical effects on those subjected to this brutal and outmoded punishment, prompting public outrage and calls for reform.

36. Under an ever-changing variety of names and pretexts, DOC has long used isolated cells where people are held in segregated confinement for extended periods of time. Until 2022, those who had committed rule infractions were held in units designated for "punitive segregation." More recently, DOC has trumpeted the fact that it no longer uses the term "punitive segregation" to support its false public statements that solitary confinement is not used in New York City jails.⁶ But DOC continues to use segregated confinement; sometimes these cells are designated as general population, even where they are clearly segregated confinement.

37. In 2016, the New York City Board of Correction (the "BOC"), an oversight agency for the New York City jail system that issues Minimum Standards for the operation of the jails found that DOC had been violating its Minimum Standards by holding people in solitary

⁶ For example, on July 30, 2024, New York City Mayor Eric Adams stated, "The City does not have solitary confinement in our jails. I don't know how long it's going to take for folks to resonate. We don't have solitary confinement." Transcript, Press Conference (July 30, 2024), available at <https://www.nyc.gov/office-of-the-mayor/news/602-24/transcript-mayor-adams-holds-in-person-media-availability>.

confinement in the WF CDU without due process and without sufficient out-of-cell time – the same conditions that persist today. Among other things, the BOC found that:

- a. DOC was “in violation of several of the Board of Correction’s Minimum Standards by operating West Facility . . . as a restrictive administrative segregation unit.”
- b. “Inmates currently housed at West Facility—not for medical isolation purposes or as punishment for an infraction—are locked in their cells 23 hours per day in violation of . . . [the BOC’s Minimum] Standard [T]he current operation of West Facility is akin to DOC’s former operation of ‘close custody’ housing for inmates who required protective custody as well as inmates who posed a serious threat to security. In *Jackson v. Horn*, . . . the court held that DOC’s closed custody housing program violated . . . [the BOC’s Minimum Standard] because inmates confined to these units were confined to their cells for up to 23 hours per day. Following this decision, the Department shut down the program.”
- c. DOC violated incarcerated persons’ constitutional rights by confining them in those cells without any due process whatsoever.

38. In May 2023, the BOC conducted a tour of WF and, in an internal memorandum, recorded its “concerns” that “individuals at WF are not allowed to commingle in the recreation space and are being afforded recreation in single-occupancy cages.” The BOC also stated that “individuals at WF receive only non-contact visits.”

39. Thus, long before HALT took effect in March 2022, DOC had been placing people in solitary confinement at WF in violation of the rules and regulations adopted to protect incarcerated people from abusive and severely damaging solitary confinement of the sort to which DOC had historically subjected persons confined at Rikers. Similarly, DOC has long been on notice that it is in violation of laws and rules (a) restricting the use of solitary confinement, (b) creating due process rights for incarcerated persons before they may be put in solitary confinement,

and (c) mandating requirements for the conditions under which people may be held in solitary confinement.

DOC's Illegal Use of Solitary Confinement Often Results in Tragic Consequences

40. Over the last 10 years, several deaths of incarcerated persons at Rikers have been attributed to solitary confinement. These include:

- a. The June 6, 2015 suicide death of 22-year-old Kalief Browder, a tragedy widely attributed to his severe psychological deterioration resulting from his horrific experiences at Rikers, including over 700 days in solitary confinement.
- b. The June 7, 2019 death of 27-year-old Layleen Polanco while she was in solitary confinement. After suffering an epileptic seizure, she was found unresponsive in her cell. The BOC found that DOC personnel had ignored her for periods of up to 57 minutes in the time leading up to her death, even though, under DOC policy, during the “critical hours” before her death, they should have conducted visual observations at least six times per hour.
- c. The August 10, 2021, death of 25-year-old Brandon Rodriguez, after DOC locked him in solitary confinement in a shower pen because there were “no clean cells available.” Mr. Rodriguez had a history of mental illness, but was left alone for long stretches of time despite having raised serious safety concerns.
- d. The July 10, 2022, death of Elijah Muhammad, from a drug overdose. Mr. Muhammad, who was receiving treatment for mental illness, had spent more than 32 hours in isolation, despite his obvious state of disorientation. It was a full six hours and forty-eight minutes between the time a correction

officer opened the door for two other people to carry Mr. Muhammad into his cell, unconscious, and the time when DOC finally attempted to give him first aid; throughout that period, correction officers repeatedly looked into the cell where Mr. Muhammad remained unconscious.

- e. The October 22, 2022 death, just two months after the death of Mr. Muhammad, of 28-year-old Erick Tavira, who killed himself while in solitary confinement. Mr. Tavira's death occurred after DOC had instituted automatic lockdowns in several housing areas, creating another form of solitary confinement in housing areas officially labeled as general population.

DOC is Currently Holding Class and Subclass Members in Segregated Confinement in Violation of HALT

41. In the Segregated Cells, Class Members are confined for at least 23 hours a day. Some days, but not every day, they are offered one hour of outdoor "recreation" in a single-person cage on a blacktop with no equipment, activities, or opportunity for meaningful social interaction. They have no access to congregate programming or congregate recreation.

42. NIC consists of two separate buildings. One of them, the NIC Annex, houses people in custody with acute medical conditions who need infirmary care or who have a disability requiring housing in compliance with the Americans with Disability Act, as well as some general population detainees.

43. The Segregated Cells in NIC are in NIC's second building, NIC Main, which was built in 1932. That building is not medical housing and offers no medical care in addition to the care available in general population housing. On the second floor of NIC Main is an area known colloquially as "the cages." There, each cell is divided into two portions with a door between them,

which is generally left open. The inner half of the cell is constructed of cinder block; the outer half of the cell is surrounded by bars and metal mesh. Neither part of the cell is accessible to people in custody other than the person held there in segregated confinement.

44. The cells in the WF CDU were created to house people with infectious diseases such as tuberculosis and are thus, by design, extremely isolating. Like the cells in the cages, the WF CDU cells are also divided into two portions with a sliding metal door between them, which is generally left open. In the WF CDU cells, the inner portion of the cell includes the bed, toilet, and shower. The entire WF CDU cell is behind thick metal doors with small windows, making it difficult for DOC staff to monitor the confined person's condition or for the confined person to summon help if needed. Medical staff are not stationed in most WF CDU buildings.

45. DOC holds Class Members in these isolating conditions in the Segregated Cells for reasons that have nothing to do with administering medical treatment.

46. DOC does not classify the WF CDU or the NIC cages as restrictive housing. Some people in the NIC cages are improperly held there for what DOC calls "Involuntary Protective Custody"⁷; the remainder are officially considered to be in the general population.

47. By placing Class Members in the Segregated Cells for 23-24 hours a day for weeks or months on end, without the required evidentiary hearings and the required findings, DOC is violating HALT.

48. DOC holds Special Population members in segregated confinement in the WF CDU and NIC cages in violation of HALT. Although HALT categorically prohibits members of Special Populations from placement in segregated confinement beyond a short period before a disciplinary

⁷ "No person may be held in segregated confinement for protective custody." N.Y. Correct. L. § 137 (k)(i)(G)(iv).

hearing (N.Y. Correct. L. § 137(6)(h)), DOC routinely houses people with disabilities in segregated confinement in the Segregated Cells for weeks and even months.

49. DOC's continued unlawful use of solitary confinement in the Segregated Cells is of a piece with its long history of flouting the law, court orders and mandates and recommendations of oversight bodies to rein in solitary confinement across Rikers, specifically at NIC and WF.

CLASS ACTION ALLEGATIONS

50. Plaintiffs bring this action pursuant to section 901 of the CPLR on behalf of all persons in DOC who are or will be subjected to segregated confinement in the Segregated Cells in violation of HALT and on behalf of all such persons who are members of one or more Special Populations. See ¶ 6, above.

51. The claims of the Class and Subclass each meet the requirements of CPLR § 901(a) because: (1) the class and subclass are so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class and subclass 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 and subclass, (4) the representative parties will fairly and adequately protect the interests of the class and subclass, and (5) class action is superior to all other available methods for the fair and efficient adjudication of the controversy.

52. Both the proposed class and the proposed subclass are so numerous that joinder of all members is impracticable. Upon information and belief, as of the date of the filing of this complaint, at least 91 proposed Class Members are held in the Segregated Cells for 23 to 24 hours daily, in violation of HALT. Defendants have subjected scores of people to segregated confinement in the Segregated Cells each year since HALT took effect on March 31, 2022 and many more will continue to be transferred into the Segregated Cells. The population of the New York City jails currently exceeds 7,000, and any person could be transferred to a Segregated Cell

at any time. A large percentage of those in DOC custody are members of a Special Population, and members of Special Populations, especially those with a disability, are overrepresented in the Segregated Cells. As such, the proposed subclass is also sufficiently numerous.

53. Joinder is also impracticable because Class Members are, by definition, held in segregated confinement in two separate facilities on Rikers Island. Their ability to efficiently communicate with each other and the courts is significantly curtailed.

54. Even were Class Members able to file separate actions, a class action is the superior method for the fair and efficient resolution of their claims. The filing of numerous individual actions by Class Members would be duplicative, impracticable and inefficient, thus wasting the court's and the parties' financial, administrative, and procedural resources, and placing undue burdens on the individual members of the proposed classes, all of whom are incarcerated. Numerous individual actions would also risk the possibility of legal confusion caused by conflicting decisions.

55. Members of the class are affected by common questions of law and fact that predominate over questions affecting only individual members. These common questions include:

- a. whether Defendants maintain a practice of placing proposed Class Members in segregated confinement in the Segregated Cells by confining them to a cell for more than 17 hours per day;
- b. whether Defendants place proposed Class Members in segregated confinement in violation of HALT; and
- c. whether the members of the class are entitled to declaratory and injunctive relief.

56. Similarly, members of the subclass are affected by common questions of law and fact, including:

- a. whether Defendants maintain a practice of placing proposed subclass Members in segregated confinement in the Segregated Cells by confining them to a cell for more than 17 hours per day;
- b. whether Defendants place proposed subclass Members in segregated confinement in violation of HALT;
- c. whether, as a result of their segregation, members of the subclass have been denied the protections provided to them as members of a Special Population under HALT; and
- a. whether the members of the subclass are entitled to declaratory and injunctive relief.

57. The claims of the individual proposed class representatives—Plaintiffs Catala, Elder, Foster and Young—are typical of the claims of the class as a whole. All proposed Class Members are or will be held in the Segregated Cells at WF and NIC in violation of HALT.

58. The claims of the individual proposed subclass representatives—Plaintiffs Catala, Elder, and Young—are typical of the claims of the subclass as a whole. All proposed Subclass Members are members of at least one Special Population, as defined by HALT, and all are or will be held in the Segregated Cells at WF and NIC in violation of HALT, specifically in violation of the protections provided to members of a Special Population under HALT.

59. Each of the Named Plaintiffs will fairly and adequately represent and protect the interests of the proposed class and subclass. Their interest in opposing Defendants' practice of

placing people in segregated confinement in violation of HALT, including those in Special Populations, align with those of other members of the class and subclass.

60. There are no material conflicts between the claims of Plaintiffs Catala, Elder, Foster and Young and those of the other members of the proposed class and subclass that would make class certification of the proposed class and subclass inappropriate.

61. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, including consideration of:

- a. the interests of the members of the proposed class and subclass in proceeding in a common action, rather than individually pursuing separate actions, as discussed above;
- b. the impracticability and inefficiency of pursuing separate actions;
- c. the desirability of concentrating the litigation of claims raising common legal and factual issues in a single forum, to maximize judicial efficiency and promote fairness and consistency of results among similarly situated aggrieved persons; and
- d. the adequacy of the proposed class counsel to manage and prosecute a class action.

62. The class and subclass will be represented by the Prisoners' Rights Project and the Special Litigation Unit of The Legal Aid Society and Willkie Farr & Gallagher LLP, each of which has extensive experience in class actions and other litigation with characteristics similar to those involved in this case, including litigation regarding the rights of incarcerated people in New York; they will fairly, adequately and zealously protect and advance the interests of the class and subclass.

63. The proposed class seeks certification of claims for declaratory and injunctive relief. Plaintiffs Catala, Elder, Foster, and Young will be entitled to the same declaratory and injunctive relief as all other members of the proposed class. Plaintiffs Catala, Elder and Young will be entitled to the same declaratory and injunctive relief as all other members of the proposed subclass.

64. It is desirable to concentrate litigation challenging DOC's practices regarding the unlawful placement of people in segregated confinement in Bronx County because the Plaintiffs and all class and subclass Members are housed and reside at Rikers Island in the Bronx, where the events or omissions giving rise to the claims set forth below occurred and where the causes of action set forth below arose.

FIRST CAUSE OF ACTION

**(Violation of N.Y. Correct. L. § 137)
(On Behalf of Arnold Catala, Cory Elder, Ben Foster,
Jerry Young, and the other Class Members against Defendants)**

65. Plaintiffs Arnold Catala, Cory Elder, Ben Foster, and Jerry Young allege and reincorporate paragraphs 1 - 64, above, as though fully set forth here at length.

66. Defendants have confined Arnold Catala, Cory Elder, Ben Foster, Jerry Young and other Class Members in segregated confinement as that term is defined by N.Y. Correct. L. § 2(23), without complying with the requirements and in violation of the prohibitions of N.Y. Correct. L. § 137, referred to above.

67. If Defendants are not enjoined and restrained from violating N.Y. Correct. L. § 137, Arnold Catala, Cory Elder, Ben Foster, Jerry Young, and members of the class will continue to suffer irreparable harm.

SECOND CAUSE OF ACTION**(Violation of Correct. L. § 137)
(On Behalf of Arnold Catala, Cory Elder, Jerry Young
and the other Subclass Members against Defendants)**

68. Plaintiffs Arnold Catala, Cory Elder, and Jerry Young allege and reincorporate paragraphs 1 - 64, above, as though fully set forth here at length.

69. HALT provides that “[p]ersons in a special population . . . shall not be placed in segregated confinement for any length of time, except in keeplock for a period prior to a disciplinary hearing” (N.Y. Correct. L. § 137(6)(h)).

70. The law defines special populations as including “any person . . . (c) with a disability as defined in paragraph (a) of subdivision twenty-one of section two hundred ninety-two of the executive law” (N.Y. Correct. L. § 2(33)).

71. N.Y. Exec. L. § 292(21) – commonly referred to as the New York State Human Rights Law – defines disability as “(a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment”

72. Named Plaintiffs Catala, Elder, and Young, and the Subclass Members are members of Special Populations, including people with disabilities as defined by N.Y. Exec. L. § 292(21), who are confined illegally in segregated confinement in cells in NIC and the WF CDU under the circumstances described above, in violation of N.Y. Correct. L. § 137.

73. Because Named Plaintiffs Catala, Elder, and Young and other Subclass Members are persons with disabilities as defined by N.Y. Exec. L. § 292(21), HALT bars Defendants from holding them in segregated confinement for any period of time.

74. By placing and keeping Named Plaintiffs Catala, Elder, and Young, and the Subclass Members in segregated confinement, in the absence of any disciplinary infraction, Defendants have violated, and continue to violate, N.Y. Correct. L. § 137.

75. Named Plaintiffs Catala, Elder, and Young, and the Subclass Members have suffered and, unless this Court enjoins and restrains Defendants from violating N.Y. Correct. L. § 137, they will continue to suffer irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court: award judgment to Plaintiffs and against Defendants as follows:

- A. on the First Cause of Action,
 - i. awarding injunctive relief prohibiting Defendants from keeping Class Members in the Segregated Cells in violation of HALT, and prohibiting them from retaliating against or disfavoring Class Members in any way on account of this litigation; and
 - ii. declaring that Defendants' use of the Segregated Cells to confine Class Members in violation of HALT is illegal under New York Law; and
- B. on the Second Cause of Action,
 - i. awarding injunctive relief, prohibiting Defendants from keeping Subclass Members in the Segregated Cells in violation of HALT and prohibiting them from retaliating against or disfavoring Class Members in any way on account of this litigation; and

- ii. declaring that Defendants' use of the Segregated Cells to confine Subclass Members in violation of HALT is illegal under New York law; and
- C. on both causes of action, awarding such other and further relief as the proof at trial may require and as to this Court may seem just and proper.

Dated: September 22, 2025

Respectfully submitted,

THE LEGAL AID SOCIETY

By: _____



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