

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALCHEA TONEY-DICK, X.T., RENEE MOORE,
and SHERRY HANAN, individually and on behalf of
all others similarly situated,

Plaintiffs,

-against-

ROBERT DOAR, in his official capacity
as Commissioner of the New York City Human
Resources Administration and the NEW YORK
CITY HUMAN RESOURCES ADMINISTRATION,

Defendants.

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No. 12 Civ. 9162 (KBF)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that, upon (A) the declarations of plaintiffs

ALECHEA TONEY-DICK, sworn to on December 17, 2012, X.T., sworn to on January 7, 2013,
RENEE MOORE, sworn to on January 4, 2013, and SHERRY HANAN, sworn to on January 7,
2013; (B) the declarations of CATHERINE F. BOWMAN, dated January 7, 2013; SUSAN
DOOHA, dated January 5, 2013; JOEL S. BERG, dated January 7, 2013; and RYAN GELMAN,
dated January 7, 2013; (C) the attorney declaration of KENNETH STEPHENS, dated January 7,
2013; (D) the Amended Complaint filed on December 21, 2012; and (E) the accompanying
Memorandum of Law, Plaintiffs will move this Court, before the Honorable Judge Katherine B.
Forrest, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street,
New York, New York, Room 15A on _____, 2013, at 9:30 AM, or as soon
thereafter as counsel can be heard, for an Order:

(1) granting preliminary relief pursuant to Federal Rule of Civil Procedure 65,
directing the City Defendants to seek approval from the appropriate federal and state officials,

such as the New York State Office of Temporary and Disability Assistance, to rectify its violation of the law by providing class members meaningful access through reasonable accommodations, such as (i) several additional satellite locations for applications, (ii) the option to apply online, through mail, by calling, or by faxing, (iii) the option to request home visits to complete applications, and (iv) other reasonable accommodations that are employed in the Supplemental Nutrition Assistance Program, to apply for Disaster Supplemental Nutrition Assistance Program (“D-SNAP”) benefits in the wake of the Hurricane Sandy disaster;

(2) certifying this action pursuant to Federal Rule of Civil Procedure 23 on behalf of a class consisting of all individuals in New York City who (a) have a physical or mental impairment that substantially limits one or more major life activities within the meaning of the Americans with Disabilities Act or have a record of such an impairment, (b) are eligible to apply for D-SNAP benefits, (c) reside in the covered zip codes for the New York City Human Resources Administration’s D-SNAP program; and (d) need reasonable accommodations to enable them to apply for D-SNAP benefits; and

(3) for such other and further relief as the Court deems just and proper.

Dated: January 7, 2013
Brooklyn, New York

Respectfully Submitted,

/s/ Randy M. Mastro

GIBSON, DUNN & CRUTCHER
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/s/ Kenneth Stephens

Kenneth Stephens
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Attorneys for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALECHEA TONEY-DICK, X.T., RENEE MOORE,	:	
and SHERRY HANAN, individually and on behalf of all	:	
others similarly situated,	:	No. 12 Civ. 9162 (KBF)
	:	
Plaintiffs,	:	
	:	
-against-	:	ORDER
	:	
ROBERT DOAR, in his official capacity	:	
as Commissioner of the New York City Human	:	
Resources Administration and THE NEW YORK	:	
CITY HUMAN RESOURCES ADMINISTRATION,	:	
	:	
Defendants.	:	
-----X	:	

This court hereby declares an ORDER:

1. Directing City Defendants to seek approval from the appropriate federal and state officials, such as the New York State Office of Temporary and Disability Assistance (“OTDA”), to rectify its violation of the law by providing class members meaningful access through reasonable accommodations, such as (i) several additional satellite locations for applications, (ii) the option to apply online, through mail, by calling, or by faxing, (iii) the option to request home visits to complete applications, and (iv) other reasonable accommodations that are employed in the Supplemental Nutrition Assistance Program, to apply for Disaster Supplemental Nutrition Assistance Program (“D-SNAP”) benefits in the wake of the Hurricane Sandy disaster;

2. Certifying a class consisting of all individuals in New York City who (a) have a physical or mental impairment that substantially limits one or more major life activities within the meaning of the Americans with Disabilities Act and have a record of such an impairment, (b) are eligible to apply for D-SNAP benefits, (c) reside in the covered zip codes for the New York

City Human Resources Administration's D-SNAP program; and (d) need reasonable accommodations to enable them to apply for D-SNAP benefits; and it is further

ORDERED that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel on or before _____ o'clock in the _____ noon,

DATED: New York

ISSUED: _____

UNITED STATES DISTRICT JUDGE