

Jarrest, K.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR INDEPENDENCE OF THE DISABLED, NEW YORK, a nonprofit organization, BROOKLYN CENTER FOR INDEPENDENCE OF THE DISABLED, a nonprofit organization, BRONX INDEPENDENT LIVING SERVICES, a nonprofit organization, HARLEM INDEPENDENT LIVING CENTER, a nonprofit organization, DISABLED IN ACTION OF METROPOLITAN NEW YORK, a nonprofit organization, NEW YORK STATEWIDE SENIOR ACTION COUNCIL, a nonprofit organization, SASHA BLAIR-GOLDENSOHN, an individual, CHRIS PANGILINAN, an individual, and DUSTIN JONES, an individual, on behalf of themselves and all others similarly situated,

Plaintiffs,

- against -

METROPOLITAN TRANSPORTATION AUTHORITY, a public benefit corporation, VERONIQUE HAKIM, in her official capacity as interim executive director of the Metropolitan Transportation Authority, NEW YORK CITY TRANSIT AUTHORITY, a public benefit corporation, DARRYL C. IRICK, in his official capacity as acting president of the New York City Transit Authority, and THE CITY OF NEW YORK,

Defendants.

17 Civ. 2990 (KBF)

**STIPULATION AND ORDER
CERTIFYING CLASS**

WHEREAS, on April 25, 2017, the individual plaintiffs in the above-captioned action (the “Proposed Class Representatives”) filed a Complaint, on behalf of themselves and a putative class consisting of all persons who use or seek to use the New York City subway system, and

have a disability that requires them to use an elevator to access the subway system, alleging that Defendants' elevator maintenance practices violate the Americans with Disabilities Act, the Rehabilitation Act, and the New York City Human Rights Law;

WHEREAS, the Parties have conferred regarding class certification and have agreed, subject to the approval of the Court, to the terms and conditions set forth in this Stipulation;

WHEREAS, the Parties agree and stipulate that the number of persons who use or seek to use the New York City subway system, and have a disability that requires them to use an elevator to access the subway system, is so numerous that joinder of all class members is impracticable;

WHEREAS, the Parties agree and stipulate that the allegations in the Complaint raise issues of law and fact that are common to the class, including whether Defendants' elevator maintenance practices are in violation of Federal and/or New York City law;

WHEREAS, each of the Proposed Class Representatives alleges that he is a person who seeks to use the New York City subway system, and has a disability that requires him to use an elevator to access the subway system, the Parties agree and stipulate that the claims or defenses of the Proposed Class Representatives are typical of the claims or defenses of the class;

WHEREAS, the Proposed Class Representatives represent that, as persons who use or seek to use the New York City subway system, and have a disability that requires them to use an elevator to access the subway system, the Proposed Class Representatives and class members have a common interest in showing that Defendants' elevator maintenance practices violate Federal and/or New York City law;

WHEREAS, the Proposed Class Representatives represent, that they are informed about the progress of this litigation, have assisted their counsel in prosecuting this action, and stand ready to give deposition and trial testimony as necessary;

WHEREAS, the Proposed Class Representatives have retained experienced counsel, Disability Rights Advocates and Sheppard Mullin Richter & Hampton LLP, that have significant experience representing plaintiffs in disability-related litigation, as well as the resources necessary to properly prosecute this action;

WHEREAS, the Parties agree and stipulate that the allegations in the complaint, if proven, sufficiently show that Defendants acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole;

WHEREAS, nothing contained herein shall be construed as an admission on the part of Defendants as to the truth of any of the allegations in the Complaint;

WHEREAS, Plaintiffs acknowledge that Defendants deny the substantive allegations of the class, including, without limitation, that Defendants' elevator maintenance practices violate Federal and/or New York City law; and

WHEREAS, Defendants reserve the right to contest any factual representation made by any of the Proposed Class Representatives, or any other class member;

NOW, THEREFORE, IT IS STIPULATED AND SO ORDERED THAT:

1. The requirements of Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure having been met, this action is certified to proceed as a class action on behalf of all persons who use or seek to use the New York City subway system, and have a disability that requires them to use an elevator to access the subway system (the "Class").

2. Sasha Blair-Goldensohn, Chris Pangilinan, and Dustin Jones are appointed representatives for the Class.

3. Disability Rights Advocates and Sheppard Mullin Richter & Hampton LLP are appointed counsel for the Class.

Dated: November 3, 2017
New York, New York



The Honorable Katherine B. Forrest
United States District Judge

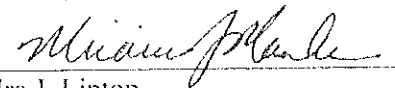
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DISABILITY RIGHTS ADVOCATES

By: 

Maia Goodell
Michelle Caiola
Jelena Kolic
Sid Wolinsky *
675 Third Avenue, Suite 2216
New York, NY 10017
Tel: (212) 644-8644
Fax: (212) 644-8636

HOGUET NEWMAN REGAL &
KENNEY, LLP

By: 

Ira J. Lipton
Helene R. Hechtkopf
Miriam J. Manber
Steven M. Silverberg
10 East 40th Street, 35th Floor
New York, New York 10016
Tel: (212) 689-8808
Fax: (212) 689-5101

Attorneys for Transit Defendants

SHEPPARD MULLIN RICHTER &
HAMPTON LLP

Daniel Brown
30 Rockefeller Plaza
New York, NY 10112
Tel: (212) 653-8700
Fax: (212) 653-8701

Attorneys for Plaintiffs

* Admitted *pro hac vice*