

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

DISABILITY RIGHTS NEW YORK, )  
 )  
   *Plaintiff,* )  
 )  
                                   -against- )  
 )  
 CITY OF NEW YORK DEPARTMENT )  
 OF CORRECTION, and JOSEPH PONTE, )  
 In his official capacity as the Commissioner )  
 Of the New York City Department of )  
 Correction, )  
 )  
   *Defendants.* )

---

**COMPLAINT**  
2015-CV-

**PRELIMINARY STATEMENT**

1. Plaintiff, Disability Rights New York (hereinafter “DRNY”), the designated Protection and Advocacy System for the State of New York, brings this action to enforce its right to access records pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (“DD Act”), 42 U.S.C. § 15041 *et seq.*, the Protection and Advocacy for Individuals with Mental Illness Act of 1986 (“PAIMI Act”), 42 U.S.C. § 10801 *et seq.*, and the Protection and Advocacy for Individual Rights Act (“PAIR Act”), 29 U.S.C. § 794e.

2. Defendants are obstructing DRNY’s access to client records and preventing DRNY from fulfilling its statutory obligations to ensure the protection of the rights of individuals with disabilities and to investigate incidents of abuse and neglect of individuals with disabilities.

3. DRNY is further prevented from determining whether defendants have violated the rights of incarcerated people with disabilities to be free from abuse and neglect, and whether appropriate policies and procedures exist to prevent incidents of abuse and neglect.

4. DRNY brings this action for declaratory and injunctive relief to obtain access to the records of A.B., a DRNY client and inmate in a facility operated by defendants.

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

6. Plaintiff's cause of action arises under the PAIMI Act, 42 U.S.C. § 10801 *et seq.*; DD Act, 42 U.S.C. § 15041 *et seq.*; PAIR Act, 29 U.S.C. § 794e; and 42 U.S.C. § 1983.

7. This Court has the authority to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202.

8. Venue is proper in the Eastern District of New York under 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to the claims in this lawsuit occurred in this District.

### **PARTIES**

9. Plaintiff DRNY is the Protection and Advocacy System ("P&A") designated by the Governor of the State of New York to provide protection and advocacy services to individuals with disabilities throughout the state.

10. DRNY is mandated under various interrelated federal statutory programs to provide legal representation and other advocacy services to individuals with disabilities.

11. DRNY is authorized to investigate incidents of abuse and neglect and to pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with disabilities.

12. DRNY is authorized by federal law to access facilities, clients, and records necessary to investigate allegations of abuse and neglect.

13. DRNY has offices located at 725 Broadway, Suite 450, Albany, New York 12207; 25 Chapel Street, Suite 1005, Brooklyn, New York 11201; and 44 Exchange Boulevard, Suite 110, Rochester, New York 14614.

14. Defendant City of New York Department of Correction (hereinafter “Defendant Department of Correction”) is established pursuant to New York City Charter § 621.

15. Defendant Department of Correction is located at 75-20 Astoria Boulevard, East Elmhurst, New York 11370.

16. Defendant Department of Correction manages and operates jails on Rikers Island, which confine pre-trial detainees and sentenced individuals.

17. Defendant Department of Correction’s jails are facilities as defined in 42 U.S.C. § 10802(3) and 45 C.F.R. § 1386.19.

18. Defendant Department of Correction’s jails are also locations, as provided in 42 U.S.C. § 15043(a)(2)(H), in which services, supports, and other assistance is provided to individuals with disabilities, including the individual who is the subject of the complaint.

19. Defendant Department of Correction confines individuals with mental illness, developmental disabilities, and other physical, sensory, cognitive and neurological impairments and disabilities on Rikers Island.

20. Defendant Department of Correction provides care, treatment, services, supports, and habilitation including, but not limited to: screening, evaluation, counseling, behavioral therapies, medication treatment and supervision, assistive devices, and special education services.

21. Defendant Joseph Ponte is the Commissioner of the City of New York Department of Correction.

22. Defendant Ponte is responsible for the “charge and management of persons or any other institution of the city placed under his jurisdiction by law” and has “all authority . . . concerning the care and custody” of people under his charge pursuant to the New York City Charter §§ 621 and 623.

23. Defendant Ponte maintains offices at 75-20 Astoria Boulevard, East Elmhurst, New York 11370.

### **FACTS**

24. On December 15, 2014, DRNY staff conducted a monitoring visit at the Robert N. Davoren Complex (“RNDC”) after receiving allegations of abuse and neglect of young people confined there.

25. The monitoring visit was conducted pursuant to DRNY’s authority under 42 U.S.C. §§ 15043(a)(2)(H), 10805(a)(3) and 29 U.S.C. § 794e(f).

26. RNDC’s Department of Correction staff provides screening, evaluation, counseling, therapy, and education services to RNDC residents.

27. On December 15, 2014, DRNY met with A.B., an 18-year-old incarcerated individual with a developmental disability.

28. A.B. reported to DRNY that he was physically assaulted by corrections staff on or about December 9, 2014.

29. A.B. reported to DRNY that, on or about December 9, 2014, a corrections officer told A.B. that he was speaking disrespectfully.

30. A.B. reported to DRNY that he was led to a room, and he was punched and kicked by one or more corrections officers.

31. A.B. reported to DRNY that he was seen by medical staff at RNDC and was transferred to Elmhurst Hospital for evaluation and treatment of injuries to his face and elbow, and was hospitalized overnight.

32. On December 17, 2014, pursuant to DRNY's investigation of A.B.'s allegation of abuse, DRNY requested A.B.'s records from the Defendant Department of Correction and the New York City Department of Health & Mental Hygiene (DOHMH), and requested that the records be produced within three business days.

33. DRNY provided Defendant Department of Correction and DOHMH with a signed release by A.B. which authorized DRNY to access the requested records.

34. DRNY requested the following records from Defendant Department of Correction: (1) use of force reports related to A.B. from December 7, 2014 through December 12, 2014; (2) the unaltered surveillance video of the December 2014 incident, including surveillance video of the hallways outside the RNDC mess hall; (3) all records, including color photographs, reflecting security staff injuries sustained as a result of the December 2014 use of force incident; (4) all records, including color photographs, of A.B.'s injuries resulting from the December 2014 use of force incident; (5) all disciplinary records related to the December 2014 use of force incident; and (6) all records related to the investigation of the December 2014 use of force incident, including any records from the investigation division.

35. DRNY received records from DOHMH in January of 2015 that documented the injuries received by A.B. on December 9, 2014.

36. On December 31, 2014, Defendant Department of Correction denied DRNY's request for records.

37. Defendant Department of Correction stated that the requested records would not be produced due to the pendency of an investigation into the December 9, 2014 incident by the New York City Department of Investigation (hereinafter “DOI”).

38. On February 10, 2015, DRNY renewed its request for A.B.’s records from Defendant Department of Correction pursuant to federal law.

39. DRNY advised Defendant Department of Correction that neither federal nor state law prohibited DRNY’s access to the requested documents during the pendency of a DOI investigation.

40. DRNY demanded that the records be produced within three business days and delivered another copy of A.B.’s signed release form which authorized DRNY to access the requested records.

41. Defendant Department of Correction has not provided DRNY with the records requested by DRNY.

42. By denying DRNY’s records request, Defendants Department of Correction and Ponte have impaired DRNY’s ability to investigate and address serious allegations of abuse.

43. DRNY has no adequate remedy at law.

**FIRST CLAIM FOR RELIEF  
BASED ON VIOLATION OF THE DD ACT,  
IMPLEMENTING REGULATIONS AND  
42 U.S.C. § 1983**

44. DRNY incorporates and re-alleges paragraphs 1-43 as if fully set forth herein.

45. DRNY is authorized to access the records of A.B. pursuant to 42 U.S.C. § 15043(a)(2)(I)(i) and 45 C.F.R. § 1386.22(a)(1).

46. The DD Act authorizes DRNY to access records of persons with disabilities and records maintained by facilities that serve individuals with disabilities.

47. A.B. specifically authorized DRNY to access his records and the defendants' failure to provide the records is a violation of federal law.

48. DRNY is entitled to access draft and final documents, including handwritten notes, electronic files, photographs, or video or audio tape records.

49. Under the DD Act, DRNY must be granted access to requested records within three business days of making a request.

50. Defendants' refusal to provide records to DRNY violates the DD Act and its implementing regulations.

51. Defendants have acted under color of state law to deprive DRNY of federal rights under the DD Act.

52. Defendants' violation of the DD Act and its implementing regulations frustrates and interferes with DRNY's federal mandate to protect people with disabilities in New York State; investigate allegations of abuse and neglect; provide legal advocacy for people with disabilities; determine whether an investigation by DRNY should be conducted; and determine whether corrective action should be taken.

**SECOND CLAIM FOR RELIEF  
BASED ON VIOLATION OF THE PAIMI ACT,  
IMPLEMENTING REGULATIONS AND  
42 U.S.C. § 1983**

53. DRNY incorporates and re-alleges paragraphs 1-43, as if fully set forth herein.

54. DRNY is authorized to access the records of A.B. pursuant to 42 U.S.C. § 10805(a)(4)(A), and 42 C.F.R. § 51.41(b)(1).

55. The PAIMI Act authorizes DRNY to access records of persons with disabilities and records maintained by facilities that serve individuals with disabilities.

56. DRNY is entitled to access draft and final documents, including handwritten notes, electronic files, photographs, or video or audio tape records.

57. Defendants are required to promptly provide DRNY with access to records pursuant to 42 C.F.R. § 51.41(a).

58. Defendants' refusal to promptly provide records to DRNY violates the PAIMI Act and its implementing regulations.

59. Defendants have acted under color of state law to deprive DRNY of federal rights under the PAIMI Act.

60. Defendants' violation of the PAIMI Act and its implementing regulations frustrates and interferes with DRNY's federal mandate to protect people with disabilities in New York State; investigate allegations of abuse and neglect; provide legal advocacy for people with disabilities; determine whether an investigation by DRNY should be conducted; and determine whether corrective action should be taken.

61. DRNY is authorized to pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with mental illness who are receiving care or treatment pursuant to 42 U.S.C. § 10805(a)(1)(B).

62. DRNY is entitled to relief under 42 U.S.C. § 10805(a)(4)(A), 42 C.F.R. § 51.41(b)(1), and 42 U.S.C. § 1983.

**THIRD CLAIM FOR RELIEF  
BASED ON VIOLATION OF THE PAIR ACT,  
IMPLEMENTING REGULATIONS AND  
42 U.S.C. § 1983**

63. DRNY incorporates and re-alleges paragraphs 1-43, as if fully set forth herein.

64. DRNY is authorized to access the records of A.B. pursuant to 29 U.S.C. § 794e(f)(2).



65. The PAIR Act authorizes DRNY to access records of persons with disabilities and records maintained by facilities that serve individuals with disabilities.

66. DRNY is entitled to access draft and final documents, including handwritten notes, electronic files, photographs, or video or audio tape records.

67. Defendants' refusal to promptly provide records to DRNY violates the PAIR Act and its implementing regulations.

68. Defendants have acted under color of state law to deprive DRNY of federal rights under the PAIR Act.

69. Defendants' violation of the PAIR Act frustrates and interferes with DRNY's federal mandate to protect people with disabilities in New York State; investigate allegations of abuse and neglect; provide legal advocacy for people with disabilities; determine whether an investigation by DRNY should be conducted; and determine whether corrective action should be taken.

70. DRNY is authorized to pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with mental illness who are receiving care or treatment.

71. DRNY is entitled to relief under 29 U.S.C. § 794e(f)(3), and 42 U.S.C. § 1983.

### **RELIEF**

WHEREFORE, DRNY requests the following relief:

(1) a declaratory judgment that Defendants have violated DRNY's rights under the DD Act, the PAIMI Act, the PAIR Act, and 42 U.S.C. § 1983;

(2) an injunction ordering Defendants to provide DRNY with complete, un-redacted copies of all records requested pursuant to its federally mandated P&A authority;

(3) an injunction ordering Defendants to immediately provide the un-redacted requested records regarding A.B.;

(4) an injunction ordering Defendants to provide timely and complete responses to all future records requests made by DRNY pursuant to its federally mandated P&A authority;

(5) an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and,

(6) any other relief that the Court deems appropriate.

Dated: March 12, 2015  
Albany, New York

/s/ Cliff Zucker  
By: Cliff Zucker

**DISABILITY RIGHTS NEW YORK**  
Cliff Zucker, Bar # CZ-2254  
Jennifer Monthie  
Mark Murphy  
Stefen Short  
725 Broadway, Suite 450  
Albany, NY 12207  
(518) 432-7861  
518-432-7861 (fax) (not for service)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DISABILITY RIGHTS NEW YORK

(b) County of Residence of First Listed Plaintiff KINGS (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

CLIFF ZUCKER, ESQ. DISABILITY RIGHTS NEW YORK 725 BROADWAY, SUITE 450, ALBANY, NY 12207

DEFENDANTS

CITY OF NEW YORK DEPARTMENT OF CORRECTION, AND JOSEPH PONTE, in his official capacity as Commissioner of the NYC Department of Correction.

County of Residence of First Listed Defendant QUEENS (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Motor Vehicle, Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 15043, 42 USC 10805, 29 USC 794E and implementing regulations. Brief description of cause: defendants have failed to produce records which must be produced under these federal statutes and regulations.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 0.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 03/12/2015 SIGNATURE OF ATTORNEY OF RECORD /S/ CLIFF ZUCKER

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, CLIFF ZUCKER, counsel for PLAINTIFF, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Disability Advocates, Inc., a New York not-for-profit corporation does business under the name Disability Rights New York.

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes
- No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain)
- No

I certify the accuracy of all information provided above.

Signature: /S/ CLIFF ZUCKER

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

_____	)	
	)	
	)	
	)	
<i>Plaintiff(s)</i>	)	
v.	)	Civil Action No.
	)	
	)	
	)	
_____	)	
<i>Defendant(s)</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER  
CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

DISABILITY RIGHTS NEW YOUK

Plaintiff(s)

v.

CITY OF NEW YORK DEPTARMENT OF CORRECTION AND JOSEPH PONTE, in his official capacity as the Commissioner of the New York City Department of Corrections

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CITY OF NEW YORK DEPARTMENT OF CORRECTION 75-20 Astoria Blvd. East Elmhurst, New York 11370

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

CLIFF ZUCKER, DISABILITY RIGHTS NEW YORK 725 BROADWAY, SUITE 450 ALBANY, NY 12207

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**





725 Broadway ◦ Suite 450 ◦ Albany ◦ NY ◦ 12207

March 12, 2015

Douglas C Palmer,  
Clerk of Court  
United States District Court  
Eastern District of NY  
Filed by ECF

*Re: Disability Rights New York v. City of New York Department of Corrections and Joseph Ponte, in his official capacity, 1:15 –cv-01285*

Dear Mr. Palmer:

I filed opened the above referenced case today. I neglected to file the civil cover sheet and the proposed summonses. I was advised by someone in your office to file those documents by letter, which I am hereby doing. I also note that the Docket #1 incorrectly lists this as a case against Disability Rights New York, when in fact the plaintiff is Disability Rights New York, and the Defendants are New York City Department of Correction and Joseph Ponte. Kindly correct that docket entry.

Thank you for your help and I regret any inconvenience.

Very truly yours,

/s/

Cliff Zucker  
Attorney for Plaintiff

Attachments:

Civil Cover Sheet  
Two Summonses

***Providing Protection & Advocacy and Client Assistance Program Services to Persons with Disabilities***

518.432.7861 voice ◦ 518.512.3448 tty ◦ 800.993.8982 toll free ◦ 518.427.6561 fax  
[mail@DisabilityRightsNY.org](mailto:mail@DisabilityRightsNY.org) ◦ [www.DisabilityRightsNY.org](http://www.DisabilityRightsNY.org)