

813431/2021E - Bronx County Supreme Court

Short Caption: **Joseph Agnew et al v. New York City Department of Correction**
Case Type: **Special Proceedings - CPLR Article 78**
Case Status: **Active**
eFiling Status: [Full Participation Recorded](#)
Assigned Judge: **Elizabeth Taylor**

Full Caption

Joseph Agnew, Anthony Gang, Tyrone Greene, Kamer Reid v. New York City Department Of Correction

Plaintiffs/Petitioners

Name	Consented By
Joseph Agnew	QUACKENBUSH, ROBERT MATTHEW on 10/07/2021 THE LEGAL AID SOCIETY - PRISONERS RIGHTS PROJECT DESGRANGES, PHILIP LOUIS on 10/29/2021 The Legal Aid Society - Special Litigation Unit FELL, KATHERINE KELLY on 10/04/2021 MILBANK LLP SHORT, STEFEN RUSSELL on 10/06/2021 Legal Aid Society - Prisoners' Rights Project SIMPSON, KAYLA RAYANNE on 10/29/2021 LEGAL AID SOCIETY VELA, VERONICA on 11/18/2021 THE LEGAL AID SOCIETY
Anthony Gang	QUACKENBUSH, ROBERT MATTHEW on 10/07/2021 THE LEGAL AID SOCIETY - PRISONERS RIGHTS PROJECT DESGRANGES, PHILIP LOUIS on 10/29/2021 The Legal Aid Society - Special Litigation Unit FELL, KATHERINE KELLY on 10/04/2021 MILBANK LLP SHORT, STEFEN RUSSELL on 10/06/2021 Legal Aid Society - Prisoners' Rights Project SIMPSON, KAYLA RAYANNE on 10/29/2021 LEGAL AID SOCIETY VELA, VERONICA on 11/18/2021 THE LEGAL AID SOCIETY
Tyrone Greene	QUACKENBUSH, ROBERT MATTHEW on 10/07/2021 THE LEGAL AID SOCIETY - PRISONERS RIGHTS PROJECT DESGRANGES, PHILIP LOUIS on 10/29/2021 The Legal Aid Society - Special Litigation Unit FELL, KATHERINE KELLY on 10/04/2021 MILBANK LLP SHORT, STEFEN RUSSELL on 10/06/2021 Legal Aid Society - Prisoners' Rights Project SIMPSON, KAYLA RAYANNE on 10/29/2021 LEGAL AID SOCIETY VELA, VERONICA on 11/18/2021 THE LEGAL AID SOCIETY
Kamer Reid	QUACKENBUSH, ROBERT MATTHEW on 10/07/2021 THE LEGAL AID SOCIETY - PRISONERS RIGHTS PROJECT DESGRANGES, PHILIP LOUIS on 10/29/2021 The Legal Aid Society - Special Litigation Unit FELL, KATHERINE KELLY on 10/04/2021 MILBANK LLP SHORT, STEFEN RUSSELL on 10/06/2021 Legal Aid Society - Prisoners' Rights Project SIMPSON, KAYLA RAYANNE on 10/29/2021 LEGAL AID SOCIETY VELA, VERONICA on 11/18/2021 THE LEGAL AID SOCIETY
Name	Consented By

SIMPSON, KAYLA RAYANNE on 10/29/2021
LEGAL AID SOCIETY

VELA, VERONICA on 11/18/2021
THE LEGAL AID SOCIETY

Defendants/Respondents

Name

New York City Department of Correction

Consented By

KRIST, BRIAN JOSEPH on 11/18/2021
NEW YORK CITY LAW DEPARTMENT

YACYSHYN, ALEXANDRA LENA on 10/13/2021
New York City Law Department

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Document Type: Filed By:

Motion Info: Filed Date:

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Document Number:

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Sort By:

#	Document	Filed By	Status
1	PETITION <i>Petition</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
2	ORDER TO SHOW CAUSE - ACCOMPANYING COMMENCEMENT DOC(S). (PROPOSED) (Motion #1) *Corrected*	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
3	ORDER (PROPOSED) <i>Proposed Order Granting Petitioners' Mandamus Relief</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
4	AFFIDAVIT OR AFFIRMATION IN SUPPORT <i>Kelsey De Avila Affidavit In Support of Petition</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
5	AFFIDAVIT OR AFFIRMATION IN SUPPORT <i>Ronald Schneider Affidavit In Support of Petition</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
6	MEMORANDUM OF LAW IN SUPPORT <i>Memorandum of Law in Support of Article 78 Mandamus to Compel and Motion for Class Certification</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
7	AFFIDAVIT OR AFFIRMATION IN SUPPORT <i>Affirmation Of Micaela D. Manley In Support Of Petitioners Article 78 Mandamus To Compel And Motion ... show more</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
8	EXHIBIT(S) - 1 <i>New York City Roadmap to Closing Rikers web page titled New York is leading a historic decarceration ... show more</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
9	EXHIBIT(S) - 2 <i>December 18, 2014 Department of Justice press release titled Department Of Justice Takes Legal Actio ... show more</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
10	EXHIBIT(S) - 3 <i>2017 Independent Commission on New York City Criminal Justice and Incarceration Reform Final Report</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
11	EXHIBIT(S) - 4 <i>October 17, 2019 ABC News article titled Plan to close notorious Rikers jail complex by 2026 approve ... show more</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
12	EXHIBIT(S) - 5 <i>June 2020 New York City Department of Correction Monthly Report on Medical Appointment Non-Productio ... show more</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
13	EXHIBIT(S) - 6 <i>Eleventh Report of the Nunez Independent Monitor for the period of July 1, 2020 December 31, 2020</i>	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
14	EXHIBIT(S) - 7 <i>11/11/2020 New York City Department of Correction</i>	Fell, K. Filed: 10/04/2021	Processed Confirmation Notice

	July 2020 New York City Department of Correction Monthly Report on Medical Appointment Non-Productio ... show more	Filed: 10/04/2021 Received: 10/04/2021	Confirmation Notice
15	EXHIBIT(S) - 8 August 2020 New York City Department of Correction Monthly Report on Medical Appointment Non-Product ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
16	EXHIBIT(S) - 9 November 30, 2020 New York Times article titled Prisons Are COVID-19 Hotbeds. When Should Inmates Ge ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
17	EXHIBIT(S) - 10 December 2020 New York City Department of Correction Monthly Report on Medical Appointment Non-Produ ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
18	EXHIBIT(S) - 11 January 2021 New York City Department of Correction Monthly Report on Medical Appointment Non-Produc ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
19	EXHIBIT(S) - 12 June 2021 New York City Department of Correction Monthly Report on Medical Appointment Non-Productio ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
20	EXHIBIT(S) - 13 July 10, 2021 New York Post article titled City probing death of Rikers Island inmate after guard le ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
21	EXHIBIT(S) - 14 August 2021 New York City Department of Correction Monthly Report on Medical Appointment Non-Product ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
22	EXHIBIT(S) - 15 August 12, 2021 Gothamist article titled Twenty-Five Year Old Detainee Found Dead At Rikers	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
23	EXHIBIT(S) - 16 August 13, 2021 New York Daily News article titled Staten Island detainee hangs himself in NYC jail ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
24	EXHIBIT(S) - 17 August 15, 2021 New York Daily News article titled NYC jails medical staff fear for safety, blame st ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
25	EXHIBIT(S) - 18 August 20, 2021 Twitter thread by user Rachael Bedard, MD	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
26	EXHIBIT(S) - 19 August 24, 2021 Letter to Judge Swain from the Office of the Monitor filed in Nuez v. City of New Yo ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
27	EXHIBIT(S) - 20 August 26, 2021 New York Focus article titled Rikers Staffing Crisis Limits Access to Medical Care	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
28	EXHIBIT(S) - 21 September 1, 2021 Department of Criminal Justice Services Jail Population Report	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
29	EXHIBIT(S) - 22 September 1, 2021 Board of Corrections Statement on Recent Suicides in the New York City Jail	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
30	EXHIBIT(S) - 23 September 1, 2021 New York Daily News article titled Two Rikers units go more than 24 hours without ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
31	EXHIBIT(S) - 24 September 2, 2021 Letter to Judge Swain from the Office of the Monitor filed in Nuez v. City of New ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
32	EXHIBIT(S) - 25 September 7, 2021 The City article titled Self-Harm Is Exploding In New York City Jails, Internal Nu ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
33	EXHIBIT(S) - 26 September 9, 2021 New York Post article titled NYC jails boss admits serious problems at Rikers Isla ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021 Filed By	Processed Confirmation Notice Status

34	EXHIBIT(S) - 27 September 10, 2021 letter from Ross MacDonald, MD, to New York City Council	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
35	EXHIBIT(S) - 28 September 10, 2021 New York Daily News article titled Rikers prisoner dies after NYC jailers wouldnt ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
36	EXHIBIT(S) - 29 September 13, 2021 New York City Board of Correction Weekly COVID-19 Update Week of September 4 Sep ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
37	EXHIBIT(S) - 30 NYC Board of Correction Public Meeting Materials webpage for the September 14, 2021 Board of Correct ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
38	EXHIBIT(S) - 31 September 14, 2021 Twitter thread by user Emily Gallagher	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
39	EXHIBIT(S) - 32 September 14, 2021 New York Times article titled With Rikers in Crisis, Critics Wonder: Where is Bil ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
40	EXHIBIT(S) - 33 September 15, 2021 New York Times article titled 10 Deaths, Exhausted Guards, Rampant Violence: Why ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
41	EXHIBIT(S) - 34 The New York City Council webpage for the September 15, 2021 Meeting of Committee on Criminal Justice ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
42	EXHIBIT(S) - 35 September 15, 2021 Testimony before the New York City Council, Committee on Criminal Justice	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
43	EXHIBIT(S) - 36 September 15, 2021 Gothamist article titled COVID Is Surging Back Into Rikers and NYC Jails	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
44	EXHIBIT(S) - 37 September 15, 2021 City of New Yorks Declaration of Local State Emergency Executive Order No. 241	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
45	EXHIBIT(S) - 38 September 16, 2021 Twitter thread by user Daniel Dromm	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
46	EXHIBIT(S) - 39 September 17, 2021 CBS News article titled Cockroaches, rotting food and garbage: Lawmakers say Rike ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
47	EXHIBIT(S) - 40 September 17, 2021 New York Governor press release titled Governor Hochul Announces Major Actions To ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
48	EXHIBIT(S) - 41 September 17, 2021 New York Times article titled Hochul Orders Release of 191 Detainees as Rikers Cr ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
49	EXHIBIT(S) - 42 September 19, 2021 PIX 11 article titled People sleeping in filth, in feces: Jumaane Williams talks ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
50	EXHIBIT(S) - 43 September 20, 2021 Verified Complaint, in City of New York v. Corr. Officers Benevolent Assn., Inc, ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
51	EXHIBIT(S) - 44 September 20, 2021 Memorandum of Law in Support of Temporary Restraining Order and Preliminary Injun ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
52	EXHIBIT(S) - 45 September 20, 2021 New York Times article titled N.Y.C. Sues Jail Officers, Saying Illegal Strike Wo ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
53	EXHIBIT(S) - 46 September 21, 2021 New York Attorney General ... show more	Fell, K. Filed: 10/04/2021	Processed Confirmation Notice

	Letitia James's Statement on Visit to Rikers Island	Received: 10/04/2021	
54	EXHIBIT(S) - 47 September 21, 2021 NY1 article titled Mayor says Rikers will shorten intake time after latest inmate ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
55	EXHIBIT(S) - 48 September 21, 2021 NY1 article titled Rikers Island detainees expose lack of medical care while in c ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
56	EXHIBIT(S) - 49 September 22, 2021 New York Times article titled 12th Death in Custody This Year Signals Growing Cri ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
57	EXHIBIT(S) - 50 September 22, 2021 Associated Press article titled 12th inmate dies as New York City's jail crisis in ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
58	EXHIBIT(S) - 51 September 22, 2021 Decision and Order on Motion, in City of New York v. Corr. Officers Benevolent As ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
59	EXHIBIT(S) - 52 September 22, 2021 New York City Board of Correction Weekly COVID-19 Update Week of September 11 Se ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
60	EXHIBIT(S) - 53 September 22, 2021 Complex article titled Rikers Island Inmate Becomes 12th Person to Die in Custody ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
61	EXHIBIT(S) - 54 September 23, 2021 Letter to Judge Swain from the Office of the Monitor filed in Nuez v. City of New ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
62	EXHIBIT(S) - 55 September 28, 2021 Executive Order No. 5 (Declaration of a Disaster Emergency in the Counties of the ... show more	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
63	EXHIBIT(S) - 56 NYC Board of Correction website titled About NYC Board of Direction	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
64	AFFIDAVIT OR AFFIRMATION IN SUPPORT Affirmation of Veronica Vela in Support of Petitioners' Motion for Class Certification	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
65	AFFIDAVIT OR AFFIRMATION IN SUPPORT Affirmation of Brooke Menschel in Support of Petitioners' Motion for Class Certification	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
66	AFFIDAVIT OR AFFIRMATION IN SUPPORT Affirmation of Sean M. Murphy in Support of Petitioners' Motion for Class Certification	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
67	RJI -RE: ORDER TO SHOW CAUSE *Corrected*	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
68	NO FEE AUTHORIZATION (LETTER/ORDER/AFFIRMATION)	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
69	NO FEE AUTHORIZATION (LETTER/ORDER/AFFIRMATION)	Fell, K. Filed: 10/04/2021 Received: 10/04/2021	Processed Confirmation Notice
70	ORDER TO SHOW CAUSE (Motion #1) DATED: OCTOBER 6,, 2021	Court User Filed: 10/07/2021 Received: 10/07/2021	Processed Confirmation Notice
71	EXHIBIT(S) - 20 (Motion #1) Corrected Exhibit to Affirmation of Micaela D. Manley (August 26, 2021 New York Focus article titled ... show more	Fell, K. Filed: 10/08/2021 Received: 10/08/2021	Processed Confirmation Notice
72	EXHIBIT(S) - 29 (Motion #1) Corrected Exhibit to Affirmation of Micaela D. Manley (September 13, 2021 New York City Board of Cor ... show more	Fell, K. Filed: 10/08/2021 Received: 10/08/2021	Processed Confirmation Notice
73	EXHIBIT(S) - 52 (Motion #1) Corrected Exhibit to Affirmation of Micaela D. Manley (September 22, 2021 New York City Board of	Fell, K. Filed: 10/08/2021 Received: 10/08/2021	Processed Confirmation Notice
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| 74 | AFFIRMATION/AFFIDAVIT OF SERVICE (Motion #1) | Fell, K.
Filed: 10/13/2021
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Confirmation Notice |
| 75 | ANSWER IN SPECIAL PROCEEDING (Motion #1)
<i>Verified Answer</i> | Yacyshyn, A.
Filed: 10/29/2021
<i>Received: 10/30/2021</i> | Processed
Confirmation Notice |

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Assigned Judge: **Elizabeth Taylor**

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76	MEMORANDUM OF LAW IN SUPPORT (Motion #1) <i>Memorandum of Law in support of Respondent's Verified Answer to the Verified Petition</i>	Yacyshyn, A. Filed: 10/29/2021 Received: 10/29/2021	Processed Confirmation Notice
77	ORDER (PROPOSED) (Motion #1) <i>Proposed Order Granting Class Certification</i>	Fell, K. Filed: 11/05/2021 Received: 11/05/2021	Processed Confirmation Notice
78	MEMORANDUM OF LAW IN REPLY (Motion #1) <i>Reply Memorandum of Law in Support of Article 78 Mandamus to Compel Petition and Motion for Class Ce ... show more</i>	Fell, K. Filed: 11/05/2021 Received: 11/05/2021	Processed Confirmation Notice
79	APPENDIX (Motion #1) <i>Copy of Monitor Letter from Nunez</i>	Krist, B. Filed: 11/18/2021 Received: 11/18/2021	Processed Confirmation Notice
80	SUR-REPLY (Motion #1)	Vela, V. Filed: 11/18/2021 Received: 11/18/2021	Processed Confirmation Notice