

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

DELANO CONNOLLY,

Petitioner,

For a Judgment under Article 78  
of the Civil Practice Law and Rules

v.

NEW YORK CITY ADMINISTRATION FOR  
CHILDREN'S SERVICES and CITY OF NEW  
YORK,

Respondents.

Index No.: 512787/2023

**MEMORANDUM OF LAW IN OPPOSITION TO RESPONDENTS' CROSS-MOTION  
TO DISMISS THE AMENDED PETITION**

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Petitioner Delano Connolly (“Petitioner”) respectfully submits this Memorandum of Law in opposition to the cross-motion to dismiss filed by Respondents New York City Administration for Children’s Services (“ACS” or the “Agency”) and City of New York (the “City”) (together, “Respondents”).

### **PRELIMINARY STATEMENT**

Petitioner sufficiently alleged Article 78 claims related to Respondents’ arbitrary and capricious decision to rescind reasonable accommodations Petitioner requires to manage the symptoms of his disabilities and work at ACS. Notably, Respondents do not challenge the sufficiency of the allegations in the Amended Petition. Instead, Respondents advance dubious arguments concerning standing, redressability, and supposed procedural defects in an effort to avoid accountability for their deplorable treatment of Petitioner who has dedicated over 25 years to serving New York City’s children and families as an attorney at ACS. For the reasons stated herein, Respondents’ arguments lack merit and their motion should be denied in its entirety.

### **RELEVANT FACTS**

#### **A. Petitioner is Granted and Excels Working with Reasonable Accommodations**

For over 25 years, Petitioner has dedicated himself to the Agency. *See* NYSCEF Doc. No. 97 (“Amended Petition”) ¶¶ 37-42. Unfortunately, Petitioner suffers from disabilities related to a fall he suffered at work in January 2018 and a heart attack he experienced in February 2019. *Id.* ¶¶ 43-66. As a result of his disabilities, Petitioner requested and was granted several reasonable accommodations—including at remote work accommodation—so that he could manage the symptoms of his disabilities while working at ACS. *Id.* ¶¶ 50-52; 67-91. For several years, Petitioner excelled working with his reasonable accommodations and has constantly been recognized for the strong performance. *Id.* ¶¶ 42, 92-98.

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