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COURT OF APPEALS

STATE OF NEW YORK

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MATTER OF MARINE HOLDINGS, LLC,

Respondent,

-against-

No. 45

NEW YORK CITY COMMISSION ON HUMAN  
RIGHTS,

Appellant.

-----

20 Eagle Street  
Albany, New York  
March 27, 2018

Before:

CHIEF JUDGE JANET DIFIORE  
ASSOCIATE JUDGE LESLIE E. STEIN  
ASSOCIATE JUDGE EUGENE M. FAHEY  
ASSOCIATE JUDGE MICHAEL J. GARCIA  
ASSOCIATE JUDGE ROWAN D. WILSON  
ASSOCIATE JUDGE PAUL FEINMAN

Appearances:

MACKENZIE FILLow, ESQ.  
CORPORATION COUNSEL OF THE CITY OF NEW YORK  
Attorney for Appellant  
100 Church Street  
New York, NY 10007

AVERY S. MEHLMAN, ESQ.  
HERRICK FEINSTEIN LLP  
Attorney for Respondent  
Two Park Avenue  
New York, NY 10016

Sara Winkeljohn  
Official Court Transcriber



1 CHIEF JUDGE DIFIORE: Number 45, the Matter of  
2 Marine Holdings v. New York City Commission on Human  
3 Rights.

4 Counsel.

5 MS. FILLow: Good afternoon. May it please the  
6 court, MacKenzie Fillow for the New York City Commission on  
7 Human Rights. May I please have three minutes for  
8 rebuttal?

9 CHIEF JUDGE DIFIORE: Three minutes?

10 MS. FILLow: Yes, please.

11 CHIEF JUDGE DIFIORE: You may.

12 MS. FILLow: Thank you. This court should  
13 reverse the Second Department's decision because the court  
14 misapplied the burden of proof and the substantial evidence  
15 standard. The court's decision did not even mention the  
16 burden of proof or the fact that the landlord had completed  
17 a similar renovation at a similar building 300 yards away.

18 JUDGE GARCIA: Do we have to send it back if we  
19 agree with you? If they applied the wrong standard, do we  
20 have to send it back to them?

21 MS. FILLow: No, this court can apply the correct  
22 standard and - - - and then reverse the Second Department's  
23 decision and that would - - - could be the end of the case.

24 JUDGE GARCIA: I have a procedural question.  
25 This goes out to an administrative law judge, and the



1 Commission is a party in that proceeding.

2 MS. FILLow: Yes.

3 JUDGE GARCIA: And the administrative law judge  
4 writes this extensive decision we have on the record, and  
5 then that goes to the Commission who's now acting as a  
6 decision-maker.

7 MS. FILLow: Yes.

8 JUDGE GARCIA: And not surprisingly, they agree  
9 with the position they took as a party before the neutral  
10 fact-finder.

11 MS. FILLow: Sure. The - - -

12 JUDGE GARCIA: So is there - - -

13 MS. FILLow: Sorry.

14 JUDGE GARCIA: Is there some type of standard you  
15 would apply in reviewing the administrative law judge's  
16 decision that would in some way make that meaningful?  
17 Because otherwise, why would the Commission never agree  
18 with itself as a litigant?

19 MS. FILLow: Well, the - - - the prosecuting arm  
20 of the - - - there's a prosecuting arm and then a deciding  
21 arm. So the - - - there's - - - there's a separation at  
22 the agency, and this is very common. There are many  
23 administrative agencies that do this, the NLRB in the  
24 federal level, many other agencies have a - - - they - - -  
25 they prosecute cases and then they also decide cases. It's



1 not - - -

2 JUDGE GARCIA: Like the FCC?

3 MS. FILLow: I believe so, yes.

4 JUDGE GARCIA: So - - -

5 JUDGE FAHEY: Well, at the state level, the SLA -  
6 - - the SLA does the same thing at the state level.

7 MS. FILLow: Right, I don't think - - -

8 JUDGE FAHEY: Yeah.

9 MS. FILLow: It's not uncommon - - - it's pretty  
10 common, and the same standard applies which is that the  
11 decision has to be supported by substantial evidence in the  
12 record, and that's what we have here.

13 JUDGE GARCIA: So in this case, then, the record  
14 and the substantial evidence we would be looking for would  
15 be in the record created before the ALJ?

16 MS. FILLow: Right, that is the record that was  
17 before the Commission when it made its decision. And that  
18 record has some evidence showing that the proposed work  
19 would be very difficult and other evidence showing that it  
20 would not be that difficult. And under those  
21 circumstances, the administrative agency's decision is  
22 entitled to deference from the courts, and the Second  
23 Department really overstepped by not even really asking  
24 that question. They didn't even ask the right question - -  
25 - whether the Commission's decision was supported by



1 substantial evidence. Instead, they said that the landlord  
2 had made a showing which the Commission did not rebut.  
3 That was not the question before the court, and it's not  
4 clear at all that - - -

5 JUDGE GARCIA: I take that language, though, to  
6 mean - - - and we've seen this in criminal cases, it seems  
7 to me that language is, as I said, in a criminal case you  
8 say the defendant never has the burden of proof. But if  
9 the government has proved something beyond a reasonable  
10 doubt and nothing is offered, to use the term rebut that,  
11 then it goes this way. And it seems to me while inartful  
12 and in ways unfortunate they suggest they use that term,  
13 what they were saying was the same thing, essentially, that  
14 the landlord here had met their burden. They were going to  
15 win, and if you don't want them to win after meeting that  
16 burden you, as a party, then have to do something to push  
17 that back over the line. Why isn't that right?

18 MS. FILLow: Well, it's not clear that that is  
19 what the court was doing. The court discussed whether the  
20 landlord had made a showing, and the three cases that the  
21 court cited all involved - - - they were all cases where  
22 the prosecuting agency did have the burden of proof. So it  
23 is not clear at all that the court applied the correct  
24 burden. And maybe if we had a hundred cases like this that  
25 wouldn't be such a big deal, but this is the only Appellate



1 Division case discussing a landlord's obligation to  
2 accommodate a tenant under the city law. So in the future  
3 when landlords are trying to figure out what are their  
4 obligations this is the case they're going to read, and  
5 they're going to think all they have to do is make a  
6 showing in which case the burden shifts to the Commission  
7 to rebut it.

8 JUDGE STEIN: And as I understand your position,  
9 correct me if I'm wrong, although there were experts on the  
10 Commission side of this - - - but with or without them  
11 there was an inference from the accommodation - - - or not  
12 - - - it wasn't an accommodation before - - - but the  
13 renovations that had been made on the other unit in the  
14 complex and that in and of itself constituted some evidence  
15 that the - - - that the landlord didn't counter  
16 sufficiently.

17 MS. FILLow: That's exactly right.

18 JUDGE STEIN: Is that your - - - okay.

19 MS. FILLow: The fact is that they found it  
20 feasible to cut through a cinderblock building and install  
21 a ramp. They presented - - -

22 JUDGE FEINMAN: Well, while that may be feasible,  
23 what about the - - - the whole issue of having to cut the  
24 gas lines, displace people, and what do we do with the fact  
25 that you have the architect saying one thing but the



1 structural engineer saying something different and even the  
2 architects have a bunch of caveats saying, well, you know,  
3 we're not structural engineers?

4 MS. FELLOW: Sure. It's true that the structural  
5 engineer, on the one hand, testified that he thought this  
6 work would be extremely complicated so that it constituted  
7 an undue hardship. But on the other hand, you do have two  
8 architects who thought it was - - - it could be done more  
9 easily, the fact that they had done something similar, a  
10 Commission employee who had testified that it was - - -

11 JUDGE FEINMAN: And so the Commission had no  
12 obligation to put in a structural engineer when you're  
13 talking about the integrity of the building?

14 MS. FELLOW: No. There - - - the question before  
15 the Commission was whether there was evidence in the record  
16 as a whole that the landlord had met their burden of  
17 proving undue hardship, and there is evidence here  
18 sufficient for the Commission to have decided that they did  
19 not meet their burden.

20 JUDGE GARCIA: Let's assume that was true just  
21 for purposes of this discussion that you would have to  
22 just, you know, take people out of the building, there's a  
23 gas line issue, and you would at the minimum have to  
24 relocate tenants and that was in the record and undisputed.  
25 Would that satisfy the landlord's burden?



1 MS. FILLow: That would probably satisfy the  
2 landlord's burden. But here there - - - they did similar  
3 work at another building and there is no evidence that it  
4 required the evacuation of tenants or anything like that.

5 JUDGE STEIN: Well, isn't the issue - - - again,  
6 is it - - - wasn't the issue whether the - - - the  
7 structural strength of the cinderblocks and that the - - -  
8 the concern that they would fall apart, right?

9 MS. FILLow: That's exactly right.

10 JUDGE STEIN: And that's what didn't happen as  
11 far as we know in - - - in the prior renovation and - - -  
12 and that. So - - -

13 MS. FILLow: That's exactly right.

14 JUDGE STEIN: Right?

15 MS. FILLow: The - - - the fact is they found it  
16 structurally feasible to do this kind of work when it  
17 benefitted them, and their expert did not explain  
18 satisfactorily why they can't do it for Mrs. Politis.

19 CHIEF JUDGE DIFIORE: Thank you, counsel.

20 MS. FILLow: Thank you.

21 CHIEF JUDGE DIFIORE: Counsel.

22 MR. MEHLMAN: Avery Mehlman for the respondent,  
23 Herrick Feinstein. May it please the court, good  
24 afternoon. What was very different about the management  
25 office and the accommodation being sought here by the





1 complainant is that it's clear in the record the management  
2 office, the door, did not expand width - - - width-wise or  
3 length-wise the window that was - - - that was there prior.

4 JUDGE STEIN: Well, I - - - I thought Saratovsky  
5 wasn't clear about that at all.

6 MR. MEHLMAN: In fact, the Commission's so-called  
7 expert, the architect, admitted that for the accommodation  
8 that they were seeking it needed to be expanded at least  
9 two to three feet across which would remove the lintels  
10 which would require, as the structural engineer - - - the  
11 only structural engineer to testify, more than substantial  
12 evidence would require a complicated pin shoring that would  
13 require basically the demolition of the building - - -

14 JUDGE WILSON: Is there - - -

15 MR. MEHLMAN: - - - and the rebuilding of the  
16 building.

17 JUDGE WILSON: Is there evidence in the record,  
18 and if so can you point me to it, as to what the width of  
19 the window in the Politis' apartment was and what the width  
20 of her wheelchair is?

21 MR. MEHLMAN: There - - - there's evidence - - -  
22 I can't point to that exact but there's evidence that - - -  
23 that in the - - - in the record from Mr. Geoxavier, and  
24 that's 656 through 686 in the record and 578 in the record,  
25 that there was no wide - - - widening of the window in the



1 management office while the Politis window would have to be  
2 widened, and I'm quoting, by "one to two feet."

3 JUDGE STEIN: Wait, but was that Saratovsky's  
4 testimony before cross-examination? Because if that's what  
5 it was I thought he pulled back on that and said I really -  
6 - - I don't know what the width of the window was in the  
7 office or whether it was wider.

8 MR. MEHLMAN: I believe that's what he testified  
9 to but there's more. Underneath the management office,  
10 it's apples and oranges, there was a small crawlspace which  
11 pin shoring could have been set up very easily without  
12 necessitating the evacuation of anybody because there's no  
13 gas lines, there was no electric lines. Where Ms. Politis'  
14 apartment was there was a complex of lines of gas, electric  
15 that needed to be cut off. There was - - - there was a  
16 full basement that had exits, emergency exits, that would  
17 have been blocked. The widening would have required the  
18 pin shoring. The widening would have required the removal  
19 of close to 150 residents. That's an undue hardship to the  
20 building's business which requires it to house people. In  
21 fact, the Politis - - -

22 JUDGE STEIN: But - - - but what - - -

23 MR. MEHLMAN: - - - were offered alternative - -  
24 - I apologize.

25 JUDGE STEIN: What you're - - - what you're



1 suggesting is that there was some evidence, but - - - but  
2 the Commission didn't have to accept that evidence when  
3 there was other evidence to the contrary, right?

4 MR. MEHLMAN: There was no evidence to the  
5 contrary. They looked at a different building in a  
6 different place under completely different circumstances  
7 and said if you could do it there then you could do it  
8 here. Saratovsky, the only structural engineer, said it  
9 couldn't be done. It's structurally infeasible. The  
10 building may collapse. People would have to be moved out.  
11 That was different because of the electric, gas, and the  
12 basement went all the way down so the pin shoring would  
13 have to go from the top of the building all the way down.  
14 Additionally, where the ramp would go would - - - would  
15 ease up against the building causing the building to  
16 collapse just from the building of the ramp up against the  
17 building.

18 JUDGE FAHEY: How many - - -

19 MR. MEHLMAN: In fact, the only - - -

20 JUDGE FAHEY: Excuse me. How many stories is the  
21 building?

22 MR. MEHLMAN: The building is I believe four  
23 stories. Four stories.

24 JUDGE FAHEY: Four stories.

25 MR. MEHLMAN: Including the basement, I think



1 it's four stories - - - four or five stories. There are  
2 pictures in the record. What's interesting is is though  
3 the Commission's architect to whom they rely upon in his  
4 first report didn't even mention this reasonable  
5 accommodation. In fact, it wasn't in his report. It was  
6 only after the Commission received the report that a member  
7 of the Commission staff sent an email to Mr. Geoxavier the  
8 architect - - - who by the way never went to the location,  
9 never visited the location, was unaware of the fact that  
10 the building was built with cinderblock which is obviously  
11 not a strong material. The Commission investigator  
12 emailed, and this is in the record at 896 to -97, can you  
13 at least reference the fact that to remove the window and  
14 replace it with a door appears quote "to be a reasonable  
15 accommodation"? The Commission itself, their  
16 investigators, told the expert what to put in his report  
17 and what conclusion to find.

18 JUDGE FAHEY: But isn't the problem for us - - -  
19 and even accepting the validity of your factual arguments,  
20 which you're going to know more about this than any of us  
21 here, isn't the problem with us really our question is  
22 really what's the standard of proof here and it seems that  
23 your argument requires us to weigh the opinions of two  
24 experts and decide which one makes more sense rather than  
25 just deciding whether or not the Commission had a rational



1 basis for the decision that they made?

2 MR. MEHLMAN: It's up to the court to look at - -  
3 -

4 JUDGE FAHEY: We would have to - - -

5 MR. MEHLMAN: I apologize.

6 JUDGE FAHEY: - - - say that - - - no, it's okay.  
7 We would have to say that the Commission's decision was  
8 essentially totally irrational, and can we do that on this  
9 record?

10 MR. MEHLMAN: Absolutely. The standard is  
11 substantial evidence. There is no evidence at all - - -  
12 and this is not burden-shifting in any way - - -

13 JUDGE FEINMAN: So - - - so you keep saying that  
14 and I think the - - - the question becomes do they need to  
15 have a like expert, you know, another structural engineer?  
16 Or is the testimony of their architects, who are concededly  
17 not structural engineers, enough?

18 MR. MEHLMAN: It's not - - -

19 JUDGE FEINMAN: Even if it's not how we would  
20 have reweighed it - - -

21 MR. MEHLMAN: If - - -

22 JUDGE FEINMAN: - - - or if we could reweigh it  
23 or how we would have weighed it in the first instance?

24 MR. MEHLMAN: It's not even the architect. The  
25 architect - - - there was an architect that was called by



1 the Commission, an architect that we engaged initially who  
2 made it clear I'm just an architect. When you remove walls  
3 of buildings you need to bring in a structural engineer.  
4 Look, can it be done? Anything's possible, but you have to  
5 consult with a structural engineer. What was my client  
6 supposed to do? They got a complaint from the Human Rights  
7 Commission. You have to blow through a kitchen window in  
8 the back of someone's apartment and build a ramp.

9 JUDGE WILSON: Well, why wouldn't - - - why  
10 wouldn't the - - -

11 MR. MEHLMAN: So the first thing they did is they  
12 - - - they engage a structural engineer.

13 JUDGE WILSON: Why wouldn't the simple thing - -  
14 - you said what your client has to do. Why wouldn't the  
15 simple thing to do - - - be to do to put it out for bid and  
16 see if anybody said yeah, I'll do this for X, or everybody  
17 said, you know, I can't do this except for maybe Y, you  
18 know, which is a huge amount of money or I can't do it at  
19 all?

20 MR. MEHLMAN: Before the construction crew has to  
21 come in you have to get a structural engineer, so they  
22 engage a structural engineer, Mr. Saratovsky. They said  
23 this is what we're being asked to do by the Commission, not  
24 the Buildings Department, not anyone with any expertise  
25 with regard to this building, by Human Rights Commission.



1 Can it be done? Saratovsky's the only person in the record  
2 that actually went down and visited the building because  
3 the Commission's expert did not. He assessed the entire  
4 situation. In fact, he even visited where the other - - -  
5 the management office. He went to the management office.  
6 He went in the crawlspace, and he recognized the difference  
7 of putting pin shoring in a place where the - - - the  
8 foundation is a few inches from the ground level as opposed  
9 to the foundation being in the basement.

10 JUDGE STEIN: But - - - but aren't you talking  
11 there then really about money? And - - - which is  
12 something that your client didn't make an issue in this  
13 case at all. So, you know, maybe it's a more extensive  
14 process to do this shoring with the different ways the  
15 buildings are - - - are constructed but doesn't mean it  
16 can't be done and it's not feasible. It may be it's just a  
17 lot more expensive, but we can't consider that issue here,  
18 right?

19 MR. MEHLMAN: It is nothing to do with money.  
20 This is nothing about the money. The Human Rights Law  
21 expressly states that "Such accommodation that can be made  
22 that shall not cause an undue hardship in the conduct of  
23 the covered entity's business."

24 JUDGE STEIN: Yes. No, I - - - I understand  
25 that.



1 MR. MEHLMAN: And including the factors - - -

2 JUDGE STEIN: It doesn't have to be financial,  
3 though.

4 MR. MEHLMAN: Absolutely not.

5 JUDGE STEIN: But here I'm having trouble  
6 separating them out and - - - and saying that financial has  
7 nothing to do with it because in fact one of the experts  
8 said if money was no object then, sure, we could do this.

9 MR. MEHLMAN: That's not what the record is - - -  
10 with all due respect to the court, that's not what the  
11 record was. The - - - the question was is it possible, and  
12 the expert said it's possible. And that's not the  
13 standard. Anything is possible. It's the nature and cost  
14 of the accommodation, the nature, and additionally, under  
15 the other factor in the Human Rights Law, it's the impact  
16 otherwise of such accommodation upon the operation of the  
17 facility. Here, there's no question that they would have  
18 to take out - - - close to a hundred other residents would  
19 have to be removed for close to six months even if this  
20 could be done.

21 JUDGE STEIN: Well, there was a question because  
22 some of the - - - the witnesses said, oh, this is - - -  
23 this is a piece of cake. This is - - - this is done all  
24 the time. You don't have to remove all these tenants.

25 MR. MEHLMAN: The person who said that was a





1 architect who admitted in the - - - on the record that  
2 certainly he would engage a structural engineer to get the  
3 structural engineer's point and, you know, recommendation  
4 regarding it. The individual who said it didn't even put  
5 this accommodation in his report until the Commission told  
6 him to reach - - - to reach this conclusion.

7 CHIEF JUDGE DIFIORE: Counsel, do you care to  
8 take another moment and address the burden-shifting  
9 argument or - - -

10 MR. MEHLMAN: There is no burden-shifting here.  
11 When the court - - - the Appellate Division says rebut,  
12 according to Black's Law Dictionary and the way attorneys  
13 operate, rebut means, "taking away the effect of  
14 something." So we met our burden. We met our burden,  
15 substantial evidence, structurally infeasible, structural  
16 engineer explaining why it's structurally infeasible to the  
17 tee over and over and over again. Because the Commission  
18 decided either to put on evidence or not to put on  
19 substantial evidence or not to put on evidence at all,  
20 that's up - - - what - - - to the Commission. That in no  
21 way shifts the burden, but rebut just means taking away the  
22 effect of something. And here, arguably, they took away  
23 the effect of nothing because there is no evidence.

24 The only evidence they continue to point to is  
25 the management office. Well, anyone could say, well, they



1 did it down the block why can't you do it here? We  
2 explained why it was different in detail. We examined the  
3 management office, and we entertained that as an option.  
4 And we explained by the substantial evidence why it's not.  
5 It's not two options here and the Commission decided one  
6 and the Appellate Division wrongfully decided the other.  
7 There really isn't only one option here. The substantial  
8 evidence expressly provides that this would either cause  
9 the building to collapse, necessitate the evacuation, or  
10 both, and that is an undue hardship. If I'm supposed to  
11 provide housing for people, I can't.

12 What's also important for the court to recognize  
13 is that the Politises were offered an apartment, a free  
14 move to a different apartment fifteen minutes away. Now I  
15 understand it wasn't the community that they wanted to  
16 remain in, but that was reasonable as opposed to causing a  
17 building to collapse or risking the collapse of a building  
18 and that building was completely accessible. And the rent  
19 was exactly the same, and the moving expenses were going to  
20 be paid for by my client as a reasonable accommodation  
21 recognizing that when a structural engineer tells an owner  
22 of the building don't do it, it's not feasible, the  
23 building may collapse, you're risking people's lives - - -

24 CHIEF JUDGE DIFIORE: Thank you, counsel.

25 MR. MEHLMAN: - - - I don't think they had much



1 of a choice.

2 CHIEF JUDGE DIFIORE: Thank you, sir.

3 MR. MEHLMAN: Thank you.

4 CHIEF JUDGE DIFIORE: Counsel, what about your  
5 colleague's emphasis on the removal of 150 residents in the  
6 building?

7 MS. FILLow: First of all, that was - - - that  
8 was not even the engineer's testimony. He said a couple of  
9 apartments. And when you look at why he thought that would  
10 - - - would be needed it's not very clear. He said the gas  
11 lines would have to be cut off at certain times, but he  
12 didn't say when. And certainly, there's no evidence that  
13 they had to evacuate tenants when they did it at the other  
14 building. And other evidence in the record shows that this  
15 kind of renovation is regularly done without requiring the  
16 evacuation of any tenants.

17 I would like to answer the question about the  
18 width of the door. In fact, there is actually evidence in  
19 the record that Ms. Politis' window is almost thirty-four  
20 inches wide, thirty-three-and-three-quarters, and that's at  
21 R-443 at 876. An ADA accessible door has to be thirty-two  
22 inches. That's in 28 CFR Part 36.

23 JUDGE WILSON: And that was Mr. Tilley's  
24 testimony also, I think, right, thirty-two inches?

25 MS. FILLow: That - - - exactly. That's exactly



1 right. This window does not have - - - there's no evidence  
 2 - - - well, the - - - some witnesses did testify that they  
 3 thought the window had to be widened, but they never  
 4 explained the basis of their belief for that. And the only  
 5 person to have measured the window shows that it is - - -  
 6 does not need to be widened. And that was actually much of  
 7 the reason for the engineer's belief that this work was  
 8 going to cause so much difficulty was his belief that the  
 9 window had to be widened which is not - - -

10 JUDGE WILSON: Which as I understood his  
 11 testimony, the pin shoring is dependent upon the need to  
 12 widen the opening, right? So if you - - -

13 MS. FILLow: Much of - - - much of his testimony  
 14 was based on that. He also did seem to believe that you  
 15 just cannot cut through cinderblock, but obviously, this  
 16 landlord found it feasible to cut through cinderblock - - -

17 JUDGE WILSON: Or - - -

18 MS. FILLow: - - - without imposing any hardship  
 19 on the - - -

20 JUDGE WILSON: Or didn't have to cut through the  
 21 cinderblock because the opening was already large enough.

22 MS. FILLow: Well, they still would need to cut  
 23 the blocks below the window, but it seems - - - I mean I'm  
 24 not a structural engineer - - -

25 JUDGE WILSON: Those blocks are not structural



1 vertical - - -

2 MS. FILLow: - - - but they're not as - - -

3 JUDGE WILSON: Yeah.

4 MS. FILLow: Those blocks are not - - - clearly  
5 not as important as the ones to the side of the window. I  
6 - - - my colleague here makes a big deal about the fact the  
7 architect versus a structural engineer, but in fact when we  
8 first proposed this accommodation they themselves hired an  
9 architect. They obviously thought an architect's opinion  
10 was worth something. And then when that report came back  
11 and said that this work was feasible they hid that report,  
12 and we had to get an ALJ to order them to turn it over.  
13 And that also shows that they believe that report does have  
14 evidentiary value.

15 And while that architect did say that he would  
16 hire a structural engineer it's very clear when you read  
17 his testimony at R-372 he would not hire the engineer to  
18 find out if this was feasible but how to do it, whether the  
19 work could be done without shoring or if shoring was  
20 needed. So there is certainly substantial evidence in the  
21 record here that they could do this work. We're not asking  
22 them to build the Brooklyn Bridge. We're asking them to  
23 turn a window into a door and install a ramp, something  
24 that they found feasible to do when it suited them, and  
25 their refusal to do it for Mrs. Politis is discrimination



1 and it's illegal.

2 CHIEF JUDGE DIFIORE: Thank you, counsel.

3 MS. FILLow: Thank you.

4 (Court is adjourned)

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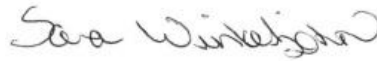
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C E R T I F I C A T I O N

I, Sara Winkeljohn, certify that the foregoing transcript of proceedings in the Court of Appeals of Matter of Marine Holdings, LLC v. New York City Commission on Human Rights, No. 45 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Signature: \_\_\_\_\_

Agency Name: eScribers

Address of Agency: 352 Seventh Avenue  
Suite 604  
New York, NY 10001

Date: April 01, 2018

