

Real Estate Bd. of N.Y., Inc. v City of New York

2016 NY Slip Op 32926(U)

June 23, 2016

Supreme Court, New York County

Docket Number: 160081/2015

Judge: Margaret A. Chan

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SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: MARGARET A. CHAN Justice

PART 52

REAL ESTATE BOARD OF NEW YORK, INC. Plaintiff,

INDEX NO. 160081/2015

- v -

MOTION DATE 06/01/2016

CITY OF NEW YORK, BILL DE BLASIO, ET AL., Respondents,

MOTION SEQ. NO. 001

Table with 3 columns: Description of papers, No(s), and DISMISS status. Includes rows for Notice of Motion/Petition/OSC - Affidavits - Exhibits, Answering Affidavits - Exhibits, and Replying.

Upon the foregoing papers, it is granted, as follows:

Plaintiff brings the instant action seeking declaratory judgment to annul Local Law 50 by alleging it violates the due process, equal protection and takings clauses of the Constitutions of the United States and the State of New York. In a related Article 78 proceeding where the parties were identical, petitioner sought to annul Local Law 50 on other grounds and respondents cross-moved to dismiss based on standing. The cross-motion was granted on June 20, 2016, by a decision and order of this court. So too do defendants argue here that standing is lacking. Pursuant to the same rationale provided in this court's June 20th decision and order, the motion to dismiss is granted as plaintiff failed to establish that it has standing to raise these challenges to Local Law 50 on behalf of its members.

Accordingly, the motion to dismiss is granted and this action is dismissed in its entirety.

This constitutes the decision and order of the court.

DATE: 6/23/2016

Signature of Margaret A. Chan, DCM, JSC

- 1. CHECK ONE : [X] CASE DISPOSED [] NON-FINAL DISPOSITION
2. APPLICATION : [X] GRANTED [] DENIED [] GRANTED IN PART [] OTHER
3. CHECK IF APPROPRIATE : [] SETTLE ORDER [] SUBMIT ORDER
[] DO NOT POST [] FIDUCIARY APPOINTMENT [] REFERENCE