

Junmei Zhang v City of New York

2021 NY Slip Op 32257(U)

November 5, 2020

Supreme Court, New York County

Docket Number: Index No. 157088/2015

Judge: Francis A. Kahn III

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. FRANCIS A. KAHN, III PART IAS MOTION 32
Justice
INDEX NO. 157088/2015
MOTION DATE 09/15/2020
MOTION SEQ. NO. 007

JUNMEI ZHANG,
Plaintiff,
- v -
THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF HOMELESS SERVICES, ACACIA
NETWORK HOUSING, INC., BASIC HOUSING INC.,

DECISION + ORDER ON MOTION

Defendant.

The following e-filed documents, listed by NYSCEF document number (Motion 007) 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 228, 229, 230, 231, 232, 234, 235

were read on this motion to/for RENEW/REARGUE/RESETTLE/RECONSIDER

Upon the foregoing documents the motion and cross-motion are determined as follows:

The branch of Plaintiff's motion for leave to reargue and/or modification of this court's decision and order dated June 1, 2020 is granted in light of the repeal of Civil Rights Law §50-a which occurred after this court rendered its decision. Upon re-argument, the branch of Plaintiff's underlying motion for production of Police Officer Longo's personnel records from the New York City Police Department and from the Civilian Complaint Review Board is granted.

The court's underlying determination that these records "were not material and necessary to this action" was made considering the confidentiality conferred by Civil Rights Law §50-a, the legislative history underlying that statute and the cases that confirmed and expanded that statutory privilege against disclosure. Recently, the legislature, by votes of wide margins in both the Assembly and Senate, approved repeal of Civil Rights Law §50-a as part of a package of law enforcement reforms which Governor Andrew Cuomo signed into law. In light of the repeal of Civil Rights Law §50-a, these records are not only discoverable in court proceedings, but are subject to Freedom of Information Law requests under Public Officers Law §84-90.

Defendant City of New York's objections to disclosure of these records are unavailing and more appropriately addressed to the trial court when the relevance and admissibility of those records at trial are at issue. Accordingly, Defendant City shall respond to Plaintiff's demands for

1 Repealed on June 12, 2020.
2 https://www.nydailynews.com/news/politics/ny-cuomo-police-reform-disciplinary-records-20200612-5zryohkuwjew7ksjowhtswmsk4-story.html

Police Officer Longo's personnel records from the New York City Police Department and from the Civilian Complaint Review Board within 45 days of the date of e-filing of this order.

The branch of the cross-motion for an *in camera* review of the records prior to release is denied, but the branch of the cross-motion for an extension of time to conduct the deposition of Officer Longo is granted. The deposition of Officer Longo shall be conducted on or before January 29, 2021.

All other discovery shall be completed on or before February 26, 2021.

A note of issue shall be filed on or before February 27, 2021.

11/5/2020
DATE


CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

<input type="checkbox"/>	CASE DISPOSED	
<input type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED
<input type="checkbox"/>	SETTLE ORDER	
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	

<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/> OTHER
<input type="checkbox"/>	SUBMIT ORDER	
<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE


 FRANCIS A. KAHN III, A.J.S.C.
HON. FRANCIS A. KAHN III
J.S.C.