

Anil v City of New York

2025 NY Slip Op 34500(U)

November 25, 2025

Supreme Court, New York County

Docket Number: Index No. 157736/2022

Judge: Carol Sharpe

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

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

PRESENT: HON. CAROL SHARPE PART 52M

Justice

-----X

MERIH ANIL,

Plaintiff,

- v -

THE CITY OF NEW YORK, STEVEN BANKS AS THE
FORMER COMMISSIONER THE NEW YORK CITY
DEPARTMENT OF SOCIAL SERVICES HUMAN
RESOURCES ADMINISTRATION, DENITA WILLIAMS,
KRISTEN MITCHELL, MARTHA KENTON,

Defendant.

-----X

INDEX NO. 157736/2022
MOTION DATE 08/04/2025
MOTION SEQ. NO. 005

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 005) 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 202, 203, 204, 205, 207, 208, 209

were read on this motion to/for DISCOVERY.

Upon the foregoing documents, plaintiff's motion is granted.

Pro se plaintiff seeks an Order to compel defendant The City of New York ("The City") to produce former Commissioner of New York City Department of Social Services/Human Resources administration (DSS/HRA) Steven Banks for a deposition pursuant to CPLR §3101 and 3124. The City filed opposition. Plaintiff filed a reply.

Plaintiff Merih Anil commenced this action by filing a summons and complaint on September 10, 2022 (NYSCEF Doc. #1), in which she alleges to have suffered employment discrimination and retaliation on the basis of national origin, gender, and age upon being denied promotions and salary increases while an employee with DSS/HRA. Additionally, plaintiff alleges that The City failed to formally complete the agency Equal Employment Opportunity (EEO) review for the EEO complaints plaintiff filed against DSS/HRA.

On February 11, 2023, plaintiff filed a First Amended Complaint (NYSCEF Doc. #37), in which among other things, Mr. Banks was added as a named defendant. Pursuant to Order dated October 23, 2023, plaintiff's claims for discrimination on the basis of national origin and gender under New York State Human Rights Law ("SHRL") and New York City Human Rights Law ("CHRL") along with the first, second, and seventh causes of actions within the First Amended Complaint were dismissed. Plaintiff's claims for age discrimination and retaliation for failure to promote were not dismissed. The City filed its answer on November 16, 2023 (NYSCEF Doc. #75).

At the preliminary conference held in the DCM part on January 17, 2024, the parties entered into a So-Ordered Case Scheduling Order ("CSO") in which they agreed, among other things, that the depositions of defendants shall take place on or before June 3, 2024 (NYSCEF Doc. #82, ¶5(a)). Additionally, the parties were to appear for a compliance conference in the DCM part on April 17, 2024, at 2:30pm (NYSCEF Doc. #82, ¶9). On February 4, 2024, plaintiff filed Plaintiff's First Notice for Discovery and Inspection Interrogatories (NYSCEF Doc. #83), and Plaintiff's First Notice to Take Deposition (NYSCEF Doc. #86), in which she sought to take the depositions of, among others, named defendants Steven Banks, Denita Williams, in addition to Patricia Collins. On February 11, 2024, plaintiff filed a Notice of Intention (NYSCEF Doc. #88), with a letter from The City attached in which she stated that The City served their responses and objections to Plaintiff's First Notice to Take Deposition via email on February 8, 2024, and that they object to the Examination Before Trial ("EBT") of namely Steven Banks, among others, absent a court order.

On April 17, 2024, the parties entered into a So-Ordered Stipulation and Order (NYSCEF Doc. #107), in which they agreed, among other things, that "the plaintiff shall take Defendant's depositions on or before September 15, 2024." On June 9, 2024, plaintiff filed Plaintiff's Revised

(Second) Notice to Take Deposition (NYSCEF Doc. #110), in which she listed the names of the persons whose depositions she intended to take by September 15, 2024, including Denita Williams and Patricia Collins.

On July 23, 2025, at a court conference on the record, the parties entered into another So-Ordered Stipulation and Order in which they agreed, among other things, that by September 15, 2025, plaintiff would provide no more than 25 questions each for written depositions of Denita Williams and Patricia Collins, that plaintiff would file a motion to compel the deposition of Steven Banks by September 15, 2025, and that the parties would appear on October 1, 2025 for oral argument. (NYSCEF Doc. #201, ¶1-2).

In support of the motion plaintiff submitted, among other things, the EBT transcripts of Monique Quinones-Jackson, Athina McBean, Stan J. Hryckowian, Charles Winkler, Martha Kenton, and Kristen Mitchell employees of DSS/HRA. Plaintiff contends that Steven Banks is a named defendant in this action and as former Commissioner of DSS/HRA he failed to fully and fairly investigate her EEO complaints filed on October 11, 2019, and on August 31, 2020. Plaintiff further contends that Mr. Banks, was the agency head overseeing the EEO office, and as such he knew about her complaints, had personal involvement, and that the defendants aided and abetted each other in the unlawful actions taken against her. Additionally, plaintiff states that the witnesses who have already submitted to EBTs lack knowledge of Mr. Banks involvement and that the deposition of Mr. Banks would meet the “exceptional circumstances” standard because he has unique knowledge regarding the establishment of a “joint management structure” of HRA and DHS and restructuring of the EEO and Human Resources Offices under DSS.

The City opposed the motion on the grounds that as the former Commissioner, Steven Banks’ testimony is not material and necessary to this action, nor has plaintiff clearly articulated

what necessary information she is seeking that is relevant to her surviving claims such that he should be compelled to appear for a deposition. The City further argues that while Mr. Banks is a named defendant in this action, plaintiff does not actually allege that he discriminated or retaliated against her in his individual capacity. Rather, plaintiff makes clear that she is suing Mr. Banks in his official capacity as the former Commissioner of DSS/HRA, and as an extension of The City.

CPLR 3101 (a), provides that, “[t]here shall be full disclosure of all matter material and necessary in the prosecution or defense of an action, regardless of the burden of proof.” Material and necessary are “to be interpreted liberally to require disclosure, upon request, of any facts bearing on the controversy which will assist preparation for trial by sharpening the issues and reducing delay and prolixity. The test is one of usefulness and reason.” (*Allen v Crowell-Collier Publ. Co.*, 21 NY2d 403, 406, 235 NE2d 430, 288 NYS2d 449 [1968]). “Under our discovery statutes and case law, competing interests must always be balanced; the need for discovery must be weighed against any special burden to be borne by the opposing party” [internal citation omitted] (*Forman v Henkin*, 30 NY3d 656, 662, 70 NYS3d 157 [2018]). Here, the deposition testimony of Monique Quinones-Jackson revealed that the applicable EEO policy manual states: “The Commissioner and the general counsel reviewed the findings and recommendations made by the EEO office. The Commissioner may approve the findings and recommendations and, if warranted, may direct that disciplinary action be pursued consistent with the due process, rights of the respondent employee” (NYSCEF Doc. #187, pages 35-36). The policy manual also states: “The Commissioner will review and sign all the EEO plans and complaint resolutions” (*id.* at 36 -37). Based on this deposition testimony regarding the EEO policy, this Court finds the deposition of Steven Banks to be material and necessary in this action.

Accordingly, it is hereby

ORDERED, that The City will produce Steven Banks as a witness, who shall appear for a deposition to be held virtually on or before December 9, 2025; it is further

ORDERED, that the plaintiff will provide The City with 25 written interrogatories each for both Denita Willaims and Patricia Collins on or before December 9, 2025; it is further

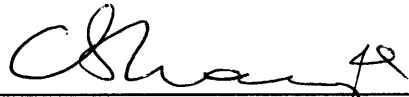
ORDERED, that The City will provide formal responses to the written interrogatories of both Denita Willams and Patrica Collins, to the extent not previously provided, no later than December 10, 2025; and it is further

ORDERED, that the parties are to appear for a status conference on December 10, 2025, at 11:30 pm in Part 52, located at 111 Centre Street, Rm. 1045, New York, New York.

This constitutes the Order of the Court.

E N T E R:

November 25, 2025
DATE


HON. CAROL SHARPE, J.S.C.
HON. CAROL SHARPE
J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
APPLICATION:	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>		<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>		<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE