

Anil v City of New York
2026 NY Slip Op 31366(U)
April 2, 2026
Supreme Court, New York County
Docket Number: Index No. 157736/2022
Judge: Carol Sharpe
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**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.

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INDEX NO. 157736/2022
MOTION DATE 01/26/2026
MOTION SEQ. NO. 007

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 007) 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 247

were read on this motion to/for INJUNCTION/RESTRAINING ORDER.

Upon the foregoing documents, the Order to Show Cause is denied.

Self-represented plaintiff, Merih Anil, filed an emergency Order to Show Cause with Temporary Restraining Order (“OSC”) (Motion Sequence #7) seeking an order enjoining Defendants or any of their agents from taking any steps to appoint Steven Banks as Corporation Counsel for the City of New York, pursuant to CPLR §§ 6301, 6313 and 7803. A hearing was scheduled for January 28, 2026, at which the parties appeared. The City of New York (“The City”) filed opposition.

Plaintiff commenced a lawsuit against the defendants on September 10, 2022, alleging employment discrimination and retaliation while being employed at New York City’s Department of Social Services/Human Resource Administration (“DSS/HRA”), on the basis of national origin, gender and age in violation of New York State Human Rights Law (“NYSHRL”) and New York City Human Rights Law (“NYCHRL”). Pursuant to an Order dated October 23, 2023, all of

plaintiff's claims were dismissed except for age discrimination and retaliation, and The City filed an answer on November 16, 2023.

Plaintiff filed a motion on August 4, 2025 (Motion Sequence #5), seeking to compel the deposition of Steven Banks, who is a named defendant in this lawsuit as he was the Commissioner of DSS/HRA at the time of the alleged discrimination. By Order of this Court dated November 25, 2025, plaintiff's motion was granted, and The City was ordered to produce Steven Banks for a deposition to be held by December 9, 2025. The deposition was not held as The City's appeal of the Order is pending before the Appellate Division, First Department.

In this OSC, plaintiff seeks a stay of the City Council's hearing to confirm Steven Banks as Corporation Counsel of The City of New York on the grounds that he may be found liable for employment discrimination in this matter which would then result in him being disqualified from serving as Corporation Counsel, and that the status quo should be maintained with the then Corporation Counsel remaining during the pendency of this case. The City opposes the OSC on the grounds that it presents a non-justiciable political question to the Court, and that plaintiff failed to establish her entitlement to a preliminary injunction.

It is well established that the courts, as the judicial branch of the government, should not be involved in matters that are traditionally managed by the legislative and executive branches of government. "[T]he court as a policy matter, even apart from principles of subject matter jurisdiction, will abstain from venturing into areas if it is ill-equipped to undertake the responsibility and other branches of government are far more suited to the task (*United States v Sisson*, 294 F Supp 511, 515)" (*Jones v Beame*, 45 NY2d 402, 408-409 [1978]). "Not only is the situs of responsibility elsewhere, but the judicial process is not designed or intended to assume the management and operation of the executive enterprise" (*id.*; see also *Abrams v N.Y. City Transit*

Auth., 39 NY2d 990, 992-993 [1976] [“Standing, however, has not and should not be extended to substitute judicial oversight for the discretionary management of public business by public officials...[i]t is with those agencies directly, not the judiciary, that members of the public must lodge their complaints.”]). Here, the fact that Steven Banks, a named defendant in a pending lawsuit, does not give this Court the authority to suspend or halt the City Council’s process of confirming his nomination as Corporation Counsel. Plaintiff was so advised on the record at the hearing held on January 28, 2026. Plaintiff was also told that this Court had no knowledge of the City Council’s advice and consent process and whether she could participate in the hearing as it was outside of the jurisdiction of the court.

CPLR § 6301 states that:

“A preliminary injunction may be granted in any action where it appears that the defendant threatens or is about to do, or is doing or procuring or suffering to be done, an act in violation of the plaintiff’s rights respecting the subject of the action, and tending to render the judgment ineffectual, or in any action where the plaintiff has demanded and would be entitled to a judgment restraining the defendant from the commission or continuance of an act, which, if committed or continued during the pendency of the action, would produce injury to the plaintiff. A temporary restraining order may be granted pending a hearing for a preliminary injunction where it appears that immediate and irreparable injury, loss or damage will result unless the defendant is restrained before the hearing can be had.”

“To be entitled to a preliminary injunction, the moving party must demonstrate (1) a likelihood of success on the merits, (2) irreparable injury if provisional relief is not granted and (3) that the equities are in his favor (*Grant Co. v Srogi*, 52 NY2d 496, 517)” (*J. A. Preston Corp. v Fabrication Enterprises, Inc.*, 68 NY2d 397, 406 [1986]; see *Penthouse Terraces, Inc. v McGrath*, 163 AD2d 144, 146 [1st Dept 1990]). Here, plaintiff has not provided sufficient evidence that the nomination and appointment of Steven Banks as Corporation Counsel will cause her irreparable injury, or threaten to or violate her rights, or that it will impact her pending lawsuit at all.

Accordingly, it is hereby

ORDERED, that the relief requested in plaintiff's OSC is denied in its entirety; it is further

ORDERED, that plaintiff, within twenty (20) days of the date of this Order, shall serve this Order with Notice of Entry on The City and the Clerk of the General Clerk's Office, and file proof of service within (10) days from effectuating said service; and it is further

ORDERED, that service of this Order upon the Clerk of the General Clerk's Office shall be made in hard-copy format if this action is a hard-copy matter or if it is an e-file case, shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-filing" page on the court's website).

This constitutes the Decision and Order of the Court.

4/2/2026
DATE


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

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