

**Anthony v New York State Dept. of Corrs.  
& Community Supervision**

2026 NY Slip Op 32060(U)

April 23, 2026

Supreme Court, Kings County

Docket Number: Index No. 512871/2024

Judge: Brian L. Gotlieb

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: PART CCP-OA

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Index Number: 512871/2024

MAURICE ANTHONY, COREY ALLEN, ANNA  
ADAMS, ANDY GNECO, ANDRE GREENE, ERIC  
LEE, STEPHANIE PENA, ALTEREAK  
WITHERSPOON, on behalf of themselves and all  
others similarly situated,

Motion Calendar Number: 1  
Motion Sequence Number: 007

Plaintiff,

**AMENDED DECISION AND ORDER**

-against-

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND COMMUNITY SUPERVISION,  
DANIEL F. MARTUSCELLO III , ACTING  
COMMISSIONER, NEW YORK STATE DEPARTMENT  
OF CORRECTIONS AND COMMUNITY SUPERVISION,  
NEW YORK STATE OFFICE OF MENTAL HEALTH,  
ANNE MARIE SULLIVAN, COMMISSIONER, NEW  
YORK STATE OFFICE OF MENTAL HEALTH

Defendants.

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Recitation, as required by CPLR §2219(a), of the papers considered in review of these motions are, as follows:

PAPERS	NYSCEF DOCUMENT NUMBERS
Plaintiff’s Motion to Compel	198-212
Defendant’s Opposition	213
Plaintiff’s Reply	214

Pursuant to the foregoing papers and argument held on March 12, 2026, the Decision and Order on plaintiffs’ motion to compel defendant New York State Department of Corrections and Community Supervision (“DOCCS”) to produce the discovery “specified in the annexed Memorandum of Law,” is, as follows:

While CPLR 3101(a) provides for full disclosure of all evidence material and necessary to the prosecution or defense of an action in discovery, it does not require unlimited disclosure *Conte v. County of Nassau*, 87 A.D.3d 558 (2d Dep’t, 2011); *Constantino v. Dock’s Clam Bar & Pasta House*, 60 A.D.3d 612 (2d Dep’t, 2009); *Karanikolas v. Elias Taverna, Ltd. Liab. Co.*, 128 A.D.3d 905, (2d Dep’t, 2015). The trial court has broad discretion over the supervision of disclosure *Conte v. County of Nassau, supra*; *Constantino v. Dock’s Clam Bar & Pasta House, supra*; *Karanikolas v. Elias Taverna, Ltd. Liab. Co., supra*.

On or before July 31, 2026, defendant DOCCS shall complete a diligent search for the following productions and shall state, in writing, whether said searches identified any responsive documents on or before August 31, 2026. Defendant shall complete production of any responsive documents, to the extent not yet provided:

1. Orientation Manuals and Policy & Procedure Manuals for each housing unit in each Correctional Facility, including but not limited to those identified in plaintiff's February 16, 2026, letter to DOCCS, pursuant to RFP 15 (NYSCEF Doc 201).
2. Directives, policies, procedures, manuals, forms, and guidance that concern the use of a "No SHU Cell" or "SHU Cell Ineligible" indicator in DOCCS' electronic incarcerated management system pursuant to RFP 32 (NYSCEF Doc 201).
3. Directives, policies, procedures, manuals, forms, and guidance that concern the admission criteria for the specialized units listed in RFP 33 and identified as outstanding in Plaintiff's February 16, 2026, letter to DOCCS, as well as a written supplemental response indicating which if any produced documents defendant DOCCS believes are responsive to RFP 33 (NYSCEF Doc 201).
4. All directives, policies, procedures, manuals, forms, and guidance that concern the use of recreation pens in Correctional Facilities, pursuant to RFP 34 (NYSCEF Doc 201).
5. Documents sufficient to show the housing units in which Congregate Recreation is not provided, disaggregated by Correctional Facility, pursuant to RFP 35 (NYSCEF Doc 201).
6. Documents sufficient to show requests for reasonable accommodations made by and medical permits issued to individuals in SHU, including any documents sufficient to show whether mobility aids have been issued to individuals in SHU, pursuant to RFPs 43 and 44 (NYSCEF Doc 201).

On or before June 1, 2026, plaintiffs shall identify in writing the grievances to be produced by defendant DOCCS. On or before August 7, 2026, defendant DOCCS shall produce grievance logs for the named plaintiffs from all facilities where they have been housed.

On or before August 7, 2026, defendant DOCCS shall complete production of the following requests, to the extent not yet provided:

7. All Residential Rehabilitation Unit Activity Logs, as referenced in DOCCS Directive 4933D for each of the 33 housing settings in the 21 prisons set forth in Annex 1 to this Order for the period of January 1, 2024, to present, pursuant to RFP 16 (NYSCEF Doc 201).
8. For each of the 33 housing settings in the 21 prisons set forth in Annex 1 to this Order for the period of January 1, 2024, to present, pursuant to RFP 22 (NYSCEF Doc 201):
  - a. Housing logs/logbooks and program area logs/logbooks, including without limitation those referenced in DOCCS Directives 4008 and 4091.
  - b. Program attendance logs/logbooks and schedules, including, without limitation, educational and vocational logs/logbooks and schedules.
  - c. Activity logs and schedules.

- d. Program assignment records, including without limitation educational and vocational assignment records.
  - e. Recreation attendance logs/logbooks.
  - f. Movement logs/logbooks.
  - g. Out-of-cell spreadsheets, as that term is used in the OIG Report; and
  - h. Grievance logs.
9. Documents sufficient to show the length of out-of-cell programming and congregate recreation offered to each person in each housing unit on a daily basis, and the length of time spent out of cell for each of the 33 housing settings in the 21 prisons set forth in Annex 1 to this Order for the period of January 1, 2024 to present, pursuant to RFP 24 (NYSCEF Doc201).
  10. Facility-specific organizational charts for these 21 prisons in Annex 1 pursuant to RFPs 7, 8, 9, and 10 (NYSCEF Doc 201). In lieu of document production, Defendants may instead provide written, sworn, and complete responses.
  11. All emails responsive to plaintiffs' search terms 1-24 (regarding the named plaintiffs) for the Central Office custodians identified in plaintiffs' September 4, 2025, letter to DOCCS, pursuant to RFPs 47 and 48.

On or before July 9, 2026, defendant DOCSS shall generate a "Health Services System Report of Under Custody Inmates" report or similar printout (indicating, incarcerated individuals' DINs, names, facilities, and housing units) for each of the medical problem codes identified in Annex 2 to this Order, at every DOCCS facility for the first of each month from April 2022 through the date of this Order, pursuant to RFP's 37 and 39 (NYSCEF Doc 201). On or before August 7, 2026, defendant DOCSS shall produce said reports. Production under this Order is not an admission by defendant DOCSS that any of the medical problem codes in Annex 2 constitute a "disability" for purposes of this litigation,

Accordingly, plaintiff's motion is **GRANTED** to the extent listed above. Additional parts of this motion have been resolved in two separate orders (NYSCEF Docs 229 and 231).

Any remaining contentions not addressed here or in those orders are denied.

It is also ordered that the Compliance Conference, previously scheduled for July 8, 2026, is adjourned to September 30, 2026 and that the time to file the Note of Issue is extended to April 30, 2027.

This constitutes the Decision and Order of the Court.

Dated: April 23, 2026  
Brooklyn, NY

*Hon. Brian L. Gottlieb, JSC*

HON. BRIAN L. GOTTLIEB, J.S.C

**Annex 1 – Prisons and Housing Settings**

1. Albion – General Population (GP)
2. Attica – Residential Rehabilitation Unit (RRU), Intermediate Care Program (ICP)
3. Auburn – General Population (GP), Residential Rehabilitation Unit (RRU), Intermediate Care Program (ICP)
4. Bedford Hills - Residential Rehabilitation Unit (RRU), Intermediate Care Program (ICP); Regional Medical Unit (RMU)
5. Cape Vincent – General Population – Restricted Unit (GPRU)
6. Clinton - General Population (GP), Intermediate Care Program (ICP), Long Term Protective Custody, Transitional Special Needs Unit (TRSNU)
7. Collins - General Population (GP), Residential Rehabilitation Unit (RRU)
8. Coxsackie – General Population (GP), Residential Mental Health Unit (RMHU)
9. Elmira - General Population (GP), Residential Rehabilitation Unit (RRU)
10. Fishkill - Residential Rehabilitation Unit (RRU), Unit for the Cognitively Impaired
11. Gouverneur – General Population – Restricted Unit (GPRU)
12. Lakeview – Step-Down Program (male)
13. Marcy - Residential Mental Health Unit (RMHU)
14. Mid-State – Step-Down Program (SDP)
15. Sing Sing - General Population (GP), Residential Rehabilitation Unit (RRU)
16. Taconic – General Population (GP)
17. Ulster – General Confinement – Restricted Unit (GCRU)
18. Upstate – Residential Rehabilitation Unit (RRU)
19. Wallkill – General Population (GP)
20. Washington – General Population – Restricted Unit (GPRU)
21. Wende – Regional Medical Unit (RMU)

Annex 2: Medical Problem Codes

294- Organic psychosis excl alcoholic 295- Schizophrenia all types  
296- Psychoses affective  
298- Psychosis NOS excluding alcoholic 301- Personality & character disorder 312- Behavior disorder  
NOS  
315- Learning Disturbance NOS 316- Serious mental disorder NOS 317- Mental retardation  
345- Epilepsy  
519- Respiratory System Disease Chronic 714- Arthritis rheumatoid  
715- Osteoarthritis NOS 721- Osteoarthritis of spine  
725- Arthritis NOS/Diff. Conn. Tissue D 959- Major physical disability  
2501 Diabetes Type I  
2502 Diabetes Type II  
2503 Diabetes Type II w/insulin  
2505 Diabetes other  
2770 Cystic Fibrosis  
2940 Dementia Senile  
2941 Dementia Alzheimer  
2942 Dementia NOS  
3000 Anxiety neurosis  
3001 Neuroses hysterical & hypochondria  
3004 Depressive disorder  
3009 Neurosis NOS  
3100 Mental disorders NOS  
3382 Chronic pain (Non-cancer related)  
3383 Chronic pain (Cancer related)  
3421 Paraparesis  
3439 Cerebral palsy  
3440 Quadraplegia  
3441 Paraplegia  
3442 Hemiplegia  
3481 Anoxic brain damage  
3590 Muscular dystrophy  
3690 Blind, one eye  
4360 Cerebrovascular accident/Stroke  
4932 Asthma/Moderate Persistent  
4934 Asthma/Severe Persistent  
5000 Respiratory System Disease NOS  
7101 Systemic Lupus Erythematosus (SLE)  
7161 Arthritis Traumatic  
7410 Spinal bifida  
7803 Seizure disorder NOS  
7834 Lack of Expected Physiological Dev

**Annex 2: Medical Problem Codes cont.**

9520 Spinal cord injury  
9981 Suicide Attempt  
B240 Legal Blindness  
HL10 Hearing loss/Deaf  
HL20 Hearing loss/Hard of hearing  
HL30 Hearing loss/non-significant  
V10- Observ/Care other hi risk patient  
V14- Observ/Care pt on hi risk medication  
V100 Continuous O2 therapy  
V230 Severe visual impairment  
V399 Dialysis  
V462 Supplemental oxygen  
V521 Prosthesis custom fitted/implanted  
V562 S/P Amputation NOS  
V564 S/P Cochlear implant  
V623 Educational problem  
V624 Social maladjustment  
V795 TENS Unit Use  
V796 Hearing aid use  
V798 Ambulatory aid use  
V799 Physical impairment  
V798 Ambulatory aid use  
V799 Physical impairment <1 flight stair  
V8PI Wheelchair permit issuance  
V801 Wheelchair required independent ADL  
V802 Wheelchair required not independent ADL  
V803 Wheelchair use long distance  
V939 Antipsychotic medication use  
SHU- SHU medically contraindicated