

1996 WL 627730

Only the Westlaw citation is currently available.  
United States District Court, S.D. New York.

Juana MOREL, Elizabeth Simmons, Pamela Thomas, Norma Cintron, on their own behalf and on behalf of all others similarly situated, Plaintiffs,

v.

Rudolph W. GIULIANI, as mayor of the City of New York; Marva Livingston Hammons, as Commissioner of the New York City Department of Social Services; and Michael J. Dowling, as Commissioner of the New York State Department of Social Services, Defendants.

No. 94 Civ. 4415 (JFK).

March 15, 1996.

*AMENDED PRELIMINARY INJUNCTION ORDER*

KEENAN, District Judge:

\*1 This is an action brought pursuant to 42 U.S.C. § 1983, alleging that the New York State and New York City Departments of Social Services fail to provide the plaintiff class with “aid-continuing” as required by federal and state law. Defendants are Brian J. Wing, as the Acting Commissioner of the New York State Department of Social Services (“the State Defendant”)<sup>1</sup> and Rudolph W. Giuliani, as Mayor of the City of New York, and Marva Livingston Hammons, as the Commissioner of the New York City Department of Social Services (collectively with defendant Giuliani, the “City Defendants”).

On January 4, 1995, this Court certified the case as a class action as follows:

All residents of New York City  
who have received or will receive

AFDC, Food Stamp or Home Relief benefits who have requested, are requesting, or will request a fair hearing in response to an action by the City agency to discontinue, suspend, reduce, or restrict benefits and are entitled to aid continuing.

On January 4, 1995, this Court granted plaintiffs’ motion for a preliminary injunction, directing the defendants, inter alia, to (1) provide aid-continuing benefits to all named plaintiffs within two weeks; (2) to provide aid-continuing benefits to informal intervenors; (3) take every measure to timely comply with the applicable mandates for the provision of aid continuing benefits; and (4) restrain redeployment or reduction of staff necessary for the provision of aid continuing pending Court approval of a report addressing with specificity and substance the methods by which the City agency will rectify its failure to provide aid continuing on a timely basis.

By order, dated January 24, 1995, the Honorable John F. Keenan appointed Special Master Kenneth Feinberg to assist the parties in developing a plan “to ensure that defendants provide aid continuing in a timely manner to the class members and to give the City agency and the City Mayor the cost savings associated with their redeployment plan.”

NOW, the Special Master having filed a report and recommendation which includes a comprehensive plan contained in the Principles of Agreement dated February 21, 1996, for the prompt direction of aid continuing and the implementation of aid continuing by the defendants, it is hereby

ORDERED that the preliminary injunction of January 4, 1995 is modified to the extent that the stay of the Defendants’ redeployment and reduction of staff is hereby vacated; and it is further,

ORDERED that Defendants, RUDOLPH W. GIULIANI, as Mayor of the City of New York; MARVA LIVINGSTON HAMMONS, as Commissioner of the New York City Department of Social Services; and BRIAN J. WING, as Commissioner of the New York State Department of Social Services, their agents, servants, attorneys, employees, and all those in active

concert and participation with them be, and they hereby are, pending further order of this Court or the trial of this matter, enjoined timely to process fair hearing requests, to direct aid continuing, and to implement aid continuing pursuant to the Principles of Agreement; and it is further,

**\*2** ORDERED that this matter is referred to Magistrate Judge Theodore H. Katz for preparation for trial not later than March 1, 1998.

SO ORDERED.

**All Citations**

Not Reported in F.Supp., 1996 WL 627730

**Footnotes**

- <sup>1</sup> Brian J. Wing is being substituted for Michael J. Dowling as the Commissioner of the New York State Department of Social Services pursuant to Fed.R.Civ.P. 25(d).