

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

DISABILITY RIGHTS NEW YORK,

Plaintiff,

**Case No. 7:16-cv-003396-KMK**

-against-

**MOTION FOR  
PRELIMINARY INJUNCTION**

FERNCLIFF MANOR FOR  
THE RETARDED, INC. D/B/A S.A.I.L.  
AT FERNCLIFF MANOR, and  
WILLIAM J. SAICH, in his official  
capacity as Executive Director of  
FERNCLIFF MANOR FOR  
THE RETARDED, INC. D/B/A  
S.A.I.L. AT FERNCLIFF MANOR,

Defendants.

-----X

Plaintiff hereby moves pursuant to Fed. R. Civ. P. 65(a) for a preliminary injunction as set out below and for the reasons set out in the accompanying *Affidavits of Tim Clune, Jennifer Monthie, Anastasia Holoboff and Stefen Short*, and *Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction*.

For the reasons stated in its supporting Memorandum, Plaintiff requests the Court set a schedule for the parties to brief and argue, on an expedited basis, the issuance of a preliminary injunction enjoining Defendants from denying Disability Rights New York (DRNY) access to client records that DRNY has federal authority to access; denying DRNY access to contact information for students and residents that DRNY has federal authority to access; denying DRNY access to the Defendants' school and residential locations that DRNY has federal authority to

access; interfering with DRNY's monitoring of the Defendants' school and residential locations for which DRNY has federal authority; interfering with DRNY's duty to investigate allegations of abuse and neglect of persons with disabilities for which DRNY has federal authority.

Plaintiff submits that it meets the standards for a preliminary injunction, as Plaintiff has likelihood of success on the merits, will suffer irreparable harm without the Court's intervention, the balance of hardship weigh heavily in favor of DRNY, and the provision of preliminary relief serves the public interest.

Oral argument is requested on this motion because of the legal arguments involved in this case.

A proposed preliminary injunction order is attached.

Dated: May 13, 2016  
Brooklyn, New York

Respectfully submitted,

**/s/ Anastasia L. Holoboff**

ANASTASIA L. HOLOBOFF (AH8069)  
JONATHAN GARVIN (JG6299)  
DISABILITY RIGHTS NEW YORK  
25 Chapel Street, Suite 1005  
Brooklyn, New York 11201  
(518) 432-7861  
(718) 797-1161 (fax) (not for service)

JENNIFER MONTHIE (JM4077)  
CLIFF ZUCKER (CZ2254)  
DISABILITY RIGHTS NEW YORK  
725 Broadway, Suite 450  
Albany, New York 12207  
(518) 432-7861  
(518) 427-6561 (fax) (not for service)

*Attorneys for Plaintiff*