

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

-----X
CITY OF NEW YORK,

Plaintiff,

-against-

SUMMONS

Index No.:

CORRECTION OFFICERS' BENEVOLENT ASSOCIATION ("COBA"); NORMAN SEABROOK, individually and as President of COBA; ELIAS HUSAMUDEEN individually and as the First Vice President COBA; JOSEPH BRACCO individually and as Second Vice-President of COBA; ELIZABETH CASTRO individually and as Third Vice-President of COBA; MICHAEL MAIELLO individually and as Treasurer of COBA; KENYATTA JOHNSON individually and as First Citywide Trustee of COBA; AMELIA WARNER individually and as Financial Secretary of COBA; KAREN D. BELFIELD individually and as Recording Secretary of COBA; THOMAS FARRELL individually and as Legislative Chairperson of COBA; WILLIAM VALENTIN individually and as Corresponding Secretary of COBA; BENNY BOSCIO Jr. individually and as Sergeant-at-Arms of COBA; and JOHN and JANE DOE(S) (said names being fictitious, their true names being presently unknown to plaintiff) being persons employed by the Department of Correction of the City of New York,

Defendants.
-----X

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorney an answer to the complaint in this action, a copy of which is herewith served upon you, within twenty days after service of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state or 30 days after completion of service where service is made in any other manner. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates New York County as the place of trial. The basis of the venue designated is the residence/place of business of the plaintiff which is New York County.

Dated: New York, New York
November 25, 2013

Yours, etc.,

MICHAEL A. CARDOZO

Corporation Counsel of the City of New York
Attorney for Plaintiff

100 Church Street, Room 2-105

New York, New York 10007

(212) 356-2434

wfraenke@law.nyc.gov

By:



William S.J. Fraenkel
Assistant Corporation Counsel

SUPREME COURT OF THE STATE OF NEW YORK
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MICHAEL A. CARDOZO

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100 Church Street

New York, N.Y. 10007

Tel: (212) 356-2434

Law Dept. No.: 2013-

Due and timely service is hereby admitted.

New York, N.Y., 201.....

Esq.

Attorney for

I, William S.J. Fraenkel, certify that, to the best of my
knowledge, information and belief, formed after an inquiry
reasonable under the circumstances, the presentation of this
document is not frivolous as defined in 22 NYCRR 130-1.1(c)



William S.J. Fraenkel

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**VERIFIED
COMPLAINT**

Index No.:

Plaintiff, its attorney **MICHAEL A. CARDOZO**, Corporation Counsel of the
City of New York, for their verified complaint alleges as follows:

PRELIMINARY STATEMENT

1. This action is brought by the City of New York pursuant to sections 210
and 211 of the New York Civil Service Law, the New York City Administrative Code, and other
applicable common law to restrain the defendants from (1) engaging in a strike or other stoppage
of work or slowdown, (2) causing, instigating, encouraging or condoning a strike or other

concerted action or slowdown, or (3) aiding and abetting other violations of law. On Monday November 18, 2013, after certain Executive Board members of the Correction Officers Benevolent Association, including its president Norman Seabrook, visited Rikers Island and spoke with Correction Officers assigned to the Transportation Division to transport prisoners to court and to medical facilities, those Correction Officers exercised an unusually overly meticulous adherence to guidelines regarding the operation of vehicles that did not, in fact, impact on safety or security. As a result, those Officers deemed all 33 buses to be used for the transportation of prisoners from Rikers Island to courts throughout the City, and to transport male prisoners to medical facilities, to be unfit for use and thus prevented the delivery of the prisoners to court and to medical facilities. Upon information and belief, defendants' action to remove necessary buses from the fleet for was a subterfuge intended to protest the prosecution of other correction officers for illegal activity. As such, this action constitutes an illegal concerted activity of defendants in violation of the Taylor Law and should be enjoined.

PARTIES

2. Plaintiff City of New York ("City") is a municipal corporation organized and existing under the laws of the State of New York.

3. Upon information and belief, defendant Correction Officers' Benevolent Association (COBA) is a corporate association and labor union operating in the City of New York.

4. In accord with procedures established by the laws of the State and City of New York, defendant union is and has been certified to be the exclusive collective bargaining agent for its members employed by the City of New York concerning those members' salaries and conditions of employment.

5. Upon information and belief, defendant Norman Seabrook is the President of the Correction Officers' Benevolent Association.

6. Upon information and belief, defendant Elias Husamudeen is the First Vice President of the Correction Officers' Benevolent Association.

7. Upon information and belief, defendant Joseph Bracco is the Second Vice-President of the Correction Officers' Benevolent Association.

8. Upon information and belief, defendant Elizabeth Castro is the Third Vice-President of the Correction Officers' Benevolent Association.

9. Upon information and belief, defendant Michael Maiello is the Treasurer of the Correction Officers' Benevolent Association.

10. Upon information and belief defendant Kenyatta Johnson is the First Citywide Trustee of the Correction Officers' Benevolent Association.

11. Upon information and belief defendant Amelia Warner is the Financial Secretary of the Correction Officers' Benevolent Association.

12. Upon information and belief, defendant Karen D. Belfield is the Recording Secretary of the Correction Officers' Benevolent Association.

13. Upon information and belief, defendant Thomas Farrell is the Legislative Chairperson of the Correction Officers' Benevolent Association.

14. Upon information and belief, defendant William Valentin is the Corresponding Secretary of the Correction Officers' Benevolent Association.

15. Upon information and belief, defendant Benny Boscio Jr. is the Sergeant-at-Arms of the Correction Officers' Benevolent Association.

16. The above named individuals are sued in both their individual and official

capacities.

17. The individuals named as “John Doe(s)” in the caption of this complaint are fictitious names, the real names of said defendants being presently unknown to plaintiff, said fictitious names being intended to designate members of the defendant union who are also public employees of the Department of Correction of the City of New York holding positions of employment pursuant to the Civil Service Law of the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION PLAINTIFF ALLEGES:

18. Defendants’ actions and threatened actions are in violation of New York Civil Service Law, Article 14, §§ 200, et seq. (the “Taylor Law”) and New York City Administrative Code § 12-312(e), a part of the New York City Collective Bargaining Law. Both Civil Service Law § 210 and Administrative Code § 12-312(e) prohibit public employees and public employee organizations from engaging in, causing, instigating, encouraging, or condoning any strike, mass absenteeism, concerted stoppage of work, or slowdown. These sections also prohibit any threat to strike or to engage in a concerted job action.

19. Additionally, the collective bargaining agreement between plaintiff and defendant union contains a “No-Strike” clause prohibiting defendant union and the employees covered by that agreement from inducing or engaging in strikes, work stoppages or mass absenteeism. See Relevant portions of Collective Bargaining Agreement between the City of New York and the Correction Officers’ Benevolent Association, which are annexed hereto as Exhibit “A,” Article XXIV.

20. Article XXIV of the COBA contract specifically prohibits strikes and provides:

ARTICLE XXIV - NO STRIKES

In accord with applicable law, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, or mass absenteeism, or induce any mass resignation during the term of this Agreement.

Affidavit, Exhibit "A," COBA Contract 2009-2011, Article XXIV.

21. The COBA contract was for a term of November 1, 2009 to October 31, 2011. Although this agreement has technically expired, the contract remains in effect, pending the signing of a new agreement, by operation of the New York City Collective Bargaining Law, New York City Administrative Code § 12-311(d).

22. New York City Charter, Chapter 25, §§ 621, et seq., provides that the Commissioner of DOC is responsible for the management of all institutions of the City in which prisoners are incarcerated either prior to or following trial.

A. Overview of the Department of Correction

23. The Department of Correction of the City of New York ("Department of Correction" or "DOC") employs approximately 7,900 correction officers all of whom are represented in collective bargaining by the Correction Officers' Benevolent Association ("COBA"). Of the 7,900 correction officers, approximately 5,900 are stationed on Rikers Island, East Elmhurst, New York. All of these correction officers hold positions by appointment pursuant to the Civil Service Law of the State of New York, and all of said employees are public employees covered by the Taylor Law.

24. On any given day, DOC incarcerates between 11,000 and 12,000 inmates. The majority of these inmates are incarcerated at one of the 9 jail facilities located on Rikers

Island.

25. Approximately 1,000 inmates per day go from Rikers Island to the court systems throughout the City of New York and approximately 44 inmates per day, or about 219 per week, are transferred from DOC custody to that of the State's Department of Correctional Services. An average of 50 inmates per day are transported from various Rikers Island facilities to clinics at Bellevue and other HHC hospitals for specialty clinic appointments in addition to inmates who are transported between various jail facilities to receive care in clinics located throughout Rikers Island.

B. Prior Illegal Job Actions

26. The defendant union has conducted illegal job actions in the past despite the clear statutory prohibition on such conduct and despite the provision in their contract prohibiting strikes.

27. In April 1987, one hundred and eleven (111) Correction Officers at the Brooklyn Correctional facility engaged in an illegal job action by leaving their posts or refusing to report for duty. This violation of the Taylor Law was seemingly motivated by a misguided desire to protest disciplinary action being taken against nine other Correction Officers. Ultimately, the striking Correction Officers returned to duty but thereafter were subject to disciplinary proceedings and penalties which included the loss of twice the amount of the pay they would have received during the time they engaged in the illegal job actions. See Exhibit B annexed hereto.

28. In August 13, 1990 large numbers of Correction Officers entered upon and completely blocked the flow of traffic across the Buono Memorial Bridge which links Rikers Island to the mainland. Many of the Correction Officers stopped their cars on the Bridge, claiming that their vehicles had broken down. As these vehicles were removed, additional

Correction Officers drove onto the Bridge, again claiming that their cars had broken down. Other Correction Officers gathered nearby on the street leading to the Bridge, and either sat down or otherwise blocked traffic to and from Rikers Island. Within a short period of time all access to or from Rikers Island was completely blocked. It must be noted that under New York law correction officers are authorized to carry firearms and that many officers carry off-duty pistols. Once a large number of armed correction officers have blocked the Bridge a potentially volatile and violent situation was created. This blockage of the bridge persisted throughout the day on August 13, 1990, and continued until 6 p.m. on August 14, 1990 after an agreement concerning COBA's demands was reached by the City and the COBA leadership. Upon reaching an agreement the blockage of the Bridge ended and the Correction Officers returned to work.

29. Because access to and from Rikers Island was blocked DOC was unable to transport prisoners to the courts for scheduled proceedings, including bail hearings and trials and to medical facilities. Inmates scheduled to be transferred to state prison facilities could not be transferred, and scheduled parole hearings could not be conducted.

30. In early September, 1993, the City and COBA were in the midst of negotiating a new contract when the COBA leadership threatened that a job action would occur and referred specifically to the illegal job action of August 1990, in which the Bridge was blocked by COBA's membership, thereby preventing access to and from Rikers Island.

31. Immediately after such threats were made at a bargaining meeting, a flyer was widely circulated to COBA's membership on Rikers Island. The flyer stated that if there was no contract there would be no work and called on COBA members to assemble on the Bridge on September 13, 1993. This constituted an illegal threat to strike and this threat, in and

of itself, was a violation of the Taylor Law.

32. On September 10, 1993, on application of the City and the Commissioner of the Department of Correction, the Honorable Jane Solomon, Justice of the Supreme Court, County of New York, issued an injunction prohibiting illegal strikes including, among other things, the blocking of the Bridge. City of New York v. COBA, et al., Index No. 405403/93 (S.Ct. N.Y. Co. 9/10/93). A copy of this Order is annexed hereto as Exhibit C.

33. In addition, on Monday, September 13, 1993, a massive police presence secured the Bridge in preparation for possible illegal job actions by defendant union and its members. The combination of this Court's injunction and the police presence to enforce that injunction help to prevent any job action on the Bridge and the Bridge remained open to traffic in September, 1993.

34. It should be noted that 1993 was not the first time that COBA was restrained from engaging in an illegal job action. In October of 1972 COBA's leadership was also restrained from violations of the Taylor Law. See Exhibit D annexed hereto. Unfortunately neither the Preliminary Injunctions issued in 1972 nor in 1993 provided sufficient deterrent effect from continued unlawful conduct by the union, its leadership or its members.

C. The Present Job Action

35. On Monday November 18, 2013, several unusual actions occurred at or about the headquarters garage of the Department's Transportation Division on Rikers Island. On that day, members of COBA's Executive Board, including the COBA president, were observed on Rikers Island in the vicinity of the transportation garage at 6:45 a.m. The COBA's Executive Board members and the COBA president were seen speaking to Correction Officers assigned to the transportation of prisoners. After speaking with the COBA's Executive Board members the Correction Officers assigned to the transportation of prisoners conducted the

mandated “pre-trip inspections” of the vehicles they were assigned with an unusual and overly meticulous adherence to technical standards regarding operation of vehicles that did not, in fact, impact safety or security. The officers reported alleged deficiencies in the vehicles which were in the same condition as the vehicles had been during their immediate prior use when no deficiencies had been noted. By prior Departmental practice, the rejection of these buses by their drivers caused the vehicles to be taken out of service (“downed”) until such time as they could be inspected by mechanics and confirmed to be safe for further use. As a result of this unusual adherence to rules regarding operation of vehicles by those Officers, all 33 available buses at the Rikers Island Transportation Unit which had been appropriately fitted for secure transfer of inmates to the courts (and, for male inmates, for transportation to medical appointments) were deemed to be inoperable, despite the fact that no driver had reported any similar deficiency with regard to these vehicles during their previous use on the Friday before. This prevented the delivery of inmates to court and to medical facilities.

36. A superior officer convened an additional roll call to address the shortage of available buses and the serious effect this shortage was having on the production of inmates to court. Before the additional roll call commenced the COBA president spoke to the Correction Officers responding to this order for an additional roll call. Thereafter, all of the Correction Officers either refused to enter or exited the roll call room.

37. DOC made to efforts effect “repairs” on the vehicles. By approximately 10:45 a.m. on November 18th approximately six buses were returned to service, but the assigned Correction Officers found other alleged defects and refused to drive them. By the afternoon of November 18th, the Transportation Division was able to return approximately ten buses to service. In compliance with requests of various courts for priority transports five of these buses

were used to transport eleven inmates from Rikers Island to court in Brooklyn and eight inmates to court in Manhattan.

38. In nearly every case, the alleged defects cited by Correction Officers as grounds for refusing to operate the vehicles on November 18th did not compromise safety or security and would not normally cause Correction Officers to require that a bus be removed from service

39. The is job action regarding the operation of vehicles had a pronounced impact on both the court system and the care of prisoners.

40. On Monday November 18, 2013, the Department's Transportation Division was scheduled to transport 44 prisoners who were either on trial or scheduled to actively testify in another case, who are also referred to as Priority 1 prisoners, to be delivered from Rikers Island to various courts within the City of New York. Owing to the job action by correction officers assigned to the Transportation Division, instigated by the union leadership, only 11 of these 44 Priority 1 prisoners housed on Rikers Island were produced to court and all of those were only produced in the late afternoon. In addition, on Monday, November 18, 2013, the Transportation Division was scheduled to transport an additional 702 prisoners consisting of all other prisoners who had any other kind of scheduled court appearance, who are also referred to as Priority 2 prisoners, to be delivered to various courts within the City of New York. Owing to the job action none of these prisoners were produced in court on Monday. By comparison, during the four business days of the preceding week (Monday, November 11th, being a public holiday), 98.9% of Priority 1 prisoners, amounting to 182 prisoners, assigned for transportation by the Rikers Island Transportation Division were produced in court on time by the Transportation Division, as were 89.8% of the Priority 2 prisoners, amounting to 3145 prisoners.

In further contrast to the situation at Rikers Island on November 18th, 100% of the 368 inmates who were scheduled to be produced from the Department's borough facilities in Manhattan, Brooklyn and the Bronx, which do not utilize buses originating from Rikers Island, also all arrived on time both during the week before and on November 18th.

41. The job action also impacted medical care for prisoners. On Monday November 18, 2013 a total of 49 specialty appointments scheduled at Bellevue Hospital did not occur. Similarly, 25 specialty appointments scheduled that same day on Rikers Island also did not occur because transportation was unavailable. Among the missed Bellevue appointments were 11 oncology appointments (including patients requiring chemotherapy), 13 urology appointments, 11 hematology appointments, 8 pulmonary appointments, 4 oral surgery appointments and one scheduled hospital admission.

42. Although efforts are being made to reschedule the appointments, the upcoming holidays, the long wait time for these appointments and the reality that these clinics are usually held only once a week, will make it difficult to reschedule appointments, such that the lack of access to care on Monday November 18th due to the lack of transportation may lead to serious morbidity for some of these prisoners.

43. On the next day, Tuesday, November 19th, both President Seabrook and members of the COBA Executive Board again appeared at the headquarters of the Transportation Division in the early morning hours, and at various jail facilities throughout Rikers Island. Again, there was a marked decrease in performance by officers assigned to the Transportation Division. For example, during the immediately preceding week only 10.2% of Priority 2 prisoners were produced late to court. However, on Tuesday, November 19th 59.7% of the Priority 2 prisoners were produced in court late.

44. Media reports suggest that the unlawful job action was the result of Correction Officer's displeasure with the prosecution of fellow officers for alleged job-related misconduct, specifically an illegal assault upon an inmate followed by a false report. See Exhibit E annexed hereto. At the time of the incidents on November 18, the trial of those officers was proceeding and the key inmate witness was expected to testify that day. As the result of defendants' action, this witness was unable to attend court and has since been relocated to another facility with special arrangements for transportation. While this trial of the fellow officers has since been adjourned until December 5, 2013, it is not concluded. Consequently, there is a very real possibility of another illegal job action by Correction Officers, either in the form refusing to operate vehicles that they would normally use or some other form of slowdown or a strike or other concerted action.

45. The illegal job action severely disrupted the operations of DOC and the courts. It impaired the timely administration of justice, imperiling criminal legal proceedings.

46. The illegal job action severely disrupted the ability of DOC and the Department of Health and Mental Hygiene (DOHMH) to provide proper health care to prisoners and inmates. Were a similar job action to be repeated it has the potential to cause severe, potentially catastrophic, injury to the justice system, prisoners, and the City.

47. Plaintiff therefore make this application pursuant to §§ 201(9) and 211 of the Civil Service Law, § 12-312(e) of the New York City Collective Bargaining Law, and other applicable common law for an order restraining defendants from (1) threatening or engaging in a strike or other stoppage or slow down of work; (2) causing, instigating, encouraging or condoning a strike or other concerted action or slowdown; and (3) aiding or abetting other violations of law.

48. Defendants have violated the foregoing provisions of law by willfully and maliciously engaging in a work stoppage or slowdown in violation of the Civil Service Law, the Administrative Code, and common law, with the intent that such action will cause the plaintiff to suffer significant irreparable injuries and damages.

49. Despite the fact that defendants were previously restrained from similar violations of law, defendants continue to disregard the rule of law which they are sworn to uphold. Defendants apparently consider the benefits of their prior violations to outweigh the potential penalties. Consequently, any future breaches of the Civil Service Law, § 12-312(e) of the New York City Collective Bargaining Law, and other applicable common law by defendants must be addressed with sufficient rigor to dissuade the recalcitrant union from any future violations.

50. Section 807 of the Labor Law is not applicable to this action by reason of Section 715 of the Labor Law and Section 211 of the Civil Service Law.

CONCLUSION

WHEREFORE, plaintiff demands permanent relief enjoining and restraining the defendant union, its officers, directors, agents, members, representatives, servants, and all other persons, whomsoever known or unknown, acting in their behalf or in concert with them, or any of them in any manner or by any means from:

- (a) committing, attempting, directing, encouraging, or condoning the taking of any actions which have the effect of disrupting, impeding, or interfering with the normal functions and operations of plaintiff, including, but not limited to, blocking, interfering, or impeding the transportation of prisoners, in any manner whatsoever;
- (b) voting to engage in, or otherwise acting in favor of engaging in, causing, instigating, encouraging or condoning, or lending support or assistance of any nature to any strike, concerted stoppage of work or slowdown,

including, but not limited to, a concerted work stoppage which takes the form of claiming illness, mass resignations or of failing to or refusing to report to their work stations, or refusal to carry out lawful orders or perform duties in a normal manner;

- (c) interfering in any manner directly or indirectly with plaintiff, their officers, agents, representatives or employees, or preventing them or any of them from engaging in the performance of any duties in behalf of plaintiff, or, in any manner, interfering with or affecting the orderly continuance of the functions of plaintiff, their officers or employees, or refusing to carry out lawful orders;
- (d) committing, attempting or directing the taking of any action which is likely to cause any employee of plaintiff to decline or discontinue to work for said plaintiff or to slow down in the performance of duties of employment for said plaintiff or to fail or refuse to report to or to leave his or her station and fail to perform his or her duties;
- (e) committing, attempting or directing the taking of any action to induce, persuade or intimidate any person, association, firm or corporation or their employees to initiate or continue any agreement to fail or refuse to make deliveries to or for plaintiff or to fail or refuse to perform services for plaintiff or interfere in any manner with the operations or functions of plaintiff;
- (f) engaging in any action, attempted act, either written or oral which has the intent, purpose or effect to encourage or support employees of plaintiff to engage in a concerted work stoppage which takes the form of reporting sick or failing to or refusing to report to their work stations or to follow lawful commands or to perform duties in a normal manner, and where such act, attempted act, either written or oral, has the further intent or purpose, expressed or implied, to impede the operations of plaintiff or to cause or encourage plaintiff to accede to the unsatisfied demands of any one or more defendants or any representative of defendants;
- (g) agreeing, conspiring or combining to perform any of the foregoing or any other unlawful act tending to injure, damage or destroy or interfere in any manner with the operations or functions of plaintiff, or doing any act in

furtherance of any such agreement, conspiracy or combination;

and directing the defendant union and its officers to forthwith instruct all members of the defendant union not to engage or participate in any strike, concerted stoppage of work, or concerted slowdown, including, but not limited to, a concerted work stoppage which takes the form of blocking, interfering, or impeding the transportation of prisoners, in any manner whatsoever and granting such other and further relief as to this Court may seem just and proper including but not limited to the imposition of a penalty of One Million Dollars for each day that defendants commit a violation of the permanent injunction sought herein.

Dated: New York, New York
November 25, 2013

Respectfully Submitted,

MICHAEL A. CARDOZO

Corporation Counsel of the City of New York
Attorney for Plaintiff

100 Church Street, Room 2-105

New York, New York 10007

(212) 356-2434

wfraenke@law.nyc.gov

By:



William S.J. Fraenkel
Assistant Corporation Counsel

VERIFICATION

STATE OF NEW YORK)
 : SS.:
 COUNTY OF QUEENS)

Thomas Bergdall being duly sworn, deposes and says that he is the General Counsel of the Department of Correction of the City of New York; that he read the foregoing complaint and know the contents thereof to be true except as to the matters therein alleged upon information and believes the contents thereof to be true based upon his personal knowledge and/or upon a review of the books and records of the Department of Correction and other departments of the city government and from statements made to him by certain officers or agents of the City of New York.


 THOMAS BERGDALL

Sworn to before me this 25th day of November 2013


 Notary Public

WILLIAM K. HORAN
 Notary Public, State of New York
 No. 02HO5086775
 Qualified in Nassau County
 Commission Expires Oct. 27, 2017

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VERIFIED COMPLAINT

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Attorney for Plaintiff

100 Church Street

New York, N.Y. 10007

Tel: (212) 356-2434

Law Dept. No.: 2013-

Due and timely service is hereby admitted.

New York, N.Y., 201.....

Esq.

Attorney for

I, William S.J. Fraenkel, certify that, to the best of my
knowledge, information and belief, formed after an inquiry
reasonable under the circumstances, the presentation of this
document is not frivolous as defined in 22 NYCRR 130-1.1(c)



William S.J. Fraenkel

EXHIBIT A



THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
<http://nyc.gov/olr>

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

TO: HEADS OF CONCERNED CITY DEPARTMENTS AND AGENCIES
FROM: JAMES F. HANLEY, COMMISSIONER *James F. Hanley*
SUBJECT: EXECUTED CONTRACT: CORRECTION OFFICERS
TERM: NOVEMBER 1, 2009 TO OCTOBER 31, 2011

Attached for your information and guidance is a copy of the executed contract entered into by the Commissioner of Labor Relations on behalf of the City of New York and the Correction Officer's Benevolent Association on behalf of the incumbents of positions listed in Article I of said contract.

The contract incorporates terms of an agreement reached through collective bargaining negotiations and related procedures.

DATED:

**CORRECTION OFFICERS
2009 - 2011 AGREEMENT**

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- a. All unused accrued leave up to a maximum of 54 days' credit;
- b. All unused accrued compensatory time earned subsequent to January 1, 1971 which is verifiable by official Department records up to a maximum of two hundred (200) hours.

ARTICLE XXIV - NO STRIKES

In accord with applicable law, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, or mass absenteeism, or induce any mass resignation during the term of this Agreement.

ARTICLE XXV - BULLETIN BOARDS

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for employees to read. All notices shall be on Union stationery, shall be used only to notify employees of matters pertaining to Union affairs, and shall not contain any derogatory or inflammatory statements concerning the City, the Department, or personnel employed by either entity.

ARTICLE XXVI - NO WAIVER

Except as otherwise provided in this Agreement, the failure to enforce any provision of this Agreement shall not be deemed a waiver thereof. This Agreement is not intended and shall not be construed as a waiver of any right or benefit to which Correction Officers are entitled by law.

ARTICLE XXVII - SAVINGS CLAUSE

If any provision of this Agreement is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Agreement.

ARTICLE XXVIII - LABOR-MANAGEMENT COMMITTEE

Section 1.

The City and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty (50) employees covered by this Agreement.

EXHIBIT B

The New York Times

Archives

BROOKLYN JAIL GUARDS WALK OUT IN PROTEST OF DISCIPLINARY ACTION

By DOUGLAS MARTIN
Published April 09, 1987

Correction officers at a Brooklyn jail walked off their jobs yesterday morning to protest the disciplining of nine colleagues earlier this week.

The New York City Department of Correction said later that it had suspended 111 guards and fined them twice the monetary amount they would have made during the hours they took part in the strike.

The guards' union, the Correction Officers Benevolent Association, disavowed any responsibility for the strike.

The union's president, Phil Seelig, and the Correction Commissioner, Richard J. Koehler, held talks last night at department headquarters at 100 Centre Street in Manhattan to try to settle the job action.

Afterward, Commissioner Koehler said all the correction officers had been given permission to return to work. He said any that did not accept the financial penalty would be subject to the department's normal disciplinary process.

Mr. Koehler said that he agreed to none of the strikers' demands to reinstate the dismissed guards or reverse the transfer of others. He said he had agreed to study such issues as better food for the guards and additional training for them.

Mr. Seelig could not be reached for comment on the talks. Efforts to contact him and other union officials by telephone throughout the day were not successful.

Of the 110 guards assigned to the 7 A.M.-to-3 P.M. shift at the Brooklyn Correctional Facility, 62 were suspended, according to union and department officials.

About 60 correction officers were assigned to the 3 P.M.-to-midnight shift and 50 to the third shift, according to department officials. They said that the guards walked out in about the same proportion as those in the morning but that they all returned to their posts at around 6 P.M.

The guards who did not take part in the walkout were all first-year guards who are on probation and would have risked summary dismissal if they had joined.

There are 1,295 inmates in the Brooklyn jail today. The jail has an official capacity of 1,089, according to the department. The probationary guards who did not strike are being asked to work extra shifts, officials said, and the jail is operating normally.

The department feared the job action would spread to other jails, particularly those on Rikers Island, where more than 11,000 prisoners are housed. As a result, correction officers on the island were kept on the job for an hour and a half past the normal 3 P.M. shift change. But correction officers showed up for work there and at the other city jails in normal numbers, officials said. No job actions were reported at the start of the midnight shift.

About 40 guards did stage a demonstration at the entrance to Rikers Island yesterday afternoon. The event had been planned about 10 days ago by a dissident faction in the correction officers' union. Police officers, who set up barricades, outnumbered the demonstrators about 2 to 1.

The nine officers who were disciplined last week had falsified records of a court date so that an inmate could be taken to his quarters, where they beat him, department officials have said. The officers in the jail, the old Brooklyn Navy Yard brig at 136 Flushing Avenue in the Williamsburg section, were protesting the severity of the disciplinary action, which included two firings, as well as general working conditions. 'Brutality' of Inmates Cited

"Correction officers will no longer put up with the brutality the inmates throw upon us when we're trying to do our jobs," said Harvey Ball, a correction officer for nine years who was one of those who left his post.

Under the state's Taylor Law, the striking guards, who make \$27,000 to \$33,000 a year, face penalties of two days' pay for each day they are on strike. But the department could impose harsher penalties under its own regulations, including dismissals.

The suspended officers were required to relinquish their guns, badges and official identification, but were ordered to report for their jobs today. Officers and union officials said they would report only if their grievances were addressed. Overcrowding Is Protested

They are demanding that the two correction officers fired from the jail Monday be reinstated, and that transfers and other disciplinary action against nine others be dropped. They are also protesting working conditions arising from severe overcrowding in the city's jails, as well as a crackdown on the use of violence by correction officers.

"We're dealing with guys who are the scum of the earth up there - guys who raped little girls," said John Marino, a correction officer for 10 years, the last three at the Brooklyn jail. "And we're the bad guys."

Officers contended that they were being robbed of the right to protect themselves when overcrowding is causing an increase in the number of violent incidents. "If you want to cut down on the use of force, give us a situation where you have an alternative to the use of force," said Frances Rosato, one of a number of female officers at the jail.

Robert Kasanof, chairman of the city's Correction Board, which oversees the Correction Department, said the guards' action itself raised serious questions, although he heartily agreed with the criticism of overcrowding. By October, the department predicts an inmate population of 16,400, up from nearly 14,800 now and 11,600 a year ago.

"While the overtime stress under which correction officers work is a source of concern, an armed paramilitary force which breaks discipline is a threat to the public safety," Mr. Kasanof said.

Officers in the Brooklyn jail said they routinely worked extra shifts two or three times a week, bringing the earnings of many to more than \$45,000 a year. But the annual turnover of officers is about 25 percent.

"I'm willing to take a pay cut to go to another job with better conditions," said Manuel Olivaro, an officer for seven years who said he had begun job-hunting.

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EXHIBIT C

an IAS Part 23

At the ~~Ex Parte~~ Motion Office of the
Supreme Court of the State of New York,
held in and for the County of New York at
the County Courthouse, 80 Centre Street,
Borough of Manhattan, City of New York,
on the 10th day of September, 1993.

P R E S E N T :

HON. Jane S. Solomon
Justice

-----X
CITY OF NEW YORK, and CATHERINE ABATE,
as Commissioner of the Department of Correction of
the City of New York,

Plaintiffs,

- against -

CORRECTION OFFICERS' BENEVOLENT
ASSOCIATION ("COBA"), STANLEY ISRAEL,
individually and as President of COBA, FRED
WILSON, individually and as First Vice-President of
COBA, GRAHAM HAWKINS, individually and as
Second Vice-President of COBA, HOWARD
FIGUEROA, individually and as Third Vice-
President of COBA, ROBERT HOOPS, individually
and as Recording Secretary of COBA, JEAN
COOPER, individually and as Financial Secretary of
COBA, LENNY HOLMES, individually and as
Treasurer of COBA, PATRICK MARCUNE,
individually and as Legislative Chairman of COBA,
and JOHN DOE(S) (said names being fictitious, their
true names being presently unknown to plaintiffs)
being persons employed by the Department of
Correction of the City of New York,

ORDER TO
SHOW CAUSE

Index No. 405403/93

Defendants.
-----X

Chief of the Department of
Correction.

Upon the annexed affidavit of MARRON HOPKINS, sworn to September 10,

1993, and the summons, dated September 10, 1993, and the complaint, verified September 10,

1993, and after being vigorously opposed by Stan Israel, President of the defendants and each of them shall show cause before this Court at the Ex Parte Motion

an IAS Part 23 Term, Room 315, for further reassignment to an IAS Part thereof, to be held in and for the

County of New York, at the County Courthouse, 80 Centre Street, in the Borough of Manhattan,

City of New York, on the 15th day of September, 1993, at 10 o'clock in the fore/afternoon of

that day, or as soon thereafter as counsel can be heard, why an order should not be made and

entered herein, pending the determination of this action, enjoining and restraining the defendants,

the officers, directors, agents, members, representatives, servants of defendant union, and all

other persons whomsoever, known or unknown, acting in their behalf or in concert with them,

or any of them in any manner or by any means from:

- (a) committing, attempting, directing, encouraging, or condoning the taking of any actions which have the effect of disrupting, impeding, or interfering with the normal functions and operations of plaintiffs, including, but not limited to, blocking, interfering, or impeding the flow of traffic, in any manner whatsoever, on the Francis R. Buono Memorial Bridge;
- (b) voting to engage in, or otherwise in favor of engaging in, causing, instigating, encouraging or condoning, or lending support or assistance of any nature to any strike, concerted stoppage of work or slowdown, including, but not limited to, a concerted work stoppage which takes the form of claiming illness, mass resignations or of failing to or refusing to report to their work stations, or refusal to carry out lawful

COBA
& the
COBA
Executive
Board
by their
attorneys

orders or perform duties in a normal manner;

- (c) interfering in any manner directly or indirectly with plaintiffs, their officers, agents, representatives or employees, or preventing them or any of them from engaging in the performance of any duties in behalf of plaintiffs, or, in any manner, interfering with or affecting the orderly continuance of the functions of plaintiffs, their officers or employees, or refusing to carry out lawful orders;
- (d) committing, attempting or directing the taking of any action which is likely to cause any employee of plaintiffs to decline or discontinue to work for said plaintiffs or to slow down in the performance of duties of employment for said plaintiffs or to fail or refuse to report to or to leave his or her station and fail to perform his or her duties;
- (e) committing, attempting or directing the taking of any action to induce, persuade or intimidate any person, association, firm or corporation or their employees to initiate or continue any agreement to fail or refuse to make deliveries to or for plaintiffs or to fail or refuse to perform services for plaintiffs or interfere in any manner with the operations or functions of plaintiffs;
- (f) engaging in any action, attempted act, either written or oral which has the intent, purpose or effect to encourage or support employees of plaintiffs to engage in a concerted work stoppage which takes the form of reporting sick or failing to or refusing to report to their work stations or to follow lawful commands or to perform duties in a normal manner, and where such act, attempted act, either written or oral, has the further intent

or purpose, expressed or implied, to impede the operations of plaintiffs or to cause or encourage plaintiffs to accede to the unsatisfied demands of any one or more defendants or any representative of defendants;

- (g) agreeing, conspiring or combining to perform any of the foregoing or any other unlawful act tending to injure, damage or destroy or interfere in any manner with the operations or functions of plaintiffs, or doing any act in furtherance of any such agreement, conspiracy or combination;

and directing the defendant union and its officers to forthwith instruct all members of the defendant union not to engage or participate in any strike, concerted stoppage of work, or concerted slowdown, including, but not limited to, a concerted work stoppage against plaintiffs which takes the form of blocking or impeding the flow of traffic, in any manner whatsoever, on the Francis R. Buono Memorial Bridge, and granting such other and further relief as to this Court may seem just and proper.

MEANWHILE, sufficient cause having been shown therefore, **IT IS FURTHER**

ORDERED that pending the hearing of this motion, the defendant union, the respective officers, agents, members, representatives, servants, employees of the defendant union and all other persons whomsoever, known or unknown, acting in their behalf or in concert with them in any manner or by any means, are hereby enjoined and restrained from:

- (a) committing, attempting, directing, encouraging, or condoning the taking of any actions which have the effect of disrupting, impeding, or interfering with the normal functions and operations of plaintiffs,

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including, but not limited to, blocking, interfering, or impeding the flow of traffic, in any manner whatsoever, on the Francis R. Buono Memorial Bridge;

- (b) voting to engage in, or otherwise in favor of engaging in, causing, instigating, encouraging or condoning, or lending support or assistance of any nature to any strike, concerted stoppage of work or slowdown, including, but not limited to, a concerted work stoppage which takes the form of claiming illness, mass resignations or of failing to or refusing to report to their work stations, or refusal to carry out lawful orders or perform duties in a normal manner;
- (c) interfering in any manner directly or indirectly with plaintiffs, their officers, agents, representatives or employees, or preventing them or any of them from engaging in the performance of any duties in behalf of plaintiffs, or, in any manner, interfering with or affecting the orderly continuance of the functions of plaintiffs, their officers or employees, or refusing to carry out lawful orders;
- (d) committing, attempting or directing the taking of any action which is likely to cause any employee of plaintiffs to decline or discontinue to work for said plaintiffs or to slow down in the performance of duties of employment for said plaintiffs or to fail or refuse to report to or to leave his or her station and fail to perform his or her duties;
- (e) committing, attempting or directing the taking of any action to induce, persuade or intimidate any person, association, firm or corporation or their employees to initiate or continue any agreement to fail or refuse to

make deliveries to or for plaintiffs or to fail or refuse to perform services for plaintiffs or interfere in any manner with the operations or functions of plaintiffs;

- (f) engaging in any action, attempted act, either written or oral which has the intent, purpose or effect to encourage or support employees of plaintiffs to engage in a concerted work stoppage which takes the form of reporting sick or failing to or refusing to report to their work stations or to follow lawful commands or to perform duties in a normal manner, and where such act, attempted act, either written or oral, has the further intent or purpose, expressed or implied, to impede the operations of plaintiffs or to cause or encourage plaintiffs to accede to the unsatisfied demands of any one or more defendants or any representative of defendants;

- (g) agreeing, conspiring or combining to perform any of the foregoing or any other unlawful act tending to injure, damage or destroy or interfere in any manner with the operations or functions of plaintiffs, or doing any act in furtherance of any such agreement, conspiracy or combination;

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and IT IS FURTHER

the President
ORDERED that ~~defendant officers of the defendant union and the defendant union~~

~~is~~
~~are~~ hereby directed: (1) to immediately instruct all members of said association not to engage in any strike, concerted stoppage of work or concerted slowdown against plaintiffs, including, but not limited to, a concerted stoppage of work which takes the form of blocking or impeding the flow of traffic, in any manner whatsoever, on the Francis R. Buono Memorial Bridge, and to immediately notify all members of the said association of the issuance of this temporary

restraining order and its contents; and (2) to file with the Clerk of this Court and serve plaintiffs' attorney with a written statement of the foregoing notification and instructions as issued by them, together with a sworn affidavit setting forth the time, place, and manner in which such notifications and instructions were given, on or before 5 p.m. on September 14, 1993; and **IT IS FURTHER**

ORDERED, that sufficient reason appearing therefore, ~~let~~ service of ^{copies} ~~a copy~~ of this order to show cause, together with a copy of the papers on which it is based, on the defendant union, ~~any~~ of its officers named herein, ^{By} ~~of~~ its attorneys, by personal delivery ^{having been} ~~or by~~ made before me on 9-10-93 at 440 pm in the ~~delivery to a person of suitable age and discretion at the actual place of business, dwelling place, or usual place of abode of the person to be served on or before _____ in the fore/afternoon, on the _____ day of September, 1993,~~ be deemed good and sufficient service on all defendants; and

IT IS FURTHER

ORDERED, that sufficient reason appearing therefore, that service upon members of the defendant union ^{by plaintiff} ~~may~~ be made by reading to them the first decretal paragraph of this order, including subparagraphs (a) through (g) and this paragraph and the decretal paragraph of this order immediately following, announcing to them that a copy of this order to show cause, together with a copy of the papers on which it is based, is posted at a specified accessible location on Department of Correction of the City of New York premises, and **IT IS FURTHER**

ORDERED that, sufficient reason appearing therefore, if individuals attempting to serve this order to show cause and its supporting papers are denied entrance or access to any premises or vehicles that any of the defendants then occupy, let service of a copy of the said

papers by affixing the same prominently to the main gate, door, or entrance of said premises, or prominently on the vehicle, be deemed good and sufficient service.

ENTER:

/S/ 9/10/93

EXHIBIT D

At a special session of the Supreme Court of the State of New York, held in and for the County of New York, in the County Courthouse, 60 Centre Street, Borough of Manhattan, City of New York, on the 3rd day of October, 1972

P R E S E N T :

HON. JOHN M. MURTAGH

Justice

THE CITY OF NEW YORK,

Plaintiff,

against

LEO C. ZEFERETTI individually and as President, HAROLD BROWN, individually and as First Vice President, RICHARD BASOA, individually and as Second Vice President, DAVID BLOOD, individually and as Third Vice President, CATHERINE O'KEEFE, individually and as Treasurer, LORRAINE POOLE, individually and as Financial Secretary, GEORGE LAURO, individually and as Legislative Chairman, PHILIP STABILE, individually and as Recording Secretary, DONALD CRANSTON, individually and as Corresponding Secretary of the CORRECTION OFFICERS BENEVOLENT ASSOCIATION, INC., CORRECTION OFFICERS BENEVOLENT ASSOCIATION, INC., John Doe and Richard Roe (said names of "John Doe" and "Richard Roe" being fictitious, their true names being unknown to plaintiff, being members of the uniformed force employed in the title of Correction Officer by the Department of Correction of the City of New York, and engaged in a strike prohibited by the Civil Service Law).

Defendants.

ORDER GRANTING
PRELIMINARY
INJUNCTION

Index No.
42068/72

-----X-----
Plaintiff, having moved, by order to show cause, for an order enjoining, pending the determination of this action, defendants, the officers, directors, agents, servants members of defendant union and all other persons whomsoever

known or unknown acting in their behalf or in concert with them, or any of them in any manner or by any means from violating the provisions of Civil Service Law, §210 or committing any other unlawful acts directed against plaintiff, and said motion having duly come on to be heard,

NOW, upon reading and filing the Order to Show Cause granted the 25th day of October, 1972, the affidavit of Benjamin J. Malcolm, sworn to the 25th day of October, 1972, the summons dated the 25th day of October, 1972, the complaint verified the 25th day of October, 1972, and the supplemental affidavit of Benjamin J. Malcolm, sworn to the 26th day of October, 1972, all in support of the motion, and upon reading and filing the affidavit of Leo C. Zeferetti, sworn to the 26th day of October, 1972 in opposition to the motion, and upon hearing NORMAN REDLICH, Corporation Counsel (by Doron Gopstein, Assistant Corporation Counsel) on behalf of plaintiff in support of the motion, and upon hearing L. BIAGGI, EHRLICH, GALIBER & LANG (by Bernard G. Ehrlich and Gordon J. Lang, Esqs.) on behalf of defendants in opposition to the motion, and upon the oral decision of the Court, it is

ORDERED that pending the determination of this action defendants, the officers, directors, agents, members, representatives and servants of defendant union and all other persons whomsoever, known or unknown acting in their behalf or in concert with them are enjoined and restrained from:

(a) engaging in, causing, instigating, encouraging or condoning, or lending support or assistance of any nature to any strike, concerted stoppage of work or slowdown in the performance of any duties of employment with plaintiff;

jm
or indirectly with plaintiff's agents, representatives or employees, or preventing them or any of them from engaging in the performance of any duties in behalf of plaintiff, or, in any manner, interfering with or affecting the orderly continuance of the functions of the plaintiff, its officers or employees;

(c) committing, attempting or directing the taking of any action which is likely to cause any employees of the plaintiff to decline or discontinue to work for said plaintiff, or to slow down in the performance of duties of employment for said plaintiff;

(d) agreeing, conspiring or combining to perform any of the foregoing or any other unlawful acts tending to injure, damage or destroy or interfere in any manner with the operations or functions of the Department of Correction of the City of New York, or doing any act in furtherance of any such agreement, conspiracy or combination;

and it is further

ORDERED that defendant union and its officers forthwith notify and instruct all members of defendant union, the Correction Officers Benevolent Association, Inc., not to engage or participate in any strike, concerted stoppage of work or slowdown against the plaintiff and to file the foregoing notification and instructions with the Clerk of this Court after service of a copy of same upon attorney for plaintiff.

jm And it is further ordered that an appropriate order be entered in this case.

jm
J. S. C.

FILED

OCT 30 1972

NEW YORK
COUNTY CLERK'S OFFICE

EXHIBIT E

The New York Times

A STORY THAT
STUCK WITH A
VISCERAL FORCE

November 18, 2013

Inmate Buses Sit at Rikers; New York City Courts Stalled

By THE NEW YORK TIMES

Dozens of New York City corrections buses that were supposed to take prisoners to court on Monday never left Rikers Island, grinding many criminal courts in the city to a near halt.

The problem was widely assumed to be a result of anger among correction officers over a trial in the Bronx in which two correction officers face charges that they beat an inmate and falsified records to cover it up.

The slowdown, intentional or not, caused the rescheduling of hundreds of cases and delayed the expected release of some inmates who had been scheduled to appear in court and then leave Rikers Island for treatment programs, said Patricia Bath, a spokeswoman for the Legal Aid Society.

At State Supreme Court in Manhattan, two courtrooms on the 11th floor were scheduled to handle pretrial proceedings on over 100 cases. Court officials informed throngs of lawyers that their clients were not coming.

The only inmates who were delivered were those scheduled for trial, said David Bookstaver, a spokesman for the state court system.

The trial of the two correction officers, Kevin Gilkes and Louis Pinto Jr., began last week. When they were arrested last year, officials said they had said that an inmate had subdued an aggressive inmate, but security video showed them beating the inmate, who did not appear to be resisting.

Norman Seabrook, the head of the Correction Officers' Benevolent Association, and a spokesman for Dora B. Schriro, the city correction commissioner, did not return messages.

The New York Times

November 20, 2013

Bus Stoppage Said to Target Rikers Inmate

By **RUSS BUETTNER**

When an apparent job action by city correction workers stranded dozens of city correction buses at Rikers Island this week, hundreds of inmates failed to make their scheduled court appearances — including one man of particular interest.

The man, Dapree Peterson, was scheduled to testify on Monday at a trial in State Supreme Court in the Bronx against two correction officers who are accused of beating him and trying to cover it up in an official report.

The bus stoppage was attributed to a sudden onset of bus safety issues, but it was widely assumed throughout the city's criminal justice system that the union representing correction officers was expressing its anger at the prosecution of the two officers, Kevin Gilkes and Louis Pinto Jr.

That Mr. Peterson was among the inmates delayed would seem to strengthen that interpretation.

Mr. Peterson's absence raised enough concern that officials from the city Department of Investigation, which conducted the inquiry into Officers Gilkes and Pinto, contacted the city Correction Department to ascertain his whereabouts. Once Mr. Peterson was found, the Investigation Department asked that he be placed in enhanced security, which includes video monitoring, according to people briefed on his custody situation.

The trial of the two officers continued on Tuesday with no further witnesses called, but the judge in the case, George R. Villegas, deliberately kept the courtroom open until Mr. Peterson was finally produced Tuesday afternoon, apparently out of concern for Mr. Peterson.

"I was told the judge did not want to adjourn until he saw the witness," Steven Reed, a spokesman for the Bronx district attorney's office, said.

Mr. Peterson was transferred Tuesday evening to the Manhattan Detention Complex, next to State Supreme Court in Lower Manhattan, where he is scheduled for an appearance in an unrelated robbery case on Thursday. It is not standard procedure for the Correction

Jim Dwyer contributed reporting.

The New York Times

"A STORY THAT
SEIZES YOU WITH A
VISCERAL FORCE"

November 21, 2013

Justice Not Served: Inmate Buses Grounded by Correction Officers

By JIM DWYER

All day Monday, Jose Camillo sat in the criminal courthouse on Staten Island waiting for his 17-year-old son, Joseph, to go before a judge. Late in the day, he heard why Joseph had not appeared: The correction officers had refused to leave Rikers Island with the people who were due in court.

"We heard that there was a union action because the buses were unsafe," Mr. Camillo said, "that the drivers were proving a point that they didn't want to risk prisoners' lives."

A carpenter for the city and a union member, Mr. Camillo said he believed it would have been a principled reason for the action.

"But it wasn't about that," Mr. Camillo said. "It was a ruse."

In fact, on Monday morning, the correction officers brought the criminal justice system in the city to a near halt.

Why?

Here's one highly suspicious circumstance.

A man being held on Rikers Island was due in the Bronx courthouse that morning to testify at the trial of two correction officers accused of beating him up and lying about it.

The inmate has yet to get on the witness stand and give the first syllable of testimony.

As it happens, the officers on trial in the Bronx were members of the transportation group at Rikers, the corps of officers who deliver detainees from the city jails to the courthouses.

That morning, their fellow transportation officers reported that not a single bus in the jailhouse fleet of about 60 was working properly. Many of the buses had been bought within the last year or two, and most were no more than five years old. They all have regular maintenance schedules.

After the buses were checked out by mechanics and cleared to go back on the road, the drivers reported still other problems.

The same thing happened on Tuesday morning. The judge hearing evidence at the trial of the correction officers adjourned the case for two weeks. The buses started rolling again.

Mr. Camillo was aghast.

"They were trying to prevent someone from testifying against them," he said.

It certainly looks that way, although Mayor Michael R. Bloomberg said on Thursday that he was not sure if it had been an effort to intimidate the witness.

He promised to bring disciplinary action against the officers involved in the bus shutdown, and said he would seek a court order against the union representing the correction officers. He blamed its president, Norman Seabrook, for ordering the action. The union leader had denied people their right to a day in court, the mayor said, and squandered public resources for two days.

Mr. Seabrook, the only union leader to support Mr. Bloomberg during his 2001 campaign and a member of the transition committee after that election, did not respond to a request for comment on the angry words from his former ally.

The Legal Aid Society, which represents most indigent people in criminal court, is considering bringing a suit against the city, said Steve Banks, the chief attorney for the organization.

"There are heartbreaking stories of clients who would have been released, who suffered real harm," Mr. Banks said.

An 18-year-old Brooklyn man who was arrested last week for assaulting his sister in a fight was due in court to plead guilty to disorderly conduct and go home, said Lucy Stroup, a lawyer with Legal Aid. "His mother was in court all day waiting," she said.

Another man who missed a court date was a 19-year-old from Queens with schizophrenia, who has had about a dozen hospitalizations for his illness, said John Kalinowski, his Legal Aid lawyer. The man would have been released to a hospital.

For Jose Camillo, there was a special anxiety attached to the long wait for his son. Joseph, he said, had developed a serious pill habit a few years ago, began shoplifting and was recently committing burglaries while people were asleep. Mr. Camillo said he had been

trying, without success, to get his son into a drug-treatment program. Then Joseph was arrested.

"It's actually the best thing that could happen to him," Mr. Camillo said. "He was mandated to go for treatment."

On his court date, he was to plead guilty to the felonies, and then be driven by his father to a residential treatment program near Albany. If he completed it successfully and stayed sober, his record would be cleaned. Such slots can vanish if they are not claimed. Mr. Camillo fretted that Joseph had lost a chance to reclaim his life.

Late on Tuesday, Joseph got to court, and Mr. Camillo drove his son three hours to the program.

"I hadn't felt as close to him in a long time," he said. As for the shutdown of the buses, Mr. Camillo had one word: "Horrific."

Email: dwyer@nytimes.com

Twitter: [@jimdwyernyt](https://twitter.com/jimdwyernyt)

Correction officers union stalls Rikers-to-court transports

By Brad Hamilton, Rebecca Rosenherg, Christina Carranga Woodby and Josh Saul November 18, 2013 | 3:52 pm

Correction officers supervise a group of Rikers Island prisoners. The officers' union launched a work stoppage Monday in protest of the prosecution of two of its own.

The wheels of justice abruptly ground to a halt around the city Monday — after a surprise work stoppage by Rikers Island transit employees prevented hundreds of prisoners from getting to court.

The city Department of Correction employees — furlous over the prosecution of two coworkers in an alleged inmate-beat-down and doctored-records scandal — suddenly declared all 44 buses used to transport suspects off the island “unsafe” Monday morning, sources said.

“It was supposed to be a slowdown, but then [the workers] ended up completely stopping,” one Brooklyn court source told The Post.

A Queens courthouse snitch added, “No prisoners from [Rikers’ prison] boat, the barge or Rikers Island are coming over” — noting that jurors there have already been let go for the day.

“We don’t know if there’s going to be a Day Two tomorrow. We just have to wait and see.”

In Brooklyn, a measly 19 out of the usual 190 or so suspects hauled to court daily ever made it, a law-enforcement source said.

“We have seen a marked decrease in the number of prisoners produced, a smattering,” noted state court spokesman David Bookstaver.

“The DOC has reached to us. [The situation] has created problems. Every case is important, especially if your appearance today might have resulted in your release.”

One thwarted Manhattan proceeding involved the attempted-murder trial of Latvian lovely Yekaterina Pusepa, who is charged with trying to kill her boyfriend, Alec Katsnelson.

Jury selection also was halted in another stymied case in Queens involving suspect Daniel Burton in a 2011 double-slaying, including one person he allegedly killed aboard a city bus.

“I’m wasting my time just sitting here,” griped potential juror Sam Vincent, 42, of Woodside before being let go for the day.

“They’re being very selfish,” he said of the union workers.

Both Pusepa and Burton were among 800 to 1,000 inmates awaiting criminal- or supreme-court hearings who never made it off Rikers, sources said.

The union — particularly chief Norman Seabrook — is said to be fuming over a Bronx case last year in which several of his officers were charged with offenses related to the alleged beating and document-doctoring.

The two transit workers allegedly involved are Kevin Gilkes and Louis Pinto.

“This is a union tactic against the indictment on those two officers,” the Queens court source said.

A union source added, "The Bronx District Attorney's Office is making all of our jobs very, very difficult because we have several members of service who are currently under indictment or under investigation, some involving use-of-force incidents. The staff are protecting themselves.

"These cases should be handled administratively not criminally. No one who works for the Department of Correction comes to work with bad intentions."

Seabrook did not immediately return calls for comment.

Additional reporting by Jamie Schram and Kate Sheehy

NY POST

METRO

Rikers slowdown a ploy to delay inmate 'beating' testimony

By Josh Saul

November 21, 2013 | 6:15am

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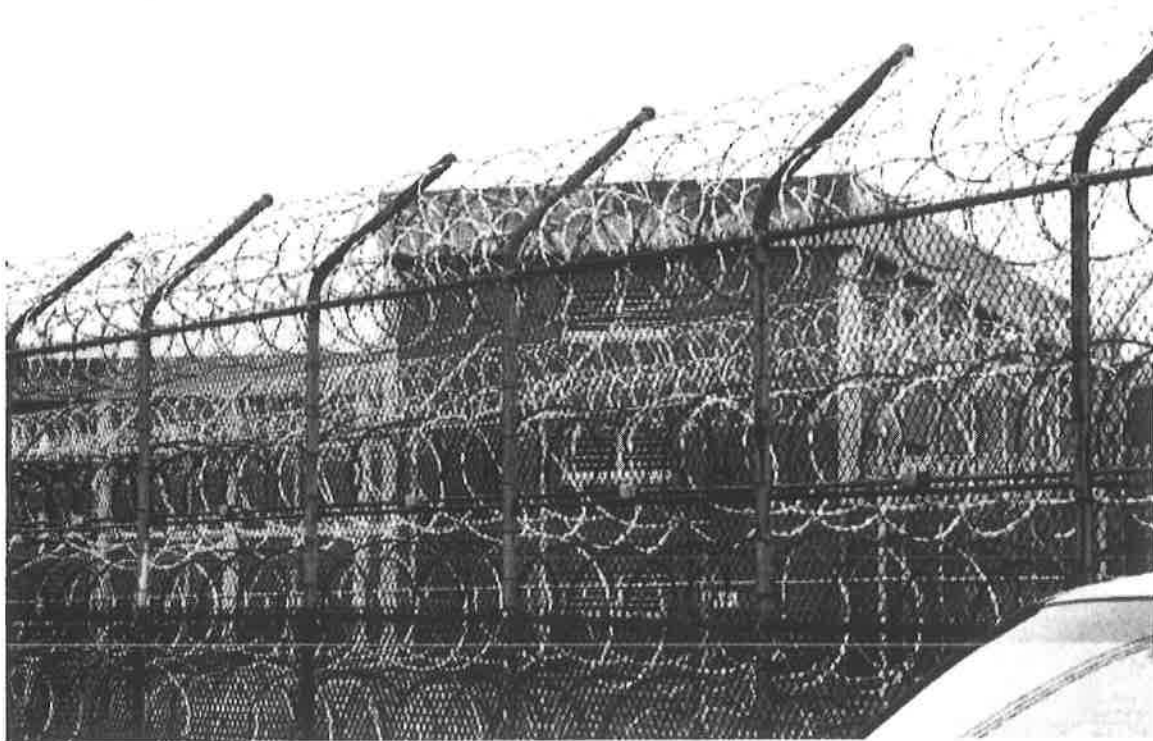


Photo: AP Photo/Bebeto Matthews

The Rikers Island correction-officers slowdown that stopped the transport of prisoners to court this week was a union ploy to block one prisoner from testifying against two guards accused of beating him, The Post has learned.

Dapree Peterson, 21, was scheduled to testify against guards Kevin Gilkes, 48, and Louis Pinto, 30, in Bronx Supreme Court on Monday, but he and hundreds of other prisoners never got there as all 44 buses on Rikers were deemed inoperable at the same time.

The slowdown was at first described as a ploy to protest Bronx DA Robert Johnson's prosecution of the two guards, but a well-placed source told The Post that the plot was more nefarious — with the intent to specifically keep Peterson from testifying.

"He was supposed to testify Monday; they didn't want him to testify," the source said, calling it "witness intimidation."

Gilkes allegedly beat Peterson at Rikers while Pinto stood by in December 2011.

Sources have told The Post that correction-union chief Norman Seabrook personally ordered the slowdown.

When Peterson finally reached the Bronx court Tuesday, prosecutors made an oral motion to block defense attorneys from cross-examining him on certain issues, a Bronx DA spokesman said.

Judge George Villegas said he would consider their motion and put off the next court date until Dec. 5.

The Department of Correction transferred Peterson to the Manhattan Detention Center, better known as The Tombs, Tuesday night, a law-enforcement source said.

"[The Tombs] is the place the department likes to hide away problem inmates and inmates that have a lot of media exposure and high-profile cases to isolate them off Rikers," another law-enforcement source said.

Peterson is scheduled to appear Thursday in Manhattan Supreme Court on his June arrest for allegedly slashing and robbing a subway rider.

Seabrook did not respond to a request for comment.

By Wednesday, the slowdown had all but fizzled, officials said.

Additional reporting by Jamie Schram and Rebecca Rosenberg

NY POST

OPINION

Rikers Island bus-cost baloney

By Post Editorial Board

November 20, 2013 | 4:49am

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Correction officers supervise a group of Rikers Island prisoners. The officers' union launched a work stoppage Monday in protest of the prosecution of two of its own.

Photo: AP

Maybe we should set aside a separate holding area on Rikers Island for union leaders who upend the criminal-justice system for their own crass purposes.

Exhibit A is Norman Seabrook, the head of the Corrections Officers Benevolent Association. Seabrook is not too happy because two of his guards, Kevin Gilkes and Louis Pinto, are now on

trial in The Bronx on charges related to the beating of a prisoner last year. Gilkes is accused of beating up the prisoner; Pinto of standing by and allowing it to happen; and both of trying to cover up the beat-down by falsifying records.



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Norman Seabrook Photo: Robert Kalfus

So what does their union boss do? On Monday he grounded 44 buses that move inmates from Rikers to courts around the city by ordering his members not to drive them. As a result, barely 10 percent of Rikers inmates made it to their court appearances. On Tuesday, fewer than a third of the buses scheduled for criminal court arrived.

Just to clear up what's going on here: Two corrections officers are now on trial for a serious crime. In response, the leader of their union decides to disrupt the city's courts. In so doing, he denies justice to individuals, including those who spent an extra night on Rikers because they didn't make their appearance before a judge.

We are not sure which part of the law Seabrook violated. Maybe it's the Taylor Law, which delineates the rights and responsibilities of unionized public employees. What is beyond doubt is that, in an effort to intimidate, Seabrook succeeded in holding hostage New York's justice system — and no city can let such an outrage stand without inviting more of the same.

DAILY NEWS

LOCAL

Rikers Island buses halted by president of correction officers union

'That's outrageous,' said one lawyer whose client had to miss his court date and his release because of Corrections Officers Benevolent Association President Norman Seabrook ordered buses to stop shipping prisoners.

BY REUVEN BLAU / NEW YORK DAILY NEWS

MONDAY, NOVEMBER 18, 2013, 1:43 PM



BRYAN PACE FOR NEW YORK DAILY NEWS

Norman Seabrook, center, is upset that two of his members are facing charges for allegedly lying about the amount of force used to subdue a prisoner.

The head of the correction officers union grounded 44 buses taking Rikers inmates to court appearances Monday in a snit over criminal charges against two of his members, sources said.

Norman Seabrook, president of the Correction Officers Benevolent Association, instructed his members not to operate the buses, but he appeared to be relenting as the day went on, sources said.

"There's a marked decrease in prisoner production citywide, but we have been assured that it will resume this afternoon," court spokesman David Bookstaver said.

Seabrook is upset that two of his members are facing criminal charges for lying about using force to subdue an inmate.



ADAMS IV. JAMES MONROE (FREELANCE/FREELANCE, NYDN)

Corrections Officers Benevolent Association President Norman Seabrook instructed his members not to operate the prison buses

The case against Officers Louis Pinto and Kevin Gilkes got under way in Bronx Criminal Court on Monday.

Seabrook did not immediately respond to a request seeking comment.

In Brooklyn, judges adjourned all the cases in which the defendants from Rikers were not produced.

One hearing involved Kester Blades, who was supposed to be freed after his sentence on a gun charge was modified on appeal.



SPENCER PLATT/GETTY IMAGES

Court trials involving inmates from Rikers Island were put on hold Monday morning.

He's been left to cool his heels in jail one more day.

"That's outrageous," his lawyer Jonathan Straus said. "My client was supposed to get released today and because some people don't feel like doing their job, he has to spend another day in jail."

A Correction Department declined to comment.

With Oren Yaniv

New York Magazine

Daily Intel Home

- Yesterday at 12:54 AM — 11.21.13

Rikers Bus Drivers Won't Transport a Witness Against Union Colleagues



Rikers bus drivers are in a unique position to prevent a witness imprisoned on the island from testifying against two members of their union accused of beating him: They're simply refusing to transport prisoners to court. Ostensibly, the work stoppage among the drivers is over bus safety issues, but it also happens to correspond with the scheduled testimony of one Dapree Peterson, in whose beating two Rikers correctional officers face assault and misconduct charges. Hard to see what the end game is here, though.