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SECTION: SUMMARY; Pg. p.21, col.3 Vol. 247 No. 69

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HEADLINE: Suit Asserting N.Y. Civil Service Law Claims Not Shown to Need Filing a Notice of Claim;
U.S. - SDNY | GOVERNMENT

BODY:

Citing *People United for Children v. City of New York*- and seeking equitable relief as well as damages-Glaves-Morgan asserted claims against New York City and its employees under *New York Civil Service Law* §§75-b and 80. Section 75-b bars retaliation for reporting wrongdoing. Section 80 sets out procedures for demoting and reducing the salary of civil servants. Citing *New York General Municipal Law* §§50-i and 50-e, defendants sought summary judgment on the basis of plaintiff's failure to file a notice of claim. Granting defendants reconsideration, district court adhered to its ruling that they did not show that a notice of claim was required. Rejecting defendants' assertion that its reliance on *People United* -holding that a notice of claim is not required "where the primary relief being sought is equitable in nature, and monetary damages are only incidental"was misplaced because *People United*'s narrow exception to the notice of claim requirement was inapplicable, district court denied defendants summary judgment. They did not show that plaintiff's Civil Service Law claims were torts under §50-i or that there was a broader statutory requirement, applicable to suits against the city, mandating filing of a notice of claim.

Glaves-Morgan v. City of New York, 11 CV 1248 (April 1)

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