

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

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In the Matter of the Application of

BENJAMIN CHEVAT,

Petitioner,

-against-

THE CITY OF NEW YORK: OFFICE OF THE MAYOR,
NEW YORK CITY LAW DEPARTMENT and NEW
YORK CITY DEPARTMENT OF DESIGN AND
CONSTRUCTION,

Respondents.

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**AFFIRMATION OF ASSISTANT
CORPORATION SAARAH S.
DHINSA IN SUPPORT OF A
MOTION FOR AN ORDER
EXTENDING THE RETURN
DATE OF THIS PROCEEDING,
*NUNC PRO TUNC***

Index No. 153916/2026

1. Saarah S. Dhinsa, an attorney admitted to practice in New York State, affirm this 15th day of June, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the following is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document will be filed in an action or proceeding in a court of law.

2. I am an Assistant Corporation Counsel in the office of Steven Banks, Corporation Counsel of the City of New York, attorney for the Respondents the City of New York: Office of the Mayor, New York City Law Department, and New York City Department of Design and Construction in the above-captioned proceeding.

3. As such, I am familiar with the prior proceedings and have the requisite information to make this affirmation in support of Respondents' Motion for an order extending their time to respond to the Petition.

A. Procedural Background

4. Plaintiff commenced this proceeding, on March 29, 2026, by filing a Petition and Affirmation in Support of the Petition. See NYSCEF Doc. Nos. 1-2.

5. This proceeding is brought by Petitioner seeking a declaration that the City of New York: Office of the Mayor, and the New York City Department of Design and Construction's denial of appeal and the New York City Law Department's remand of Petitioner's appeal was arbitrary and capricious on the grounds that Respondents purportedly failed to establish, adequately, that a diligent search for the requested materials was actually performed.

6. On April 23, 2026 and May 14, 2026, Respondents filed stipulations to extend the return date of the proceeding.

7. On June 8, 2026, I contacted Petitioner's counsel via phone and asked for additional time to respond to the Petition, as I am awaiting additional information from the agencies regarding the searches that occurred and status of the request. Additionally, I asked Petitioner for search terms to narrow the FOIL request as it relates to the Law Department.

8. On June 10, 2026, Petitioner's counsel declined to consent to the affirmation for additional time to respond to the Petition.

9. On June 15, 2026, I followed up with Petitioner's counsel to ask for the reason he withheld consent to my request so that I could alert the court.

10. That day, Petitioner's counsel responded to stating that they see no evidence that affording extra time results in anything but requesting more extensions.

B. Respondent Should Be Granted An Extension Of The Return Date, *Nunc Pro Tunc*, of This Proceeding To July 20, 2026

11. Sections 2004, 2005 and 3012(d) of the New York Civil Practice Law and Rules (“CPLR”) allow a Petitioner to move for, and the Court to grant, an extension of time to answer or otherwise respond to a petition upon a showing of a reasonable excuse for the delay.

12. Section 3012(d) provides, in pertinent part, that “[u]pon the application of a party, the court may extend the time to appear or plead . . . upon a showing of reasonable excuse for delay” CPLR § 3012(d).

13. Respondent has sufficient justification for the delay requested to respond to the Petition in this proceeding. As mentioned above, resolution of whether the City’s search pursuant to the FOIL request was reasonable and diligent requires detailed investigation into the particular circumstances of the agencies databases and search efforts. I am awaiting additional information from the agencies regarding the searches conducted to ensure I properly respond to the claims asserted against the City in the Petition.

14. Permitting Respondents additional time to serve a response to the Petition in this proceeding is in line with this State’s strong public policy favoring resolution of cases on the merits. See Ahmad v. Aniolowski, 28 A.D.3d 692, 692 (2d Dep’t 2006); Scagnelli v. Pavone, 178 AD.2d 590, 590 (2d Dep’t 1991).

15. Additionally, because the Law Department remains in the process of reviewing and producing responsive documents to Petitioner, Respondent respectfully submits that Petitioner will not be prejudiced by this extension of time to respond the petition. See Shure v. Westhampton Beach, Inc., 121 A.D.2d 887 (1st Dep’t 1986); see also I.J. Handa, P. C. v. Imperato, 159 A.D.2d 484, 484 (2d Dep’t 1990) (vacating default where defendants served their answer twenty days after the time to answer had expired

because “[u]nder the circumstances and in view of the absence of prejudice to the plaintiff, the meritorious nature of the defense, the relative shortness of the delay, the lack of willfulness on the part of the defendants and the public policy in favor of resolving cases on the merits, it cannot be said that it was an improvident use of discretion to excuse the defendants’ default”).

16. Accordingly, Respondent’s request for an extension of the return date, until July 20, 2026, to respond to the Petition in order to serve a meaningful response in this proceeding is appropriate and should be granted.

17. I have attached a proposed Order Extending Respondent’s Time to Respond to the Petition as an Appendix.

WHEREFORE, Respondent respectfully requests that the Court extend this proceeding’s return date from June 22, 2026 until July 20, 2026, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
June 15, 2026

/s/ Saarah S. Dhinsa
Saarah S. Dhinsa
Assistant Corporation Counsel

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

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In the Matter of the Application of

BENJAMIN CHEVAT,

Petitioner,

**CERTIFICATION OF
COMPLIANCE WITH
WORD COUNT LIMIT**

-against-

THE CITY OF NEW YORK: OFFICE OF THE MAYOR,
NEW YORK CITY LAW DEPARTMENT and NEW
YORK CITY DEPARTMENT OF DESIGN AND
CONSTRUCTION,

Index No. 153916/2026

Respondents.

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SAARAH S. DHINSA, an attorney duly admitted to practice before the Courts of the State of New York, certifies pursuant to Rule 202.8-b of the Uniform Civil Rules for the Supreme Court and County Court of the State of New York, that the total number of words in the Affirmation, exclusive of the signature block, is 950 words, according to the “Word Count” function of Microsoft Word, the word-processing system used to prepare the document, and thus that the document complies with the word count limit of no more than 7,000 words set forth in Rule 202.8-b.

Dated: New York, New York
June 15, 2026

/s/ Saarah S. Dhinsa

Saarah S. Dhinsa
Assistant Corporation Counsel

APPENDIX

At an Individual Assignment Part ___ of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse located at 71 Thomas Street, New York, New York 10013, on the _____ day of _____, 202__.

P R E S E N T:

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In the Matter of the Application of

BENJAMIN CHEVAT,

Petitioner,

-against-

THE CITY OF NEW YORK: OFFICE OF THE MAYOR,
NEW YORK CITY LAW DEPARTMENT and NEW
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**ORDER EXTENDING THIS
PROCEEDING’S RETURN
DATE**

Index No. 153916/2026

Respondent The City of New York: Office of the Mayor, New York City Law Department, and New York City Department of Design and Construction (“Respondents”) having made an application pursuant to CPLR §§ 2004, 2005 and 3012(d) for an extension of time of the return of this proceeding;

NOW, upon reading and filing the Respondents’ Notice of Motion and the Affirmation of Saarah S. Dhinsa, dated June 15, 2026, submitted in support of Respondents’ application for an extension of the proceeding’s return date, and upon all the other papers and proceedings herein; and

NOW, upon application of Steven Banks, Corporation Counsel of the City of New York, by Saarah S. Dhinsa, Assistant Corporation Counsel, attorney for the Respondents, it is hereby

ORDERED, that the return date of this proceeding is extended to and including July 20, 2026.

ENTER :

J.S.C.