

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 -

**AFFIRMATION IN  
SUPPORT TO CITY’S  
CROSS-MOTION AND IN  
OPPOSITION TO  
PETITIONER’S MOTION**

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 admitted to practice in New York State, affirms this 30<sup>th</sup> day of June, 2026, under 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 may be filed in an action or proceeding in a court of law.

1. This affirmation in opposition is submitted on behalf of Respondents THE CITY OF NEW YORK: OFFICE OF THE MAYOR (hereinafter “Mayor’s Office”), NEW YORK CITY LAW DEPARTMENT (hereinafter “Law Department”), and NEW YORK CITY DEPARTMENT OF DESIGN AND CONSTRUCTION (hereinafter “DDC”) in support of the City’s Cross-Motion, pursuant to CPLR 3211(a)(7), to dismiss the proceeding against the Mayor’s Office, DDC, and the Law Department.

2. Petitioner brought this Article 78 proceeding concerning Petitioner’s request to the Mayor’s Office, the Law Department, and DDC pursuant to the Freedom of Information Law (“FOIL”), New York Public Officers Law §§ 84, *et seq.*

3. The Court should dismiss this proceeding against the Mayor's Office and DDC, as both agencies have conducted reasonable and diligent searches, certifying to Petitioner that records responsive to Petitioner's FOIL request were not found, and as such, have satisfied their statutory obligations.

4. Petitioner fails to offer any non-speculative basis for allowing this proceeding to continue as to the Mayor's Office and DDC, relying instead on decades-old documents and circumstantial assertions that do not establish that these two agencies possess records dating back more than twenty years.

5. The proceeding against the Law Department should be dismissed as well, as it was commenced while the administrative process remains ongoing. Petitioner's FOIL appeal in relation to the Law Department had been remanded for further agency review, and no final post-remand determination had yet been issued.

6. The Law Department is currently reviewing a subset of documents retrieved from the Relativity databases, for responsiveness and any applicable FOIL exemptions.

7. On June 10, 2026, I reached out to Petitioner's counsel to discuss narrowing the request, including the identification of specific custodians and search terms.

8. Accordingly, Petitioner's challenge against the Law Department is premature, as it seeks judicial review before the agency has completed its administrative review and rendered a final determination.

### **ARGUMENT**

9. For the reasons discussed in the City's accompanied memorandum of law, it is respectfully submitted that the Petitioner's motion be denied in its entirety and the City's cross-motion be granted in its entirety.

**WHEREFORE**, it is respectfully requested that the City's cross-motion be granted in its entirety and that the Petitioner's motion be denied in its entirety, together with such other and further relief as this Court may deem just and proper.

June 30, 2026

STEVEN BANKS  
Corporation Counsel of the City of New York  
Attorney for The City of New York  
100 Church Street  
New York, New York 10007

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By: Saarah S. Dhinsa  
Assistant Corporation Counsel  
212-356-0872

**CERTIFICATION UNDER UNIFORM CIVIL RULE 202.8-b**

According to Microsoft Word 2010, the portions of the affirmation that must be included in a word count contain approximately 429 words, and comply with Uniform Civil Rule 202.8-b.

Dated: New York, New York  
June 30, 2026

Respectfully Submitted,

June 30, 2026

STEVEN BANKS  
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Attorney for The City of New York  
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New York, New York 10007

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By: Saarah S. Dhinsa  
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212-356-0872

Index No. 153926/2026

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COUNTY OF NEW YORK

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- 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.

**AFFIRMATION IN OPPOSITION**

**STEVEN BANKS**

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Attorney for Respondents  
100 Church Street  
New York, NY 10007*

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*Saarah S. Dhinsa*

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*Due and timely service is hereby admitted.*

*New York, N.Y. June 30, 2026*