

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,

Index No.

Petitioner,

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules,

-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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NOTICE OF PETITION

PLEASE TAKE NOTICE that, upon the annexed Verified Petition, dated March 29, 2026, the Attorney's Affirmation, dated March 19, 2026, and all exhibits submitted in support of the Verified Petition, Petitioner Benjamin Chevat, Director of 911 Health Watch, will, by the undersigned attorneys make an application at the Supreme Court of the State of New York in the County of New York, located at 60 Centre Street, in Room 130, Motion Submission Part Courtroom, on May 1, 2026 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order and judgment pursuant to C.P.L.R. § 7806 providing the following relief:

- A) A declaration that the March 20, 2026 FOIL appeal denial (**Exhibit 23**) was arbitrary and capricious as the respondents failed to establish, with any precision or evidence, that a diligent search for the requested materials was actually performed;

- B) An Order directing the Mayor's Office, answering on behalf of itself, the Law Department and DDC, to search archives, again, with diligence for the requested materials, and report, in detail, as to the steps it undertook during the search and provide all materials responsive to the FOIL request;
- C) A declaration that the March 20, 2026 FOIL appeal denial (**Exhibit 23**) was arbitrary and capricious as the respondents failed to establish, with any precision or evidence, that the requested materials do not exist and, in fact, support the contention that responsive documents exist and remain within their custody and control;
- D) A hearing to ascertain the scope and duration of any search previously undertaken by the Mayor's Office in response to the FOIL request, with live testimony taken from the Records Appeal Officer and the Mayor's records "searchers;"
- E) Attorneys' fees and costs incurred in taking the first administrative appeal and second administrative appeal (**Exhibit 13**: December 12, 2025 appeal; **Exhibit 22**: March 8, 2025 appeal); and
- F) Attorneys' fees and costs incurred in bringing this Article 78 proceeding and for all future motions, appearances, conferences, arguments, depositions, discovery, appeals, hearings and related work.

This proceeding is appropriately commenced in the Supreme Court of New York County,
pursuant to CPLR Sec. 506(b)

March 29, 2026

Very truly yours,

A handwritten signature in cursive script that reads "Andrew J. Carboy". The signature is written in black ink and is positioned above a horizontal line.

Andrew J. Carboy

A handwritten signature in cursive script that reads "Matthew McCauley". The signature is written in black ink and is positioned above a horizontal line.

Matthew McCauley