

At a Special Terms of the Supreme Court of the State of New York held in and for the County of Monroe, at the Hall of Justice on the 29th day of October, 1986.

PRESENT: HON. DAVID O. BOEHM, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

BEVERLY COX,

Plaintiff,

-vs-

THE RELATED COMPANIES, INC.,
RELATED MANAGEMENT CORPORATION,
RELATED CAPITAL CORPORATION, and
GREEN ACRES ASSOCIATES,

Defendants.

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MONROE COUNTY
CLERKS OFFICE
10/26/86
ORDER AND
JUDGMENT

Plaintiff having commenced this action pursuant to the Executive Law of the State of New York alleging unlawful discrimination based upon marital status against her in the rental of publicly-assisted housing, and the matter having duly come on to be heard,

NOW, upon reading and filing the Notice of Motion on behalf of plaintiff for Partial Summary Judgment dated September 8, 1986, and affidavits and exhibits attached thereto; defendants' Notice of Cross-motion for Summary Judgment dated October 21, 1986 and the affidavit and affirmation attached thereto and the Exhibit Volume submitted therewith; the Summons and Complaint dated September 24, 1984 and exhibits attached thereto; the Answer on behalf of the

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defendants dated November 15, 1984; the Notice for Discovery and Inspection on behalf of plaintiff dated December 14, 1984; the Notice to Admit on behalf of plaintiff dated December 14, 1984 and exhibit attached thereto; the Response to Notice to Admit on behalf of the defendants dated January 28, 1985; plaintiff's Second Notice to Admit dated February 7, 1985; the Stipulation of the parties dated February 7, 1985; and the transcript of the examination before trial of Thomas Bruce Berger held May 29, 1985; and upon all other papers ~~filed herein~~ AND PROOF SUBMITTED; and plaintiff having appeared by her attorney the Greater Upstate Law Project (June Castellano, Esq., of Counsel); and defendants having appeared by their attorney Lacy, Katzen, Ryan & Mittleman (Peter T. Rodgers, Esq., of Counsel); and after hearing plaintiff by her attorney in support of her motion for partial summary judgment and in opposition to defendants' cross-motion for summary judgment, and defendants by their attorney in support of their cross-motion for summary judgment and in opposition to plaintiff's motion; and due deliberation having been had thereon,

NOW, on motion of the plaintiff Beverly Cox, it is

ORDERED and ADJUDGED, that there are no triable issues of fact pertaining to plaintiff's first and second causes of action with respect to marital status and that there are no defenses asserted in the answer to said causes of action; and it is further

ORDERED and ADJUDGED, that partial summary judgment is granted in favor of the plaintiff and against the defendants The Related Companies, Inc.; Related Management Corporation; Related Capital

Corporation and Green Acres Associates, on the first and second causes of action as to marital status in plaintiff's complaint in that defendants have violated New York Executive Law §§296.5(a)(1), (2), and (3) and §§296.2-a(a), (b), and (c); and it is further

ORDERED and ADJUDGED, that this court adopts and incorporates herein the legal analysis contained in New York State Attorney General Formal Opinion No. 85-F15 dated November 22, 1985 concerning marital status discrimination; and it is further

ORDERED and ADJUDGED, that this action is hereby severed as to the balance of the relief demanded in the complaint; and it is further

ORDERED and ADJUDGED, that plaintiff's request for a bifurcated trial is granted with a trial on damages as the remaining triable issue on plaintiff's first and second causes of action with respect to marital status.

Dated: Rochester, New York
~~November~~, 1986

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JSC *December,*

David J. B...
J.S.C.

ENTERED:

APPROVED AS TO FORM:

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MONROE COUNTY
CLERKS OFFICE

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