

Judge Strikes Down NYC Vaccine Mandate for All City Workers, Orders Their Immediate Reinstatement

Oct 25, 2022

New York City Ordered by Court to Reinstatement All Those Fired Over 'Unconstitutional' Covid Vaccine Mandates

By Caden Pearson

A New York Supreme Court judge on Monday struck down New York City's vaccine mandate for all city workers, finding the rule to be unconstitutional, arbitrary, and capricious.



Marina Medvin
@MarinaMedvin · Follow



NY State Supreme Court reinstates all fired unvaccinated employees, orders backpay, says the state violated rights, acted arbitrary & capricious, notes: "Being vaccinated does not prevent an individual from contracting or transmitting Covid-19."

iapps.courts.state.ny.us/fbem/DocumentID...

FILED RECEIPT

INDEX NO. 85163/2022
INDEX WRITER: 10/24/2022

<https://iapps.courts.state.ny.us/fbem/DocumentID=JKSE3gn5XV>

8790c8964dc6cd0266c28a9857ea50d0f0717e11ca108ec17
d8dc14480099af86104b875d0d79995a3c86f6b0790c3e7cc
160f567aa9917ebab619be21fae02aa45e7a0d95c222710fab
0e2748190e1dc93d70f661a1e7e621778403b6f82b2b2502
3011fc36

ORDERED that a declaratory judgment is granted in that this Court finds that the Commissioner lacks the power and authority to permanently exclude the Petitioners from their workplace.

ORDERED that this Court finds the Commissioner of Health and Mental Hygiene's order dated October 20, 2021, arbitrary and capricious pursuant to CPLR §7803.

ORDERED that this Court finds the Commissioner of Health and Mental Hygiene's order dated December 13, 2021, arbitrary and capricious pursuant to CPLR §7803.

ORDERED that this Court finds the Mayor's Executive Order No. 62, arbitrary and capricious pursuant to CPLR §7803.

ORDERED that the Petitioners' claim for breach of contract is denied.

ORDERED that the terminated Petitioners are hereby reinstated to their full employment status, effective October 25, 2022, at 6:00AM.

ORDERED that the Petitioners are entitled to back pay in salary from the date of termination.

ORDERED that the Petitioners are directed to submit a proposed judgment regarding back pay consistent with this decision on or before November 10, 2022.

24 ottobre 2022: la Corte Suprema di New York ordina il reintegro di tutti i lavoratori non "vaccinati" che erano stati licenziati a causa dell'obbligo "vaccinale" covid. Nell'atto si legge testualmente che << essere vaccinati non impedisce a una persona di contrarre e di trasmettere il covid-19 [...]. Abbiamo imparato durante la pandemia che il vaccino contro il covid-19 non e' assoluto. Ci sono casi [covid] anche per chi ha fatto il "vaccino" e i richiami [...]. L'obbligo di "vaccino" per i cittadini impiegati non era solo per la sicurezza e la salute pubblica ma era per l'obbedienza [...]. Lo Stato di New York ha terminato l'emergenza covid-19 piu' di un mese fa [...]. E' tempo che la citta' di New York faccia quello che e' giusto e legittimo >>.

FILED: RICHMOND COUNTY CLERK 10/25/2022 09:22 AM

INDEX NO. 85163/2022

NYSCEF DOC. NO. 37

RECEIVED NYSCEF: 10/24/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

GEORGE GARVEY, ADAM BIANCO,
ANTHONY FIGUEROA, CURTIS CUTLER,
DALE NICHOLLS, DANNY HULKOWER,
FRANK CALAMANCO, JAMES GERMANO,
KOLA SMITH, MANDEL BAILEY,
MITCHUM GREENE, PATRICIA BUCCELLATO,
RALPH MARTINEZ, RUSSELL PIAZZA,
SEAN ABELL, TOMMY LIBRETTI,
Petitioners,

Index #: 85163/2022

For A Judgment Pursuant To
Article 78 of the CPLR

DECISION & ORDER

-against-

THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE, NEW YORK CITY DEPARTMENT
OF SANITATION, DAVID CHOKSHI, in his official
capacity as the Commissioner of the Department of Health
and Mental Hygiene, and ERIC ADAMS, in his official
capacity as Mayor