

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

Matter of JOSEPH AGNEW, ANTHONY GANG,
TYRONE GREENE and KAMER REID,

On behalf of themselves and all others similarly
situated,

Petitioners,

For a judgment under Article 78 of the Civil Practice
Law and Rules

--against--

NEW YORK CITY DEPARTMENT OF
CORRECTION,

Index No. _____/2021

Mot. Seq. No. _____

Respondent.

[PROPOSED] ORDER GRANTING THE PETITIONERS' MANDAMUS RELIEF

Having reviewed the papers supporting Petitioners' Article 78 mandamus to compel and the papers filed in opposition, and having considered the arguments made at the hearing on this matter; this Court hereby

FINDS AND ORDERS:

1. That Petitioners have demonstrated that Respondent New York City Department of Correction has failed to comply with its nondiscretionary duties regarding Petitioners' access to medical care and have demonstrated that a mandamus order is warranted;
2. Respondent to immediately comply with its duties to:
 - a. Provide Petitioners' with access to sick call on weekdays, excluding holidays, and to make sick call available at each facility to all persons in DOC custody a minimum

of five days per week within 24 hours of a request, or at the next regularly scheduled sick call, whichever is first;

b. Safely keep in the New York City jails each person lawfully committed to his custody by providing sufficient security for the movement of incarcerated persons to and from health services, and by not prohibiting or delaying incarcerated persons' access to care, appropriate treatment, or medical or dental services.

2. Respondent shall provide proof of substantial compliance with these duties within one week of this order;

3. If Respondent has failed to show such proof, the parties shall appear before this Court on _____ to address Petitioners' request for alternative relief.

SO ORDERED.

DATED: October _____, 2021

Justice of the Supreme Court