



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**CITY FILES LEGAL PAPERS SEEKING
AN IMMEDIATE TEMPORARY RESTRAINING ORDER (TRO)
AGAINST TRANSIT UNIONS TO STOP THE TRANSIT STRIKE;
UNIONS AND INDIVIDUAL MEMBERS COULD BE SUBJECT
TO FINES IF THEY DO NOT OBEY**

CITY ASSERTS THAT STRIKE IS COSTING THE CITY MILLIONS A DAY

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New York, Dec. 21, 2005 – Following up on a legal complaint filed last week (on Dec. 13th), and taking action separate from the Metropolitan Transportation Authority, New York City today filed legal papers (called an “order to show cause”) seeking an immediate injunction – called a “temporary restraining order” or TRO – to stop the strike.

In Kings County Supreme Court in Brooklyn this morning, Corporation Counsel Michael A. Cardozo argued that the City and the Mayor have been shouldering the responsibility of dealing with the crisis caused by the strike. He argued that the City and its residents, businesses, and visitors are the ones being most harmed by the illegal strike.

“The illegal transit strike now occurring is causing devastating and irreparable injury to the City and its residents, commuters, visitors and businesses,” Corporation Counsel Michael A. Cardozo argued. “It is the City that has the responsibility of devising and implementing methods of dealing with the crisis caused by the striking workers’ illegal acts. It is the City that is responsible for protecting the safety, health, and welfare of the City’s people during the strike now underway. It is the City that is responsible for keeping the schools open and functioning to provide an education for our young people during this strike. And it is the City, in addition to the Transit Authority, that has lost and will continue to lose millions of dollars of revenues – particularly in the form of lost tax revenue – each day that the defendants’ illegal strike continues. Therefore, the City has a great interest in getting the striking workers back to work and our actions today are in furtherance of that interest.”

Justice Theodore Jones of the Kings County Supreme Court is now weighing if the City should be granted its immediate injunction or TRO. He is expected to conduct a hearing tomorrow on the issue. The timetable for a final decision is at the Court’s discretion.

If the immediate injunction is granted and the unions fail to comply with the order, it could lead to a court finding of civil contempt against the unions – and against each and every member who continues to strike. In contrast with the finding of criminal contempt obtained by the Metropolitan Transportation Authority (MTA) yesterday, if the unions do not comply with the immediate injunction (if it is signed), and a contempt finding is then made, then civil fines could be collected promptly.

In an affidavit filed earlier in these proceedings, Joseph F. Bruno, Commissioner of the City's Office of Emergency Management (OEM), outlined for the Court the severe injury to be expected if the transit workers strike. Commissioner Bruno's affidavit indicated that the City would lose in excess of \$440 million and \$660 million per day in lost business activity. Lost tax revenue would be between \$8 and \$12 million each day of the strike. Overtime for the NYPD alone would amount to about \$10 million a day.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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