

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JEAN AZOR-EL, ANTHONY MEDINA,
RAMON GOMEZ, RONNIE COLE,
DAKWAN FENNELL, JAMES CARTER,
MAURICE BARNAR, and LANCE KELLY,
individually and on behalf of
all others similarly-situated,

Plaintiffs,

-against-

CITY OF NEW YORK and KISA SMALLS,

Defendants.

Case No. 1:20-cv-03650-KPF [lead]

And Related Consolidated Cases:

1:20-cv-03978-KPF

1:20-cv-03980-KPF

1:20-cv-03981-KPF

1:20-cv-03982-KPF

1:20-cv-03983-KPF

1:20-cv-03985-KPF

1:20-cv-03990-KPF

**RENEWED MOTION FOR
PRELIMINARY INJUNCTION**

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Plaintiffs respectfully move this Court, pursuant to Fed. R. Civ. P. 65, U.S. Const. amend XIV, 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act, for a preliminary injunction¹ appointing a Special Master with power to monitor Defendants' compliance with the law and their own policies, and further commanding Defendants to implement the following safety protocols, along with any other relief the Court deems appropriate: (a) re-implementing effective, live video monitoring of Rikers for compliance with mask mandates; (b) mandating that staff wear actual PPE masks; (c) providing sanitizing wipes or alcohol prep pads for high-touch areas, such as phones; and (d) keeping a register of vaccinated staff.

¹ Although Plaintiffs have not yet moved for class certification, this Court need not rule on a class certification motion or formally certify a class in order to issue the requested emergency relief. *See, e.g.,* Newberg on Class Actions § 24:83 (4th ed. 2002) ("The absence of formal certification is no barrier to classwide preliminary injunctive relief."); Moore's Federal Practice § 23.50, at 23-396, 23-397 (2d ed.1990) ("Prior to the Court's determination whether plaintiffs can maintain a class action, the Court should treat the action as a class suit.").

As set forth in the accompanying Memorandum of Law in Support, Plaintiffs have satisfied the necessary elements to obtain a preliminary injunction at this stage. Plaintiffs respectfully request oral argument and/or a hearing on the motion.

Dated: July 9, 2021

Respectfully submitted,

KEENAN & BHATIA, LLC

By: ___/s/ Sonal Bhatia & E.E. Keenan___

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