

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

PRESENT: HON. NICHOLAS W. MOYNE PART 41M

Justice

-----X

DOUGLAS M DICKS,

Plaintiff,

- v -

LAURA KAVANAGH, THE BOARD OF TRUSTEES OF THE
NEW YORK CITY FIRE DEPARTMENT ARTICLE I-B
PENSION FUND, ROBERT BRAFF, CARL GUILLAUME,
FREDERICK RAPOPORT, LOUIS LOMBARDI, DAMIAN
MARTINO, PETER NEUMANN, JAMES LYNCH, ALAN
DAVID

Defendant.

-----X

INDEX NO. 157433/2023
MOTION DATE 07/25/2023
MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22

were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

Upon the foregoing documents, it is


For the reasons set forth in further detail on the record, it is hereby

ADJUDGED and ORDERED that the Verified Petition is granted to the extent that the denial of petitioner's application for Accidental Retirement Benefits, pursuant to New York City Administrative Code 13-353, is annulled and the application is granted as a matter of law; and it is further

ADJUDGED and ORDERED that the Verified Petition is granted to the extent that the denial of petitioner's application for Accidental Retirement Benefits, pursuant to New York City Administrative Code 13-353.1, known as the World Trade Center Disability Law, is annulled and the matter is remanded to the Medical Board for reconsideration; and it is further

ADJUDGED and ORDERED that the remainder of the Verified Petition is denied.

This constitutes the decision and order of the court.

<u>2/7/2024</u> DATE					 _____ NICHOLAS W. MOYNE, J.S.C.			
CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input checked="" type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>	OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>		<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	REFERENCE
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	REFERENCE