

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

IN THE MATTER OF THE APPLICATION OF
RICHARD J. VIZZINI, individually and
as RICHARD J. VIZZINI, individually
and as President of the UNIFORMED
FIREFIGHTERS ASSOCIATION, Local 94,
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS,
AFL-CIO,

Petitioners,

-against-

ABRAHAM D. BEAME, as Mayor of the City
of New York; THE CITY OF NEW YORK; and
THE NEW YORK CITY FIRE DEPARTMENT; and
JOHN T. O'HAGAN, as Fire Commissioner
of the City of New York, and Chief of
Department of the said New York City
Fire Department; the BOARD OF COLLECTIVE
BARGAINING; ARVID ANDERSON, as Chairman
of such Board, and ERIC J. SCHMERTZ,
WALTER L. EISENBERG, EDWARD SILVER,
VINCENT McDONNELL, HARRY VAN ARSDALE, JR.,
and EDWARD GRAY, as members of such Board,

Index No. 10551

Respondents.

For an Order and Judgment pursuant to
Article 78 of the Civil Practice Law and
Rules, to reverse a determination of
the Respondent BOARD OF COLLECTIVE
BARGAINING.

NYLJ Friday Oct. 4, 1974

Justice Fein

Petitioners here seek a judgment annulling and reversing an interim order of the Board of Collective Bargaining of the City of New York "BCB" which denied their motion to stay the respondents City of New York and New York City Fire Department from installing and implementing certain manning and work assignment programs during the pendency of petitioners' proceeding before the BCB seeking a final determination by it that the installation of such programs would constitute a violation of the so-called "status quo" provisions (Administrative Code, sec. 1173-7.0 [d] of the New York City Collective Bargaining Law. In so far as is here pertinent, such provisions require the fire department to refrain from unilateral changes in wages, hours or working conditions during the period of its negotiations with petitioners for a collective bargaining agreement, Petitioners seek a judgment of this court granting the same temporary injunctive relief heretofore denied by the interim

order of the BCB.

Following final submission application, the court has received from the office of the corporation counsel a copy of the BCB's final decision and order in the aforesaid proceeding dismissing the charges alleged in the petition before said board. In light of such final determination the relief sought in this proceeding is now moot.

Accordingly, petitioner's application is denied and the petition is dismissed.

Settle judgment.