

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

PRESENT: Hon. EILEEN BRANSTEN, Justice

PART 21

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John E. Knox

INDEX NO. 103436/98

-v-

MOTION SEQ. NO. 001

The City of New York and Steven  
DeCosta as Chair of the New York  
City Board of Collective Bargaining  
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Cross-Motion:           No

**Upon the foregoing papers, it is ordered that this motion** for leave to conduct discovery is denied. Petition has failed to demonstrate compelling necessity or extraordinary circumstances to allow for the depositions now sought in this Article 78 proceeding. Judicial review in this summary proceeding is limited to a determination of whether the administrative decision respondent removed had a rational basis. It would be improper for this court to allow petitioner to develop additional guidance not placed before respondent when this court is limited to determining whether respondent's decision was arbitrary and capricious as to endorse such respondent considered.

This constitutes the decision as order of this court.

Dated:     April 7, 1998

EILEEN BRANSTEIN  
J. S. C.

NON-FINAL DISPOSITION