

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

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In the Matter of the Application of

THE PATROLMEN'S BENEVOLENT ASSOCIATION  
OF THE CITY OF NEW YORK, INC.

Petitioner,

For a Judgment pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

Index No. 20264/73

ARVID ANDERSON, Chairman; EDWARD SILVER:  
EDWARD GRAY: THOMAS J. HERLIHY: OFFICE OF  
COLLECTIVE BARGAINING; and BOARD OF  
COLLECTIVE BARGAINING OF THE CITY OF  
NEW YORK

Respondents.

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NADEL, J:

In this Article 78 proceeding, petitioner, The Patrolmen's Benevolent Association of the City of New York, Inc., seeks an order annulling the determination of respondent. Office of Collective Bargaining, denying petitioner's request for arbitration. The City of New York has intervened as a party respondent by stipulation of the parties and now joins the other respondents in cross-moving to dismiss the application, pursuant to CPLR 7804(f) and 3211(a)(7) for failure to state a cause of action.

Respondents contend that petition contains only conclusory allegations which are insufficient to support the proceeding. In particular, they assert that the petitioner has failed to state in what manner the conduct of the Office of Collective Bargaining was arbitrary and capricious, or contrary to law. Further, the petition, it is urged, does not specify what

rights protected by the Collective Bargaining Law and contracts with the City were ignored.

In the Matter of Binghamton Citizens Penn-Can Route 17 Highway Committee v. Joseph C. Federick, 7 A.D. 2d 170 the Court stated at p.172

"Pleading legal generalizations such as the one that the hearings were conducted 'in a manner contrary to law and disregard of the rights and privilege of Petitioners' presents no ground for judicial action when the pleading is naked of any demonstrative factual allegation in context. The Special Term was entirely right in dismissing such a petition."

Here, the petition is devoid of supporting facts upon which to base the conclusory statements. Thus, the petition is insufficient.

Accordingly, the cross-motion to dismiss the application is granted.

Settle judgment.

Dated: February            1979