

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KIT-YIN SNYDER AND RICHARD HAAS,

Plaintiffs,

v.

ERIC ADAMS, Mayor of the City of New York, in his
official capacity, and **THE CITY OF NEW YORK**,

Defendants.

**DECLARATION IN
SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS THE COMPLAINT
PURSUANT TO FEDERAL
RULE OF CIVIL
PROCEDURE 12(B)(6)**

22-CV-03873 (LAK)

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GENAN F. ZILKHA, an attorney duly admitted to practice law in the United
States District Court of the Southern District of New York, declares under penalties of perjury,
pursuant to 28 USC § 1746, that the following is true:

1. I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants ERIC ADAMS, Mayor of the City of New York, in his official capacity and THE CITY OF NEW YORK (“Defendants”) in this action.


2. I submit this declaration in support of Defendants’ motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and specifically to put before the Court the following documents referenced in Defendants’ memorandum of law:

Exhibit A A true and correct copy of the Agreement by and between Urbahn & Litchfield Grosfeld, A Joint Venture, and Richard Haas and Kit-Yin Snyder (the “Plaintiffs”) for Artwork Including Delivery to the Site & Installation at the New Detention Facility in Lower Manhattan, dated July 2, 1987.

Exhibit B A true and correct copy of Certificate Number 17630, dated December 21, 1988, from the Art Commission of the City of New York, together with the design for certain artworks by Plaintiffs.

- Exhibit C** A true and correct copy of the Borough-Based Jails (“BBJ”) Manhattan Detention Complex (“MDC”) Artwork Conservation Plan presented by the New York City Department of Cultural Affairs (“DCLA”) the New York City Department of Design and Construction (“DDC”) and the New York City Department of Corrections (“DOC”) to the New York City Public Design Commission (“PDC”) on February 14, 2022 that has been Bates numbered for the Court’s convenience.
- Exhibit D** A true and correct copy of the BBJ MDC Artwork Conservation Plan presented by DCLA, DDC, and DOC to PDC on April 11, 2022 that has been Bates numbered for the Court’s convenience.
- Exhibit E** A true and correct copy of the resolutions from the February 14, 2022 and April 11, 2022 meetings held by PDC that has been Bates numbered for the Court’s convenience.
- Exhibit F** A true and correct copy of the transcript of the oral argument held before this Court on May 18, 2022 regarding Plaintiffs’ Motion for a Preliminary Injunction brought on by Order to Show Cause.
- Exhibit G** A true and correct copy of the Complaint in this action filed by Plaintiffs on May 11, 2022.

Dated: New York, New York
August 8, 2022



Genan F. Zilkha, Esq.
Assistant Corporation Counsel