

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

In re Application for a Judgment Under Article 78 of  
the Civil Practice Law and Rules by

Index No.: 157002/2015

SUSAN CRAWFORD,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF  
INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS,  
TIME WARNER CABLE INC., AT & T CORP.  
EMPIRE CITY SUBWAY COMPANY LTD., AND  
RCN TELECOM SERVICES, LLC

Respondents.

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**VERIFIED ANSWER BY RESPONDENT**  
**RCN TELECOM SERVICES, LLC**

Respondent RCN Telecom Services, LLC (hereinafter "RCN") by its attorneys Eckert  
Seamans Cherin & Mellott, LLC as and for its Verified Answer to the Petition of Susan Crawford  
states as follows:

1. Respondent RCN neither admits or denies the allegations of Paragraph 1 of the  
Petition and otherwise leaves the Petitioner to her proof.
2. The Respondent RCN denies the allegations contained in Paragraph 2 of the  
Petition.
3. Respondent denies having knowledge and information sufficient to form a belief as  
to the truth of the allegations contained in Paragraph 3 of the Petition.
4. Respondent admits on information and belief the allegations contained in Paragraph  
4 of the Petition.

5. Respondent denies the allegations contained in Paragraph 5 of the Petition and otherwise leaves the Petitioner to her proof.

6. Respondent admits on information and belief the allegations contained in Paragraph 6 of the Petition.

7. Respondent repeats and reiterates its prior responses as if set forth herein at length in response to Paragraph 7 of the Petition.

8. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Petition.

9. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Petition.

10. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Petition.

11. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Petition.

12. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Petition.

13. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Petition.

14. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Petition.

15. Respondent admits on information and belief the allegations contained in Paragraph 15 of the Petition.

16. Respondent denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Petition.

17. Respondent admits on information and belief the allegations contained in Paragraph 17 of the Petition.

18. Respondent denies the allegations contained in Paragraph 18 of the Petition and otherwise leaves the Petitioner to her proof.

19. Respondent denies the allegations contained in Paragraph 19 of the Petition and otherwise leaves the Petitioner to her proof.

20. Respondent denies the allegations contained in Paragraph 20 of the Petition and otherwise leaves the Petitioner to her proof.

21. Respondent denies the allegations contained in Paragraph 21 of the Petition and otherwise leaves the Petitioner to her proof.

22. Respondent denies the allegations contained in Paragraph 22 of the Petition and otherwise leaves the Petitioner to her proof.

23. Respondent denies the allegations contained in Paragraph 23 of the Petition and otherwise leaves the Petitioner to her proof.

24. Respondent repeats and reiterates its prior responses as if set forth herein at length in response to Paragraph 24 of the Petition.

25. Respondent denies the allegations contained in Paragraph 25 of the Petition and otherwise leaves the Petitioner to her proof.

26. Respondent denies the allegations contained in Paragraph 26 of the Petition and otherwise leaves the Petitioner to her proof.

27. Respondent denies the allegations contained in Paragraph 27 of the Petition and otherwise leaves the Petitioner to her proof.

28. Respondent denies the allegations contained in Paragraph 28 of the Petition and otherwise leaves the Petitioner to her proof.

29. Respondent denies the allegations contained in Paragraph 29 of the Petition and otherwise leaves the Petitioner to her proof.

**FIRST AFFIRMATIVE DEFENSE**

1. Petition fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

2. The Petition is barred under res judicata and or collateral estoppel

**THIRD AFFIRMATIVE DEFENSE**

3. The Petition is untimely and barred by the statute of limitations.

**FOURTH AFFIRMATIVE DEFENSE**

4. The records sought are exempt from disclosure under NY Public Officers Law 87(2)(d).

**FIFTH AFFIRMATIVE DEFENSE**

5. The records sought are exempt from disclosure under NY Public Officers Law 87(2)(f).

**SIXTH AFFIRMATIVE DEFENSE**

6. The records sought are exempt from disclosure under NY Public Officers Law 87(2)(i).

Wherefore, it is respectfully requested that a judgment be entered dismissing the Petition and for such other and further relief as to this Court may seem just and equitable.

Dated: White Plains, New York  
April 25, 2016

ECKERT SEAMANS CHERIN & MELLOTT,  
LLC

By: *Thomas M. Smith*

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Thomas M. Smith, Esq.  
10 Bank Street, Suite 700  
White Plains, NY 10606  
914-286-2807  
*Attorneys for Respondent  
RCN Telecom Services, LLC*

TO: David A. Schulz, Esq.  
Media Freedom And Information  
Access Clinic, Yale Law School  
321 W. 44<sup>th</sup> Street, Suite 1000  
New York, NY 10036  
*Counsel for Petitioner*

Henry M. Greenberg, Esq.  
Cynthia L. Neidle, Esq.  
Jennifer M. Gomez, Esq.  
Greenberg Traurig, LLP  
54 State Street, 6<sup>th</sup> Floor  
Albany, NY 12207  
*Attorneys for Respondent Empire City Subway Company, Ltd.*

Elizabeth Edmond, Esq.  
Assistant Corporation Counsel  
Zachary W. Carter, Esq.  
Corporation Counsel  
100 Church Street  
New York, New York 10007  
*Attorneys for City of New York*

Douglass B. Maynard, Esq.  
Jessica Oliff Daly, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
One Bryant Park  
New York, NY 10036  
*Attorneys for Respondent Time Warner Cable, Inc.*

Craig R. Bucki, Esq.  
Phillips Lytle LLP  
The New York Time Building  
620 Eighth Avenue, 23<sup>rd</sup> Fl.  
New York, NY 10018-1405  
*Attorneys for Respondent AT&T Corp.*

**VERIFICATION**

Thomas Smith an attorney admitted to practice before the courts of this State hereby affirms the truth of the following under penalties of perjury:

I am an attorney for the Respondent RCN Telecom Services, LLC. I have read the foregoing Answer and the same is true except for those matters alleged upon information and belief and those I believe to be true. The basis for my belief is the files and records as maintained by this office.

Dated: April 25, 2016

*Thomas M. Smith*

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Thomas Smith, Esq.

**PART 130 CERTIFICATION**

Thomas M. Smith, an attorney admitted to practice in the courts of this hereby affirms the truth of the following under penalties of perjury:

I am the attorney for the Respondent RCN Telecom Services, LLC herein. I hereby certify pursuant to 22 NYCRR 130-1.1 upon information belief after reasonably inquiry under the circumstances that the contentions contained herein in the Verified Answer are not frivolous. The matter was not obtained through the violation of any court rule.

Dated: April 25, 2016

*Thomas M. Smith*

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Thomas M. Smith, Esq.



AFFIDAVIT OF ELECTRONIC FILING

STATE OF NEW YORK            )  
  )ss:  
COUNTY OF WESTCHESTER )

Laverne L. Michael-Dean, being duly sworn, deposes and says:

1. I am not a party to this action; I am over the age of 18 years; and I reside at Bronx, New York.

2. On the 25<sup>th</sup> day April, 2016, I electronically filed and served the within **VERIFIED ANSWER BY RESPONDENT RCN TELECOM SERVICES, LLC** on:

David A. Schulz, Esq.  
Media Freedom And Information  
Access Clinic, Yale Law School  
321 W. 44<sup>th</sup> Street, Suite 1000  
New York, NY 10036  
*Counsel for Petitioner*

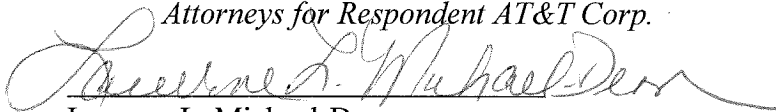
Corporation Counsel  
100 Church Street  
New York, New York 10007  
*Attorneys for City of New York*

Henry M. Greenberg, Esq.  
Cynthia L. Neidle, Esq.  
Jennifer M. Gomez, Esq.  
Greenberg Traurig, LLP  
54 State Street, 6<sup>th</sup> Floor  
Albany, NY 12207  
*Attorneys for Respondent Empire City  
Subway Company, Ltd.*

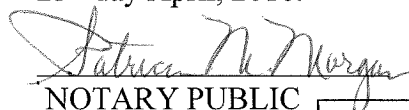
Douglass B. Maynard, Esq.  
Jessica Oliff Daly, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
One Bryant Park  
New York, NY 10036  
*Attorneys for Respondent Time Warner  
Cable, Inc.*

Elizabeth Edmond, Esq.  
Assistant Corporation Counsel  
Zachary W. Carter, Esq.

Craig R. Bucki, Esq.  
Phillips Lytle LLP  
The New York Time Building  
620 Eighth Avenue, 23<sup>rd</sup> Fl.  
New York, NY 10018-1405  
*Attorneys for Respondent AT&T Corp.*

  
Laverne L. Michael-Dean

Sworn to before me this  
25<sup>th</sup> day April, 2016.

  
NOTARY PUBLIC

Patricia M. Morgan  
NOTARY PUBLIC, State of New York  
No. 01MO6130892  
Qualified in Dutchess County  
Commission Expires: July 25, 2017