

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

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In re Application for a Judgment Under Article 78 of	:
the Civil Practice Law and Rules by	: No. 157002/2015
	:
SUSAN CRAWFORD,	:
	:
Petitioner,	: I.A.S. Part 33 (Kenney, J.S.C.)
	:
-against-	:
	:
NEW YORK CITY DEPARTMENT OF	:
INFORMATION TECHNOLOGY AND	:
TELECOMMUNICATIONS, AT&T CORP., EMPIRE	:
CITY SUBWAY COMPANY LTD., RCN TELECOM	:
SERVICES, LLC, AND TIME WARNER CABLE INC.	:
	:
Respondents.	:
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VERIFIED ANSWER OF RESPONDENT TIME WARNER CABLE INC.

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Counsel for Respondent Time Warner Cable Inc.

Respondent Time Warner Cable Inc. (“TWC”) by its attorneys Akin Gump Strauss Hauer & Feld LLP for its Verified Answer to the Verified Petition of Susan Crawford (the “Petition”) states as follows:

1. TWC admits that Petitioner purports to proceed as alleged in paragraph 1 of the Petition, but denies that Petitioner is entitled to any relief.

2. With respect to the allegations contained in paragraph 2 of the Petition, TWC admits that Empire City Subway (“ECS”) has exclusive authority to construct, maintain and lease underground conduit for certain purposes in portions of New York City, but denies the rest of the allegations contained in paragraph 2 of the Petition.

3. TWC denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Petition.

4. TWC admits on information and belief the allegations contained in paragraph 4 of the Petition.

5. TWC declines to respond to the allegations contained in paragraph 5 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies the allegations contained in paragraph 5 of the Petition.

6. TWC declines to respond to the allegations contained in paragraph 6 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies the allegations contained in paragraph 6 of the Petition.

7. In response to the allegations contained in paragraph 7 of the Petition, TWC repeats its responses to the allegations contained in paragraphs 1 through 6 of the Petition, as set forth herein.

8. The FOIL request referenced in paragraph 8 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 8 of the Petition.

9. The document referenced in paragraph 9 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 9 of the Petition.

10. The document referenced in paragraph 10 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 10 of the Petition.

11. The document referenced in paragraph 11 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 11 of the Petition.

12. The document referenced in paragraph 12 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 12 of the Petition.

13. The document referenced in paragraph 13 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 13 of the Petition.

14. The document referenced in paragraph 14 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 14 of the Petition.

15. The document referenced in paragraph 15 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 15 of the Petition.

16. The document referenced in paragraph 16 of the Petition speaks for itself.

17. The document referenced in paragraph 17 of the Petition speaks for itself. TWC further denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 17 of the Petition.

18. TWC declines to respond to the allegations contained in paragraph 18 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies the allegations contained in paragraph 18 of the Petition.

19. TWC denies the allegations contained in paragraph 19 of the Petition.

20. TWC denies the allegations contained in paragraph 20 of the Petition.

21. TWC denies the allegations contained in paragraph 21 of the Petition.

22. TWC declines to respond to the allegations contained in paragraph 22 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies the allegations contained in paragraph 22 of the Petition.

23. TWC declines to respond to the allegations contained in paragraph 23 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 23 of the Petition.

24. In response to the allegations contained in paragraph 24 of the Petition, TWC repeats its responses to the allegations contained in paragraphs 1 through 23 of the Petition, as set forth herein.

25. TWC denies the allegations contained in paragraph 25 of the Petition.

26. TWC denies the allegations contained in paragraph 26 of the Petition.

27. TWC denies the allegations contained in paragraph 27 of the Petition.

28. TWC declines to respond to the allegations contained in paragraph 28 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 28 of the Petition.

29. TWC declines to respond to the allegations contained in paragraph 29 of the Petition as they constitute legal conclusions for which no response is required. To the extent that a response is required, TWC denies having knowledge or information sufficient to form a belief as to the truth of the rest of the allegations contained in paragraph 29 of the Petition.

30. TWC denies that Petitioner is entitled to any of the relief requested in her unnumbered “WHEREFORE” paragraphs.

FIRST OBJECTION IN POINT OF LAW

31. The Petition fails to state a cause of action upon which relief may be granted.

SECOND OBJECTION IN POINT OF LAW

32. The Petition is barred by the doctrine of *res judicata*, including collateral estoppel, as a result of this Court’s decision in *Crawford v. New York City Department of Information Technology & Telecommunications*, 43 Misc. 3d 735 (Sup. Ct. N.Y. Cty. 2014).

THIRD OBJECTION IN POINT OF LAW

33. The Petition is barred, in whole or in part, by the applicable statute of limitations.

FOURTH OBJECTION IN POINT OF LAW

34. The information and records sought by Petitioner are exempt from disclosure under New York Public Officers Law 87(2)(d).

FIFTH OBJECTION IN POINT OF LAW

35. The information and records sought by Petitioner are exempt from disclosure under New York Public Officers Law 87(2)(f).

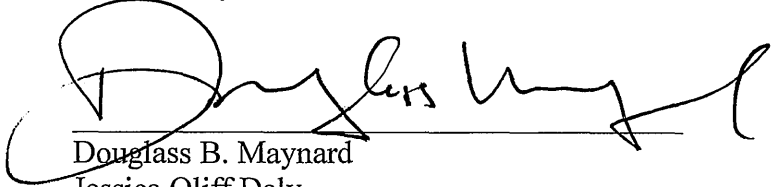
SIXTH OBJECTION IN POINT OF LAW

36. The information and records sought by Petitioner are exempt from disclosure under New York Public Officers Law 87(2)(i).

WHEREFORE, TWC respectfully requests that this Court deny the Petition in its entirety, and grant such other and further relief as this Court deems just and proper.

Dated: May 10, 2016
New York, New York

Respectfully Submitted,



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Counsel for Respondent Time Warner Cable Inc.

VERIFICATION

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

DAVID A CHRISTMAN duly affirms under the penalties of perjury:

I am the SENIOR VICE PRESIDENT for Respondent Time Warner Cable Inc. ("TWC"). I have reviewed the foregoing Verified Answer and aver that the contents are true to the best of my knowledge and belief, except as to those matters contained therein that are alleged on information and belief, which I believe to be true, and those allegations that are legal conclusions, to which no response is required. This verification is made by me as an officer of TWC pursuant to CPLR 3020(d).

David A. Christman

Sworn to before me this
10th day of May, 2016

Sue Ellen Dockery
Notary Public

SUE ELLEN DOCKERY
Notary Public, State of New York
Registration No. 01DO6134442
Qualified in Kings County
Certificate Filed in New York County
Commission Expires October 3, 2017