

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

PRESENT: SHERRY KLEIN HEITLER
JusticePART 30

BIBLIOTECHNICAL ATHENAEUM,

INDEX NO. 653668/16

Plaintiff,

MOTION DATE _____

- v -

MOTION SEQ. NO. 04

NATIONAL LAWYERS GUILD, INC.,

MOTION CAL. NO. _____

Defendant.

DECISION & ORDER

Plaintiff moves for partial summary judgment against defendant National Lawyers Guild (Guild) in the form of an injunction barring it from engaging in discriminatory behavior. As set forth in the court's prior orders, Plaintiff's claim is that the Guild discriminated against Plaintiff on the basis of its national origin by refusing to run an advertisement in a "journal" distributed at its annual dinner banquet.

Despite the fact that there has been virtually no discovery in this case, Plaintiff argues that an email written by Ms. Tasha Moro, the Guild's director of communications, confirms the Guild's discriminatory behavior: "Unfortunately, we have a resolution barring us from accepting funds from Israeli Organizations." In opposition the Guild submits an affidavit sworn to by Ms. Pooja Gehi, the Guild's executive director, in which she states that Ms. Moro's email was "not a correct statement of Guild policy" and that Plaintiff should have been told the advertisement was being rejected because of the address given in it, "Gush Etzion, State of Israel". According to Ms. Gehi, the Guild's position is that Gush Etzion is an illegal settlement in the West Bank, and as such Plaintiff's proposed advertisement contained controversial information "offensive to Guild policy". Thus, she claims the advertisement was rejected not because of Plaintiff's national origin, but because of its political implications.

This key factual dispute precludes Plaintiff from being awarded summary judgment at this time. Accordingly, it is hereby

ORDERED that Plaintiff's motion is denied with leave to renew upon the completion of discovery; and it is further

ORDERED that discovery commence immediately, beginning with any outstanding paper discovery, followed by the depositions of the Plaintiff, Ms. Moro, and Ms. Gehi; and it is further

ORDERED that counsel appear in Part 30 for a compliance conference on Monday, March 4, 2019 at 9:30AM.

This constitutes the decision and order of the court.

Dated: 1-29-19

SHERRY KLEIN HEITLER J.S.C.
Check one: ☐ FINAL DISPOSITION☐ NON-FINAL DISPOSITION

Check if appropriate:

☐ DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):