

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

FRANK MORANO, WALTER MATUZA, FRANK  
SANTARPIA, BONNIE GERARD, ROBERTA  
SIMON, HARVEY GOLDBERG, LISA MOSLEY,  
AMY HOLDEN, and JOHN LYNCH,

Plaintiffs-Petitioners,

v.

ZOHRAN MAMDANI, in his official capacity as Mayor  
of the City of New York, and THE CITY OF NEW  
YORK,

Defendants-Respondents.

**VERIFIED PETITION AND  
COMPLAINT**

Index No. \_\_\_\_\_

Plaintiffs-Petitioners FRANK MORANO, WALTER MATUZA, FRANK SANTARPIA, BONNIE GERARD, ROBERTA SIMON, HARVEY GOLDBERG, AMY HOLDEN, JOHN LYNCH and LISA MOSLEY (collectively, "Plaintiffs"), by and through their undersigned counsel, Walden Haran Williams LLP, respectfully allege as follows:

**PRELIMINARY STATEMENT**

1. Although it benefits a small percentage of New Yorkers, the so-called "micro-mobility movement" has upended all rational expectations of safety.

2. The use of e-vehicles has exploded, both nationally and in New York City. It is estimated that 10% of New Yorkers now use e-bikes. The e-bikes are unregistered and the drivers unlicensed. The absence of any meaningful regulation or oversight corresponds with a dramatic rise in fatalities, catastrophic injuries and reckless driving, endangering e-bike drivers themselves and the public at large.

3. Compounding the problem, the very definition of “e-bikes” has grown muddier given the proliferation of technologies that permit modifications to increase speeds, an illegal process that is almost impossible to police. The result was aptly summarized by a California District Attorney in the wake of another fatal accident, where a 14-year-old e-bike driver killed a 73-year-old veteran: “The death and devastation caused by e-Bikes and E-Motorcycles has reached epidemic levels, and we as elected officials must do everything we can to save lives.”<sup>1</sup>

4. The national data backs him up. According to a 2024 study published in the National Library of Medicine, e-bike injuries have swelled across the United States, jumping from 1,600 in 2018 to 23,000 in 2022.<sup>2</sup>

5. Mirroring reports from other large cities, e-vehicles—including e-bikes and e-scooters—now run wild in New York City, traveling at high rates of speed, blowing through stop signs and red lights, barreling through crosswalks and weaving through streets and bike lanes, often in the wrong direction. Unregulated and unpoliced e-bikes and e-scooters present severe safety, accessibility and psychological hazards to pedestrians, with the most devastating impacts felt by the elderly and those with disabilities. Ironically, the group that is hardest hit by catastrophic injuries is the drivers themselves, who suffer fatalities and serious injuries at levels even higher than pedestrians. The situation is safe for no one.

6. NYPD Commissioner Jessica Tisch understood that crashes and injuries were exploding in the City, putting at risk many pedestrians, including elderly and disabled pedestrians

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<sup>1</sup> See Angela Hicks, “Deaths, Crashes, Arrests: Orange County Grapples With E-bikes,” Voice of Orange County, June 10, 2026, available at <https://voiceofoc.org/2026/06/06/deaths-crashes-arrests-orange-county-grapples-with-e-bikes/>.

<sup>2</sup> See Fernandez, Li, Patel, Allen, Ghaffar, Hakam and Breyer, “Electric Bicycle Injuries and Hospitalizations,” Nat’l Library of Medicine, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC10882498>.

and young mothers pushing strollers. In April 2025, to deter reckless and illegal behavior, and to keep pedestrians safe, Commissioner Tisch announced a new policy requiring the New York City Police Department to issue criminal summonses for traffic violations by e-vehicles (the “Tisch E-bike Policy”), understanding that—because e-vehicle drivers are unregistered—civil summonses were an ineffective deterrent, as, until that point, any civil summonses issued were largely ignored.

7. NYPD Commissioner Jessica Tisch explained the change in policy in an OpEd published in the New York Post on May 14, 2025 (“Reckless e-bike riders are a menace”). She led by describing the daily fear pedestrians encounter with unregulated e-bikes: “Every New Yorker understands how frightening it is to jump out of the way as an e-bike drives on the sidewalk, or to pull their kids back as one barrels through a busy crosswalk. Over the past few years, e-bikes have become commonplace in communities across our city. These motorized vehicles are convenient, but they are also fast, heavy and can be extremely dangerous. What’s more, the rapid proliferation of e-bikes has not been met with any meaningful governance of their safe use—until now.”

8. Describing the issuance of civil traffic summonses as “essentially worthless,” she explained the new policy directive to issue criminal summonses in appropriate cases to e-bikes violating traffic laws.<sup>3</sup> Commissioner Tisch also defended the Tisch E-bike Policy against critics: “Some critics have suggested that this new e-bike safety enforcement policy represents an overly punitive dragnet. **But this behavior is clearly unlawful, dangerous, and degrading of our collective quality of life in New York City.**”

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<sup>3</sup> See Jessica Tisch, *Reckless e-bikers are a menace — how NYPD is cracking down*, NY Post (May 14, 2025), available at <https://nypost.com/2025/05/14/opinion/reckless-e-bikers-are-a-menace-how-nypd-is-cracking-down/>.

9. When it comes to illegality, Commissioner Tisch was, of course, accurate. Riding motorized vehicles on sidewalks is illegal. NYC Administrative Code § 19-176. Riding them in the wrong direction on streets is illegal. New York Vehicle and Traffic Law (VTL) § 1231. Failing to stop at traffic lights and stop signs, and instead barreling through pedestrian crosswalks, is illegal. NYC Administrative Code § 19-195.1. Given the grave risks to pedestrians, and the otherwise unregulated and unlicensed operation of e-bikes, Commissioner Tisch saw criminal summonses as the only effective deterrent to these reckless behaviors.

10. Commissioner Tisch concluded her OpEd by framing the safety imperative driving the Tisch E-bike Policy: “In my 17 years working in city government, I have never accepted the status quo when the status quo no longer serves New Yorkers. And previous e-bike enforcement was clearly not serving New Yorkers. We cannot tolerate these vehicles speeding through traffic, running red lights, ignoring stop signs, driving on the sidewalk and careening through crosswalks. This is common sense, it is our job, and it is exactly what New York City expects from its police department.”

11. The available data shows that the Tisch E-bike Policy worked. Average fatalities, crashes, and injuries each declined by about 30% between April 28, 2025, and May 27, 2026.<sup>4</sup> The NYPD issued approximately 21,000 criminal court summonses for cycling-applicable violations, up from fewer than 1,200 in the four months before the crackdown began in April.<sup>5</sup>

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<sup>4</sup> See *Motor Vehicle Collisions - Crashes*, NYC Open Data (last updated June 15, 2026), available at [https://data.cityofnewyork.us/Public-Safety/Motor-Vehicle-Collisions-Crashes/h9gi-nx95/about\\_data](https://data.cityofnewyork.us/Public-Safety/Motor-Vehicle-Collisions-Crashes/h9gi-nx95/about_data).

<sup>5</sup> See *NYPD Criminal Court Summons Incident Level Data (Year To Date)*, NYC Open Data (last updated April 28, 2026), available at [https://data.cityofnewyork.us/Public-Safety/NYPD-Criminal-Court-Summons-Incident-Level-Data-Ye/mv4k-y93f/about\\_data](https://data.cityofnewyork.us/Public-Safety/NYPD-Criminal-Court-Summons-Incident-Level-Data-Ye/mv4k-y93f/about_data).

12. Then Mayor Zohran K. Mamdani was elected. He began his term on January 1, 2026. Without studying the effectiveness of the Tisch E-bike Policy, without any meaningful examination of the extent of carnage caused by reckless e-bike drivers, and without any meaningful examination of the growing national trend to enforce criminal penalties, Mayor Mamdani sprang into action—to the detriment of all New Yorkers.

13. On March 18, 2026, Mayor Mamdani issued a blanket executive mandate (the “Mamdani Policy Directive”) that categorically prohibits the New York Police Department from using the criminal enforcement mechanisms established by the State Legislature and City Council for e-bike traffic violations.

14. To effectuate this Directive, the Mayor issued a subsequent operational order on March 27, 2026, instructing the NYPD to exclusively use civil “B Summonses” for such offenses. This was not a refined allocation of resources or a case-specific exercise of prosecutorial discretion; it was a wholesale, prospective suspension of enacted law.

15. In doing this, the Mayor overruled the professional judgment of his own Police Commissioner, Jessica Tisch, as outlined in her OpEd.

16. Although framed as a shift in enforcement priorities, the Mamdani Policy Directive unilaterally nullifies both VTL § 1231 and New York City Administrative Code § 19-176, which mandate e-bike drivers’ obedience of traffic laws and strictly prohibit riding e-bikes on pedestrian sidewalks. By rescinding the only effective deterrent while ignoring the efficacy of the Tisch E-bike Policy, the Mayor has knowingly abandoned his ministerial duty under New York City Charter § 3 to ensure the faithful execution of the laws.

17. When issuing the Mamdani Policy Directive, Mayor Mamdani relied on no data or studies. The basis of his policy directive was singular: the Tisch E-bike Policy was unfair to food-delivery drivers.

18. The Mamdani Policy Directive unlawfully suspends the criminal enforcement of traffic laws—including riding on sidewalks and failure to stop at stop signs and red lights—in the operation of e-bikes.

19. Aside from usurping the legislative powers of the City Council and the New York State Legislature, the Mamdani Policy Directive creates a severe, disparate impact on the elderly and disabled New Yorkers, who rely on the safety of public sidewalks and crosswalks as a matter of basic mobility and survival.

20. This is a hybrid proceeding pursuant to CPLR Article 78 and a plenary civil action for declaratory relief challenging the Mamdani Policy Directive. The relief sought herein is narrow. By declaring the Mamdani Policy Directive *ultra vires* and void, the Court will merely be restoring the *status quo ante*, allowing NYPD and its officers to enforce the traffic laws based on their professional judgment on a case-by-case basis, including by issuing criminal summonses to e-bike drivers in appropriate circumstances.

21. The averments made below are based on information and belief, except where they are based on Plaintiff's personal knowledge and experience, cited data, or publicly available information.

### **PARTIES**

22. Plaintiff FRANK MORANO, suing in his personal capacity, is a Staten Island resident, an elected official and a current Member of the New York City Council. He is also an avid pedestrian, both in Manhattan and on Staten Island, who has experienced the limited period of criminal enforcement against e-bikes during the period from April 2025 to March 2026. He

personally witnessed a noticeable decrease in reckless e-bike ridership during that period. He has seen and experienced a noticeable uptick in dangerous e-bike driving since. This includes e-bikes weaving through pedestrian traffic on sidewalks, blowing through crosswalks without stopping at red lights and crosswalks, and driving the wrong way on one-way streets. For him and his constituents, simply using pedestrian walkways has become more dangerous and fraught with hazards after the Mamdani Policy Directive.

23. Plaintiff WALTER MATUZA is a 34-year-old resident of Richmond County. He is legally blind. As a pedestrian, and as a person with limited vision, he has been frequently endangered by e-bikes travelling at high speeds through crosswalks and on sidewalks, particularly in the catchment area around the Staten Island Ferry. He experienced greater safety when e-bike traffic violations were subject to criminal enforcement and has experienced added danger and near-misses after the Mamdani administration ended criminal enforcement against e-bike drivers.

24. Plaintiff FRANK SANTARPIA is a 74-year-old resident of Richmond County. As a pedestrian, he has difficulty walking because of a recent knee replacement and often feels endangered when crossing streets and walking on sidewalks due to e-bikes driving unsafely. He has experienced several near-misses, both walking and driving, with e-bikes travelling opposite traffic on both two-way and one-way streets, running stop signs and often driving on sidewalk.

25. Plaintiff BONNIE GERARD is an 83-year-old resident of New York County. One evening around 6 pm in October of 2023, she was standing on a sidewalk in the Upper East Side when an e-bike that was passing in front of a left-turning car rode onto the sidewalk and crashed into her. Ms. Gerard was knocked down and hit her head on a garbage can, sustaining a concussion, a patella fracture on her right leg, and a cut in her left leg requiring stitches. She was taken by an ambulance to the hospital and has since received physical therapy for nerve damage.

She now suffers from post-traumatic stress from the incident and is fearful of e-bikes when she walks around her neighborhood.

26. Plaintiff ROBERTA SIMON is a part-time resident of New York County. On August 27, 2024, between 5:00 and 6:00 pm, she was walking on a pedestrian lane in Central Park when she was directly struck from behind by an e-bike driver. Ms. Simon immediately went unconscious and broke several ribs. She awoke only days later with a tube in her throat and a loss of hearing in her left ear which lasted eight weeks. She required brain surgery and was comatose for several days. After her craniotomy, she spent nearly a week in the hospital and then returned two days later due to complications from the injury for another five days in the hospital. She now has bouts of dizziness and headaches, has a visceral reaction to the sight and sound of ambulances, and no longer walks in Central Park as she used to. When Ms. Simon sees e-bikes on the sidewalk, she fears for her own safety as well as the safety of her children and grandchildren, who also walk in the City.

27. Plaintiff HARVEY GOLDBERG is a 75-year-old resident of New York County. On December 13, 2023, he was riding a Citi Bike in the bike lane on 2nd Avenue when he was knocked off by an e-bike. Mr. Goldberg went unconscious for several minutes and was subsequently seen in the emergency room. He was diagnosed with a fractured clavicle, suffered for weeks from immobility in his arm which interfered with his work as a physician, and underwent two months of physical therapy. He is now cautious when walking or bicycle riding in the City for fear of e-bikes.

28. Plaintiff LISA MOSLEY is a resident of Harlem in New York County. She is a pedestrian. She has experienced and seen many near-misses, including e-bikes driving erratically and endangering young mothers with baby carriages, even on sidewalks. The situation improved

after the implementation of criminal enforcement, and she observed e-bike drivers exercising more restraint and riding more safely. However, it has quickly become more dangerous since the Mamdani administration ended criminal enforcement against e-bikes. In one recent incident, a teenager rode an e-bike towards her at high speed—without ever slowing down—as she was walking with her 10-year-old granddaughter and their dog. She had to jerk her granddaughter out of the driver’s path, injuring her.

29. Plaintiff AMY HOLDEN is a 73-year-old Queens resident who has experienced many near-misses with e-bikes driving unsafely, in both Queens and Manhattan. This includes many instances on her street of residence, which is one way, where e-bikes travel on sidewalks, blow through crosswalks without stopping, and even travel the wrong way on one-way streets, including her street of residence, at high speeds.

30. Plaintiff JOHN LYNCH is a 73-year-old resident of Queens County. As a pedestrian, he has had many near-misses with e-bikes driving in an unsafe manner, particularly through crosswalks and sidewalks in Rego Park and Middle Village. During the period of heightened enforcement, he noticed e-bikes driving more safely, but he has seen the situation become less safe after the Mamdani administration ended criminal enforcement of e-bike traffic violations. Just last week, on Mott Avenue in Far Rockaway, Queens, he was walking on the sidewalk when an e-bike sped on to the sidewalk, narrowly missing him and a mother with a small child. The e-bike driver sped away as they yelled after him.

31. Defendant ZOHRAN K. MAMDANI is the Mayor of the City of New York and is sued in his official capacity.

32. Defendant the CITY OF NEW YORK is a municipal corporation organized under the laws of the State of New York.

### **JURISDICTION AND VENUE**

33. Venue is proper in Richmond County pursuant to CPLR § 506(b) and § 504 because Plaintiffs Morano, Santarpia and Matuza reside in Staten Island, and the pervasive material effects of the Mamdani Policy Directive profoundly impact the sidewalks and crosswalks within this jurisdiction.

34. This Court has jurisdiction pursuant to CPLR § 3001 (Declaratory Judgment) and CPLR Article 78.

### **FACTUAL ALLEGATIONS**

35. The New York State Legislature strictly regulates the operation of bicycles to ensure uniform statewide safety. Vehicle and Traffic Law (VTL) § 1231 mandates that every person riding a bicycle upon a roadway “shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.” This phrasing is non-discretionary.

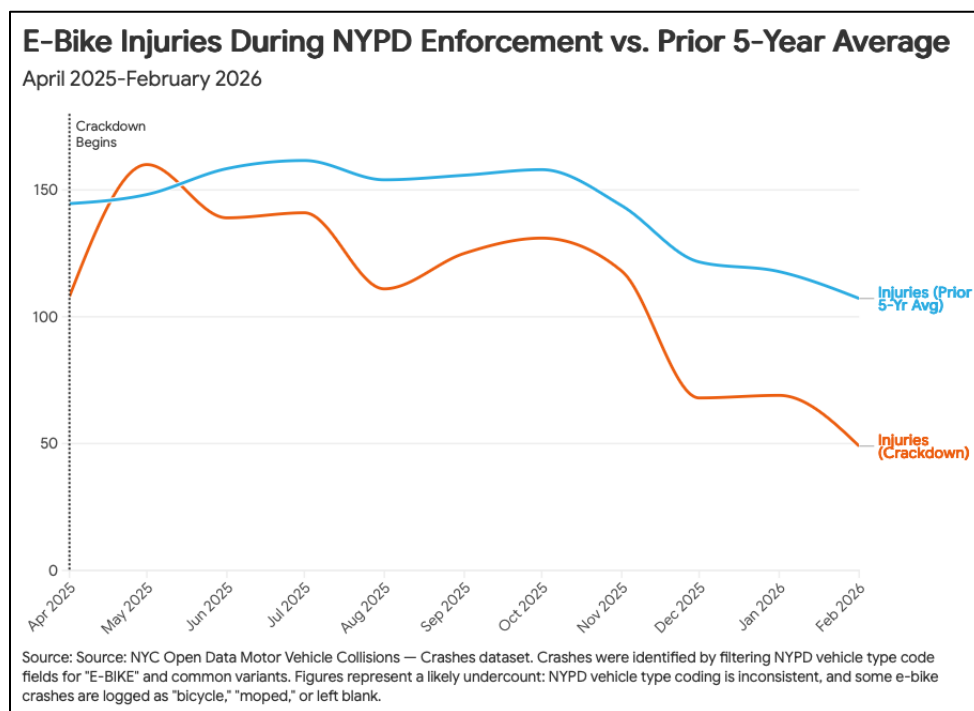
36. Consistent with the VTL’s mandate to protect pedestrian safety, New York City Administrative Code § 19-176 explicitly prohibits the riding of bicycles and e-bikes on city sidewalks, including authorizing criminal sanctions for the operation of bicycles and e-bikes on a sidewalk “in a manner that endangers any other person or property.” The NYC Administrative Code also instructs that bicycles must yield to pedestrians in the crosswalk. § 19-195.1.

37. Despite these clear legislative mandates, civil enforcement of traffic laws against e-bike drivers proved toothless: e-bike drivers would simply not pay traffic tickets, as traffic court judges do not have the power to issue bench warrants and, unlike car drivers, e-bike drivers are not required to have driver’s licenses and thus do not need to worry about license suspension for nonpayment of tickets.

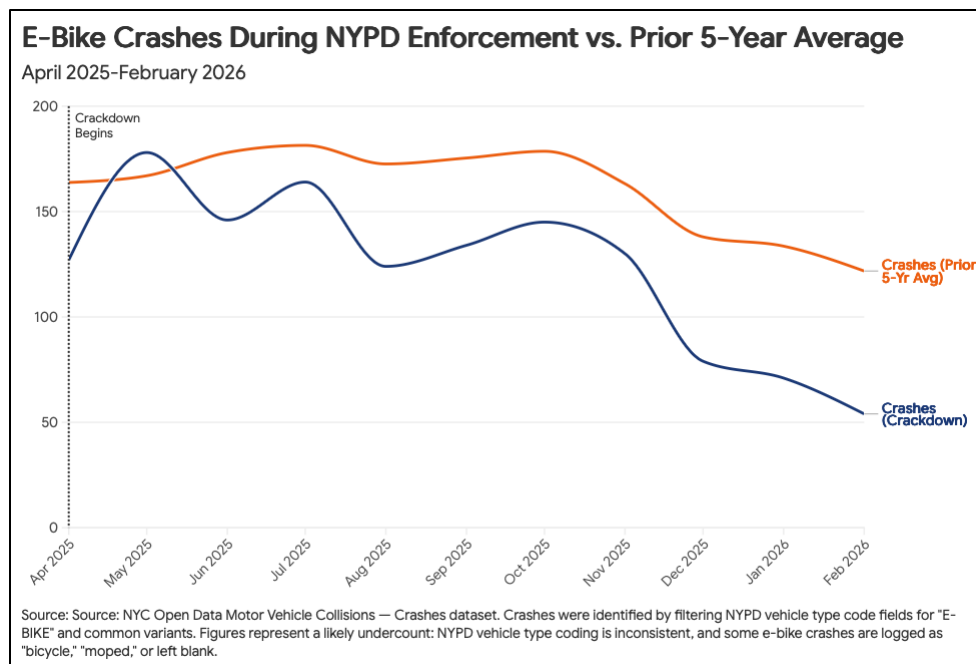
38. Recognizing this enforcement gap and the substantial threat to life and property caused by reckless and speeding e-bikes, on April 22, 2025, the NYPD under Mayor Eric Adams’s

administration announced that it would use criminal summonses to enforce traffic laws against bicycles and e-bikes.

39. The Tisch E-bike Policy was effective. In 2025, NYPD issued approximately 21,000 criminal court summonses for cycling-applicable violations, up from fewer than 1,200 in the four months before the crackdown began in April.<sup>6</sup> Although other enforcement activities by NYPD helped reduce e-bike crashes and fatalities at the start of 2025, the period after the start of criminal enforcement resulted in an additional decline of about 30%, which included a steep drop in fatalities among e-bike drivers themselves.



<sup>6</sup> See *NYPD Criminal Court Summons Incident Level Data (Year To Date)*, NYC Open Data (last updated April 28, 2026), available at [https://data.cityofnewyork.us/Public-Safety/NYPD-Criminal-Court-Summons-Incident-Level-Data-Ye/mv4k-y93f/about\\_data](https://data.cityofnewyork.us/Public-Safety/NYPD-Criminal-Court-Summons-Incident-Level-Data-Ye/mv4k-y93f/about_data).



40. But, on March 18, 2026, Mayor Mamdani issued the Mamdani Policy Directive, categorically barring the New York Police Department from criminally enforcing the traffic laws against e-bikes, effectively nullifying state and local law by executive fiat. The policy became effective on March 27, 2026.

41. The Mamdani Policy Directive creates an immediate and “undisputedly dangerous” enhanced risk of injury for the Plaintiffs, distinguished from the general public by their specific physical vulnerabilities and geographic proximity to high-incident corridors.<sup>7</sup> NYU Langone recently led a study (the “Langone study”) of 914 patients, that substantiates that risk, finding that serious injuries from e-bike collisions accounted for 7% of all newly admitted trauma patients into

<sup>7</sup> See *Animal Legal Defense Fund, Inc. v. Aubertine*, 119 A.D.3d 1202, 1203 (3d Dep’t 2014) (recognizing standing for “enhanced risk” of dangerous conditions).

one New York City hospital.<sup>8</sup> While the City’s official police reports undercount the crisis, the clinical data confirms that these motorized vehicles accounted for 6.9% of all traumatic brain injury admissions. Strikingly, 30% of patients that presented with micromobility-related injuries needed intensive care. For Plaintiff Matuza, who is legally blind and commutes through Manhattan’s District 3—the City’s most dangerous district for pedestrians—this Directive does not merely create a theoretical concern; it constructs a statistical certainty of imminent peril.

42. The Mamdani Policy Directive was based on political messaging, not data. Specifically, the justification, as stated in the policy, was to “end[] a punitive system that has disproportionately burdened working New Yorkers.” The accompanying press statement repeatedly mentions “delivery cyclists” as the beneficiaries of his newly minted policy.

43. The policy mentioned nothing about the significant numbers of e-bike drivers (including delivery people) killed in crashes before the Tisch E-bike Policy, nor the drop in those numbers during the period when the Adams policy was in force (roughly April 2025 – March 2026).

44. By affirmatively withdrawing the criminal deterrent against high-speed motorized bikes on pedestrian pathways, the Mamdani Policy Directive fundamentally alters the physical character and safety of the City’s sidewalks and crosswalks.

45. For elderly and disabled residents, this policy transforms a vital public accommodation into a zone of exclusion, constructively denying them the “full and equal enjoyment” of public infrastructure as mandated by NYC Administrative Code § 8-107(4).

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<sup>8</sup> See *E-Bike and Scooter Crashes Are Leading to More Brain Injuries*, NYU Langone (April 14, 2026), available at <https://nyulangone.org/news/e-bike-and-scooter-crashes-are-leading-more-brain-injuries>.

46. Every one of the Plaintiffs has experienced fear and peril from simply using the sidewalk or crossing the street based on e-bikes, which are hard to see, often drive in the wrong direction, blow through red lights and stop signs, and travel at high rates of speed.

47. Plaintiffs Gerard, Simon, and Goldberg have experienced firsthand the dangers of reckless e-bike riding as victims of e-bike collisions.

48. E-bike collisions specifically have risen dramatically. Across the country, e-bike injuries increased from about 1,600 in 2018 to 23,000 just a few years later.<sup>9</sup> In New York City, true micromobility casualties are radically undercounted by police reports alone, because, as verified by the Langone study, police do not log every crash, even those resulting in injury.

49. Two findings from the Langone study were especially important:

- a. “The research team found that one-third of patients suffered traumatic brain injury, more than two-thirds required hospital admission, and roughly 30 percent needed intensive care. The share of trauma cases seen in the emergency room (whether patients were admitted or not) that involved such devices increased from less than 10 percent in 2018 to more than 50 percent by 2023.”
- b. “[T]he 69 pedestrians analyzed in the study, when struck by electric vehicles, suffered brain injuries at nearly double the rate of the riders, said the authors. Injuries peaked between 6 and 8 p.m., suggesting that heavy dinnertime e-bike delivery traffic may play a role.”

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<sup>9</sup> See Adrian M. Fernandez et al., *Electric Bicycle Injuries and Hospitalizations*, JAMA Surg. 159(5):586-588 (Feb. 21, 2024), doi: [10.1001/jamasurg.2023.7860](https://doi.org/10.1001/jamasurg.2023.7860).

50. The authors' conclusion was a stark warning: "Our study shows that micromobility injuries are producing serious brain and spinal trauma that demands neurosurgical care at a scale we haven't seen before," said corresponding author Hannah Weiss, MD, a resident in the Department of Neurosurgery at NYU Grossman School of Medicine. "In a busy urban setting, we are seeing more and more of these injuries firsthand. The data point to actionable solutions—helmet use, safer bike lane design, and **enforcement**—that could prevent many of these injuries and better protect both riders and pedestrians, who in our study often sustained even more severe brain injuries than the riders themselves." (Emphasis added).

51. For Plaintiff Matuza especially (legally blind, high-risk corridors), the study's pedestrian brain-injury findings amount to a "statistical certainty of imminent peril."

52. E-bikes present unique physical dangers drastically distinct from traditional bicycles. They are hard to see, because they are small, quiet, and fast. Under New York Vehicle and Traffic Law § 1242, Class 3 e-bikes are physically capable of traveling at speeds up to 25 miles per hour. The kinetic energy generated by motorized vehicles traveling at these speeds transforms them into lethal projectiles when operated on public pedestrian walkways. Often times, they suddenly appear without warning, traveling fast and in places pedestrians do not expect.

53. These dangers translate into more collisions and more serious injuries. At the Bellevue Hospital emergency room, the number of cases for injuries from bicycle or scooter accidents more than doubled from 2018 to 2022 as the share of those accidents attributable to e-bikes and e-scooters rose from 10% to 50% from 2018 to 2023.

54. The physical consequences of the Mamdani Policy Directive fall overwhelmingly upon the City's most vulnerable residents.

55. In a 2022 Pedestrian Safety and Older New Yorkers report, Department of Transportation Commissioner Ydanis Rodriguez noted that, while seniors over the age of 65 make up less than 15% of New York City's population, they account for over 45% of its annual pedestrian fatalities. The report also stated that a pedestrian over the age of 65 struck by a vehicle traveling at less than 20 miles per hour is three times more likely to die than a younger adult struck at an identical speed, based on a study conducted in 1999.<sup>10</sup>

56. Permitting vehicles capable of 25 miles per hour to operate unpoliced on sidewalks and crosswalks, often riding the wrong way on one-way streets, creates a fundamentally unsurvivable public environment for the elderly.

57. For the named Plaintiffs, safely evading these high-speed vehicles is a physical impossibility. Official traffic safety studies demonstrate that older adults possess average walking speeds of merely 2.6 to 3.0 feet per second and experience severe cognitive and motor "start-up delays" when attempting sudden evasive actions.

58. Plaintiffs Santarpia, Gerard, Goldberg, Holden and Lynch are all between 73 and 83 years old, all have physical limitations, and all lack the physical agility and reaction time required to dodge a motorized vehicle traveling 25 miles per hour. All are regular pedestrians. Their travels span four of the boroughs. All have experienced a more dangerous walking environment since the Mamdani Policy Directive became effective, with more e-vehicles on the streets, travelling counter-directionally, and running stop signs and red lights, endangering pedestrians in crosswalks.

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<sup>10</sup> See Pedestrian Safety and Older New Yorkers, Vision Zero (2022), available at <https://www.nyc.gov/html/dot/downloads/pdf/pedestrian-safety-older-new-yorkers.pdf>.

59. Furthermore, Plaintiff Matuza, who is legally blind, requires obstruction-free pathways and lacks the ability to maneuver away from high-speed e-bikes on narrow sidewalks and crosswalks.

60. The Mamdani Policy Directive has fundamentally altered the physical character and usability of the City's public infrastructure for disabled residents. By categorically withdrawing enforcement of sidewalk and crosswalk safety laws, the City has effectively created a "zone of exclusion" that denies Plaintiff Matuza meaningful access to the public square. Under Title II of the ADA, the City's failure to maintain accessible "pedestrian pathways" free from the threat of high-speed motorized incursions constitutes a denial of the benefits of "public services, programs, and activities." *Lugo v. City of Troy*, No. 1:19-CV-00067 (MAD/TWD), 2024 WL 4950105, at \*5 (N.D.N.Y. Dec. 3, 2024). This is not a grievance concerning general law enforcement priorities; it is a challenge to a specific administrative policy that has rendered the pedestrian environment in Manhattan's high-density corridors "constructively impassable" for a legally blind individual who relies on predictable, obstruction-free pathways for basic survival.

61. But the impact to other Plaintiffs is grave, too.

62. Plaintiff Santarpia recently had a knee replacement, which limits his agility. Especially in the past 6 months, he has experienced the consequences of the Mamdani Policy Directive, with more e-bikes and e-scooters traveling in the wrong direction on one-way streets, speeding on sidewalks, and running stop signs and red lights, even with pedestrians in the crosswalks.

63. Plaintiff Simon's life was threatened after she was struck by an e-bike, and she still feels the effects of the collision which put her into a coma and required her to undergo brain

surgery. The trauma has caused her fear that evokes visceral reactions and prevents her from enjoying the pedestrian routes she once took.

64. Plaintiff Mosley is guardian to a young grandchild. They often walk to or from the girl's school on Adam Clayton Powell and Frederick Douglass Boulevards near 116<sup>th</sup> Street. On more than one occasion in the past months, she has had to physically snatch her ward out of the way to avoid speeding e-bikes on sidewalks and through crosswalks.

65. Plaintiff Lynch regularly traverses through Middle Village and Rego Park, near Queens Boulevard, where food-delivery drivers are particularly hazardous. The past months since the change in policy have been fraught, requiring him to literally dodge e-bikes speeding on sidewalks, riding the wrong way on one-way streets, and blowing through crosswalks. This includes a near-collision with a speeding e-bike on a public sidewalk yesterday, June 23, 2026, in Far Rockaway.

66. Because older adults and disabled pedestrians inherently rely on local infrastructure, DOT data confirms that one-quarter of all senior pedestrian fatalities occur less than 0.1 miles from the victim's home.

67. By withdrawing criminal enforcement on the sidewalks and crosswalks directly adjacent to where Plaintiffs live and work, the Mamdani Policy Directive functionally traps them.

68. The threat of high-speed e-bikes transforms their immediate neighborhoods into zones of exclusion, constructively denying Plaintiffs the "full and independent enjoyment" of public accommodations guaranteed by the New York City Human Rights Law ("NYCHRL"), and leaving them forced to choose between total self-confinement or risking life-altering injury.

69. The Mayor's decision to functionally allow high-speed e-bikes on public sidewalks, and through public crosswalks while pedestrians are walking, has discriminatorily excluded New

York pedestrians with mobility disabilities from equal participation in the benefits of public walkways in violation of Title II of the Americans with Disabilities Act (“ADA”), causing injury to Plaintiff Matuza, who is disabled.

70. As important, the Mamdani Policy Directive is arbitrary and capricious. Mayor Mamdani’s decision to overturn the Tisch E-bike Policy literally has been founded on thin air. His only stated basis for the Mamdani Policy Directive was alleged over-enforcement against delivery drivers, yet he failed to even quantify that alleged impact.

71. The Mamdani Policy Directive was issued despite a national trend in favor of harsher enforcement and growing evidence for the efficacy of criminal sanctions for reckless e-bikes across the country. City ordinances allowing for enhanced and expanded enforcement options against e-bike drivers have been recently enacted in cities like Oceanside, CA,<sup>11</sup> and Ketchum, ID,<sup>12</sup> demonstrating a commitment to public safety through well-established methods. Other cities permit the issuance of criminal summonses, misdemeanor charges and even impoundment against e-bike traffic violations, including in Virginia Beach, VA, Mount Pleasant, SC, Hoboken, NJ, and Huntington Beach, CA.<sup>13</sup> And early reports show the same successful

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<sup>11</sup> *Oceanside City Council Unanimously Approves Updates To E-Bike Safety Ordinance*, Oceanside (January 15, 2026), available at <https://www.ci.oceanside.ca.us/Home/Components/News/News/869/946>.

<sup>12</sup> *Ordinance 1262*, Ketchum (June 16, 2025), available at <https://www.ketchumidaho.org/ordinances/ordinance-1262>.

<sup>13</sup> See, e.g., Stacy Parker, *Virginia Beach Calls for Task Force to Enforce E-Bike Rules*, GovTech (Oct. 9, 2025), available at <https://www.govtech.com/transportation/virginia-beach-calls-for-task-force-to-enforce-e-bike-rules>; *12 illegal mopeds, motorcycles and modified e-bikes impounded at Moultrie Middle*, ABC News 4 (May 21, 2026), available at <https://abcnews4.com/news/local/12-illegal-mopeds-motorcycles-and-modified-e-bikes-impounded-at-moultrie-middle>; Derek Callahan, *Hoboken police issue more than 180 e-bike tickets in 3 months amid safety crackdown*, News 12 New Jersey (April 12, 2026), available at <https://newjersey.news12.com/2026/04/09/hoboken-police-issue-more-than-180-e-bike-tickets->

experience as in the Tisch E-bike Policy. For example, community-policing reports in Corpus Christi showed a 90% drop in violations and reckless-driving reports.<sup>14</sup>

72. The lack of any actual safety policy, or even concern, is the very definition of capricious decision making, as well as a stunning offense to public trust. The Mamdani Policy Directive was not based on data, study, or even any stated policy toward e-vehicle safety. While decrying a “disproportionate impact” on food-delivery drivers, Mayor Mamdani said nothing about the fact that e-vehicle drivers are the #1 victims of e-vehicle collisions. So, this is the very definition of an arbitrary policy too.

73. Notably, available data indicates that the vast majority of fatalities in e-bike collisions are the drivers themselves—often individuals engaged in delivery work—rather than third parties. The Mamdani Policy Directive’s singular focus on shielding drivers from enforcement, without addressing or even acknowledging driver victimization rates or the study-backed value of enforcement, underscores its arbitrary character.

**First Cause of Action  
Article 78 & Declaratory Judgment  
(Ultra Vires / Separation of Powers)**

(Against All Defendants)

74. Plaintiffs repeat and reallege all preceding paragraphs.

75. The Mamdani Policy Directive constitutes a blanket, categorical suspension of the criminal enforcement mechanisms necessary to effectuate NYC Administrative Code § 19-176

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[in-3-months-amid-safety-crackdown/4e8qZ7lGnHpwAnIe3pzN15](https://www.kristv.com/news/local-news/in-3-months-amid-safety-crackdown/4e8qZ7lGnHpwAnIe3pzN15); Jocelyn Fiset, *Southern California city's crackdown on e-bikes, e-motorcycles results in dozens of citations*, KTLA 5 (May 11, 2026), available at <https://ktla.com/news/orange-county/huntington-beach-e-bike-crackdown/>.

<sup>14</sup> See Jacob Daniels, *CCPD e-bike crackdown shows results as impounds and citations climb*, 6 In Your Neighborhood (June 9, 2026), available at <https://www.kristv.com/news/local-news/in-your-neighborhood/corpus-christi/southside/ccpd-e-bike-crackdown-shows-results-as-impounds-and-citations-climb>.

and the VTL. By effectively stripping the NYPD of the ability to enforce traffic laws against e-bikes, including sidewalk-drivers who criminally endanger pedestrian safety or property, the Mayor has unlawfully rewritten the localized penalty scheme.

76. While the mayor exercises day-to-day discretion regarding the allocation of police resources, he possesses no unilateral authority to categorically refuse to enforce a statutorily mandated public safety law.

77. Under New York City Charter § 3, the Mayor possesses no unilateral “dispensing power” to categorically override the legislative judgments of the City Council. While executive discretion allows for the prioritization of resources in individual cases, it does not permit a blanket refusal to enforce a statutory penalty scheme. *See Subcontractors Trade Ass’n v. Koch*, 62 N.Y.2d 422, 429 (1984) (it is beyond the Mayor’s authority to create “a program at odds with existing legislative policy.”). By rescinding the Tisch E-bike Policy and mandating a transition to civil-only enforcement—which his own Police Commissioner acknowledges is ineffective—the Mayor has effectively legalized prohibited conduct on sidewalks and in crosswalks. This categorical abdication of enforcement is an *ultra vires* act that usurps the legislative power and violates the separation of powers doctrine.

78. This generalized refusal fundamentally reorients the power to make legislative judgments from the City Council to the executive. The Mamdani Policy Directive is an unlawful failure to perform a mandatory duty enjoined upon the Mayor by City Charter § 3, operates in excess of his jurisdiction, is arbitrary and capricious, and is *ultra vires*, null, and void.

**Second Cause of Action**  
**Violation of the New York City Human Rights Law**  
**(Disparate Impact)**

(Against All Defendants)

79. Plaintiffs repeat and reallege all preceding paragraphs.

80. The public sidewalks and crosswalks of New York City operate as a primary place or provider of public accommodation for its residents, extending facilities, advantages, and privileges under NYC Administrative Code § 8-102. The City of New York possesses a nondelegable duty to comply with the NYCHRL as an owner and maintainer of a public accommodation. *See Goldenberg v. Metro. Transportation Auth.*, 84 Misc. 3d 728, 736 (Sup. Ct. N.Y. Cnty. 2024).

81. Under the uniquely broad mandate of the NYCHRL, local civil rights protections serve as a floor, not a ceiling, and must be construed liberally to accomplish their remedial purposes independently of state or federal laws. *See* Local Civil Rights Restoration Act of 2005, Local Law No. 85 § 1; NYC Administrative Code § 8-130.

82. The Mayor's non-enforcement directive serves as a discriminatory practice regarding a public accommodation because it actively deprives plaintiffs of the "full and equal enjoyment, on equal terms and conditions," of the City's sidewalks and crosswalks. The affirmative withdrawal of police enforcement fundamentally alters the physical environment of the walkways themselves, effectively erecting a discriminatory barrier to public accommodations.

83. The Mamdani Policy Directive produces a severe and statistically significant disparate impact under NYC Administrative Code § 8-107(17). While facially neutral, the categorical suspension of traffic enforcement imposes a disproportionate burden of physical peril upon the elderly. According to the New York City Department of Transportation's own Senior Pedestrian Safety Study, pedestrians over the age of 65 are three times more likely to suffer fatal injuries when struck at low speeds (under 20 mph) than younger residents. By permitting Class 3 e-bikes—capable of speeds up to 25 mph—to operate unpoliced on sidewalks and in crosswalks, the Mayor has introduced a lethal variable to which the elderly Plaintiffs are biologically incapable

of adapting due to documented “start-up delays” in cognitive and motor reaction times. The Mamdani Policy Directive bears no “significant relationship to a significant business objective” that could outweigh the systemic exclusion of an entire protected class from the use of the City’s public accommodations.

84. Every day the Mamdani Policy Directive remains in effect, Plaintiffs are forced to choose between total self-confinement and risking life-altering physical injury. This chilling effect on their basic mobility constitutes an ongoing, irreparable deprivation of their civil rights under the NYCHRL that cannot be remedied by money damages.

**Third Cause of Action  
Discrimination in Violation of Title II  
of the Americans with Disabilities Act  
(By Plaintiff Matuza)**

(Against All Defendants)

85. Plaintiff Matuza repeats and realleges all preceding paragraphs.

86. Title II of the ADA, 42 U.S.C. § 12132, prohibits a public entity from excluding a person with a disability from participating in, or otherwise benefitting from, a service of the public entity, or otherwise discriminating against a person on the basis of disability: “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

87. The ADA’s protection of public “programs, services, or activities” is a “catch-all phrase that prohibits all discrimination by a public entity, regardless of the context.” *Coleman v. Seldin*, 181 Misc. 2d 219, 225 (Sup. Ct. Nassau Cnty. 1999). The operation, maintenance, and alteration of public sidewalks and crosswalks fall under its purview. *See, e.g., Lugo v. City of Troy, New York*, No. 1:19-CV-00067 (MAD/TWD), 2024 WL 4950105, at \*5 (N.D.N.Y. Dec. 3,

2024); *Am. Council of Blind of New York, Inc. v. City of New York*, 495 F. Supp. 3d 211, 230 (S.D.N.Y. 2020); *Frame v. City of Arlington*, 657 F.3d 215, 226 (5th Cir. 2011); *Barden v. City of Sacramento*, 292 F.3d 1073, 1076-77 (9th Cir. 2002).

88. The term “disability” includes physical and mental impairments that substantially limit one or more major life activities. 42 U.S.C. § 12102(2). A “‘qualified individual with a disability’ means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.” 42 U.S.C. § 12131(2).

89. The disabled Plaintiff, Walter Matuza, has mobility disabilities that substantially limit the major life activities of walking, standing, and/or moving about in his community without mobility aids. He is located in New York City and thus is eligible to benefit from the public sidewalks and crosswalks. Thus, Plaintiff Matuza is a qualified individual with disabilities within the meaning of 42 U.S.C. § 12102, 42 U.S.C. § 12131, and 28 C.F.R. § 35.104.

90. A “public entity” includes state and local governments, their agencies, and their instrumentalities. 42 U.S.C. § 12131(1). Defendants qualify as a public entity within the meaning of 42 U.S.C. § 12131 and 28 C.F.R. § 35.104.

91. Title II of the ADA requires a public entity such as Defendants to operate each of its programs, services or activities so that, when viewed in its entirety, it “is readily accessible to and usable by individuals with disabilities.” 28 C.F.R. § 35.150; *see also* 28 C.F.R. §§ 35.149, 35.151.

92. Title II of the ADA requires that, where a public entity, including Defendants, alters an existing facility, like a public sidewalk or crosswalk, in a manner that affects or could affect the usability of the facility after 1992, it “shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities.” 28 C.F.R. § 35.151(b)(1).

93. As a result of the Mamdani Policy Directive, Defendants have failed to provide people with mobility disabilities with meaningful access to public sidewalks and crosswalks throughout New York City in violation of Title II of the ADA. Defendants have also failed to operate its walkways so that they are readily accessible and usable by people with mobility disabilities when viewed in their entirety, in violation of Title II of the ADA.

94. Defendants are currently denying qualified individuals with disabilities the opportunity to participate in or benefit from public sidewalks and crosswalks; affording individuals with disabilities an opportunity to participate in public sidewalks and crosswalks that is not equal to others; and/or providing individuals with disabilities with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result or to gain the same benefit from its public sidewalks and crosswalks as that provided to others, in violation of 28 C.F.R. § 35.130(b)(1)(i)–(iii).

95. Defendants have failed to make reasonable modifications in its policies, practices, or procedures necessary to avoid discrimination on the basis of disability, in violation of 28 C.F.R. § 35.130(b)(7).

96. As a direct and proximate result of the aforementioned acts, Plaintiff has been and continue to be injured by Defendants’ acts and omissions in the regulation of public sidewalks and crosswalks.

97. Defendants' conduct constitutes an ongoing and continuous violation of Title II of the ADA and, unless restrained from doing so, Defendants will continue to violate said law. Plaintiffs have no adequate remedy at law, and unless the relief requested herein is granted, Plaintiffs will suffer irreparable harm in that they will continue to be discriminated against and denied access to the programs, services, and activities operated and overseen by Defendants.

98. Consequently, Plaintiff Matuza is entitled to declaratory relief pursuant to section 203 of the ADA, 42 U.S.C. § 12133, as well as reasonable attorneys' fees and costs.

### **Prayer for Relief**

**WHEREFORE**, Plaintiffs respectfully request that this Court enter judgment:

- A. Issuing a Declaratory Judgment pursuant to Article 78 and CPLR § 3001 that the Mamdani Policy Directive is arbitrary and capricious, violates the separation of powers doctrine, is preempted by state law, and violates the NYCHRL and ADA;
- B. Awarding Plaintiffs their reasonable attorneys' fees, expert fees, and costs pursuant to NYC Administrative Code § 8-502(g); and
- C. Granting such other and further relief as this Court deems just and proper.

Dated: New York, NY  
June 24, 2026

Respectfully submitted,

**WALDEN HARAN WILLIAMS LLP**

By: /s/ Jim Walden

Jim Walden  
Hunter Pearl  
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New York, NY 10281  
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*Attorneys for Plaintiffs-Petitioners*

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

FRANK MORANO, WALTER MATUZA, FRANK  
SANTARPIA, BONNIE GERARD, ROBERTA  
SIMON, HARVEY GOLDBERG, LISA MOSLEY,  
AMY HOLDEN, and JOHN LYNCH

Plaintiffs-Petitioners,

v.

ZOHRAN MAMDANI, in his official capacity as Mayor  
of the City of New York, and THE CITY OF NEW  
YORK,

Defendants-Respondents.

**VERIFICATION**

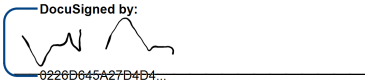
Index No. \_\_\_\_\_

I, Walter Matuza, affirm the following to be true under the penalties of perjury:

1. I have read the annexed Verified Petition and Complaint. The same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

2. The grounds of my belief as to all matters not stated upon my personal knowledge are based upon my review of public records, official reports from the New York City Department of Transportation and the New York Police Department, and communications with the individual Plaintiffs-Petitioners.

3. I affirm this document on June 24, 2026, under the laws of the State of New York, acknowledging that a false statement is punishable by law, which may include fines or imprisonment.

By:   
Walter Matuza

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

FRANK MORANO, WALTER MATUZA, FRANK  
SANTARPIA, BONNIE GERARD, ROBERTA  
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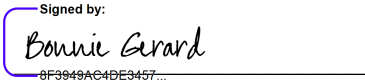
Index No. \_\_\_\_\_

I, Bonnie Gerard, affirm the following to be true under the penalties of perjury:

1. I have read the annexed Verified Petition and Complaint. The same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

2. The grounds of my belief as to all matters not stated upon my personal knowledge are based upon my review of public records, official reports from the New York City Department of Transportation and the New York Police Department, and communications with the individual Plaintiffs-Petitioners.

3. I affirm this document on June 24, 2026, under the laws of the State of New York, acknowledging that a false statement is punishable by law, which may include fines or imprisonment.

By:  Signed by:  
Bonnie Gerard  
8F3949AC4DE3457...

Bonnie Gerard

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

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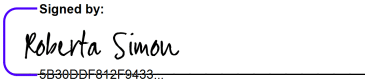
Index No. \_\_\_\_\_

I, Roberta Simon, affirm the following to be true under the penalties of perjury:

1. I have read the annexed Verified Petition and Complaint. The same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

2. The grounds of my belief as to all matters not stated upon my personal knowledge are based upon my review of public records, official reports from the New York City Department of Transportation and the New York Police Department, and communications with the individual Plaintiffs-Petitioners.

3. I affirm this document on June 24, 2026, under the laws of the State of New York, acknowledging that a false statement is punishable by law, which may include fines or imprisonment.

By:  Signed by:  
Roberta Simon  
5B38DDF812F9433...

Roberta Simon

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

FRANK MORANO, WALTER MATUZA, FRANK  
SANTARPIA, BONNIE GERARD, ROBERTA  
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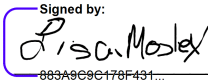
Index No. \_\_\_\_\_

I, Lisa Mosley, affirm the following to be true under the penalties of perjury:

1. I have read the annexed Verified Petition and Complaint. The same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

2. The grounds of my belief as to all matters not stated upon my personal knowledge are based upon my review of public records, official reports from the New York City Department of Transportation and the New York Police Department, and communications with the individual Plaintiffs-Petitioners.

3. I affirm this document on June 24, 2026, under the laws of the State of New York, acknowledging that a false statement is punishable by law, which may include fines or imprisonment.

By:  Signed by:  
883A8C9C178F431...

Lisa Mosley