

STATE OF NEW YORK
SUPREME COURT

COUNTY OF WAYNE

ARTHUR B. WILLIAMS, WAYNE COUNTY
COURT JUDGE,

RICHARD M. HEALY, WAYNE COUNTY
COURT JUDGE,

Petitioner,

v.

VERIFIED PETITION

Index No. _____

THE STATE OF NEW YORK,
NEW YORK STATE OFFICE OF COURT
ADMINISTRATION, ROWAN D. WILSON, AS CHIEF
JUDGE OF THE COURTS, JOSEPH A. ZAYAS,
AS CHIEF ADMINISTRATIVE JUDGE OF THE
UNIFIED COURT SYSTEM, KATHY HOCHUL, AS GOVERNOR,
NEW YORK STATE BOARD OF ELECTIONS, WAYNE
COUNTY BOARD OF ELECTIONS,

Respondents.

VERIFIED PETITION

1. Petitioners Arthur B. Williams and Richard M. Healy allege the following against Respondents, New York State Office of Court Administration, Rowan D. Wilson, as Chief Judge of the Courts, Joseph A. Zayas, as Chief Administrative Judge of the Unified Court System, Kathy Hochul, as Governor, New York State Board of Elections and Wayne County Board of Elections.

NATURE OF ACTION

2. This is a hybrid Article 78 and Declaratory Judgment action for age discrimination in violation of the newly passed Article 1, Section 11 of the New York State Constitution, Executive Law Section 296, *et seq.* and the Age Discrimination in Employment Act of 1967

(ADEA).

3. Petitioner, Arthur B. Williams, a 69 year old individual (January 16, 1956), is a Wayne County Court Judge and Acting Supreme Court Justice elected on November 8, 2022 with his term commencing on January 1, 2023 and set to expire on December 31, 2032.

4. Petitioner, Richard M. Healy, a 70 year old individual (January 20, 1955), is a Wayne County Court Judge and Acting Supreme Court Justice elected on November 8, 2016 with his term commencing on January 1, 2017 and set to expire on December 31, 2026.

5. That pursuant to Article VI Section 25(b) of the Constitution, Petitioner, Arthur B. Williams, has been advised that the last day of December in the year he reaches seventy years old (December 31, 2026) he will be retired despite his term of office not expiring until December 31, 2032.

6. That pursuant to Article VI Section 25(b) of the Constitution, Petitioner, Richard M. Healy, has been advised that the last day of December in the year he reaches seventy years old (December 31, 2025) he will be retired despite his term of office not expiring until December 31, 2026.

JURISDICTION AND VENUE

7. The Court has jurisdiction over the Respondents who are all employed by New York State.

8. Venue is proper because Petitioners are employed by New York State as Wayne County Court Judges and Acting Supreme Court Justices in and for the County of Wayne. Petitioners are also Wayne County residents.

THE PARTIES

9. Petitioner, Arthur B. Williams, a 69 year old individual, is a Wayne County Court Judge and Acting Supreme Court Justice elected on November 8, 2022 with his term commencing on January 1, 2023 and expiring on December 31, 2032.

10. Petitioner, Richard M. Healy, a 70 year old individual, is a Wayne County Court Judge and Acting Supreme Court Justice elected on November 8, 2016 with his term commencing on January 1, 2017 and expiring on December 31, 2026.

11. The New York State Office of Court Administration is the administrative arm of the court system and employer of Petitioners.

12. Rowan D. Wilson is the Chief Judge of the State of New York who leads the Court of Appeals, the highest court in New York. Rowan D. Wilson oversees the entire court system and is a resident of New York.

13. Joseph A. Zayas is the Chief Administrative Judge of the New York Unified Court System, the highest ranking administrative position, and a resident of New York.

14. Kathy Hochul is the Governor of the State of New York and a resident of New York.

15. New York State Board of Elections is an agency of the New York State Government responsible for the enforcement and administration of election-related laws.

16. Wayne County Board of Elections is an agency of the Wayne County Government which oversees the registration and maintenance of voter files for Wayne County and administers elections in Wayne County.

STATEMENT OF FACTS

17. Petitioner, Arthur B. Williams, was elected to a ten year term in the office of Wayne County Court Judge on November 8, 2022, with his term commencing on January 1, 2023 and

expiring on December 31, 2032.

18. Petitioner, Arthur B. Williams, is also an Acting Supreme Court Justice.

19. Petitioner, Arthur B. Williams, turns 70 years old on January 16, 2026.

20. Based on Petitioner, Arthur B. Williams, turning 70 years old on January 16, 2026, he has been advised that pursuant to Article VI Section 25(b) of the Constitution, he will be mandatorily retired as of December 31, 2026 despite his term in office not expiring until December 31, 2032.

21. Petitioner, Richard M. Healy, was elected to a ten year term in the office of Wayne County Court Judge on November 8, 2016, with his term commencing on January 1, 2017 and expiring on December 31, 2026.

22. Petitioner, Richard M. Healy, is also an Acting Supreme Court Justice.

23. Petitioner, Richard M. Healy, turned 70 years old on January 20, 2025.

24. Based on Petitioner, Richard M. Healy, turning 70 years old on January 20, 2025, he has been advised that pursuant to Article VI Section 25(b) of the Constitution, he will be mandatorily retired as of December 31, 2025 despite his term in office not expiring until December 31, 2026.

25. On November 5, 2024 New York State by over 60% (62.47%) of the votes cast passed Proposition 1.

26. Proposition 1, known as the state Equal Rights Amendment, amended the New York State Constitution's Bill of Rights by expanding the list of protected classes.

27. Until January 1, 2025, the state Constitution had no protections for age based discrimination, **only explicitly** prohibiting discrimination based on race, color, creed and

religion.

28. This Equal Rights Amendment now has added “ethnicity, national origin, **age**, disability, and sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy” (emphasis added, Constitution Article 1 Section 11).

29. Specifically, for the first time, the Equal Rights Amendment under the Constitution now protects individuals against age based discrimination. The Amendment provides:

“a. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy, be subjected to any discrimination in their civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, pursuant to law.

b. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit, or deny the civil rights of any person based upon any other characteristic identified in this section” (Constitution Article 1 Section 11).

30. Previously, age-based discrimination was protected only under the codification of NYSDHR Law (Executive Law 296) and the ADEA of 1967.

31. Any alleged age discrimination prior to the January 1, 2025 amendment to the New York State Constitution was reviewed under the intermediate level of scrutiny.

32. Now, for the first time in New York history, any age based discrimination based upon the January 1, 2025 amendment must be reviewed under the standard of strict scrutiny.

33. The Respondents acting in concert are discriminating against Petitioners based solely on their age.

34. Respondents have the authority to continue the employment of Petitioners including all salary and benefits.

35. Petitioners remain ready, willing and able to continue their duties as Wayne County Court Judges and Acting Supreme Court Justices.

FIRST CAUSE OF ACTION AGAINST RESPONDENTS

36. Petitioners repeat and reallege each and every allegation contained in the paragraphs above with the same force and effect as if fully set forth herein.

37. Respondents as fully named above, acting in concert under color of the state law, are violating Petitioner's constitutional rights to equal protection by discriminating against them based upon their age.

38. By reason of the foregoing, Petitioners respectfully request an Order enjoining Respondents from terminating Petitioners or declaring their seats vacant and permitting Petitioners to remain in said position until their elected terms expire.

SECOND CAUSE OF ACTION AGAINST RESPONDENTS

39. Petitioners repeat and reallege each and every allegation contained in the paragraphs above with the same force and effect as fully set forth herein

40. Article VI Section 25(b) of the Constitution and Judiciary Law §23 are unconstitutional based upon the amendment to Article 1 Section 11 of the Constitution, the Equal Rights Amendment which specifically provides that no person shall be denied the equal protection of the laws of this state based upon age.

41. Respondents as fully named above, acting in concert under the color of the state law, are violating Petitioner's constitutional rights to equal protection by compelling Petitioners to retire solely due to their age under Article VI Section 25(b) of the Constitution and Judiciary Law §23 which are now clearly unconstitutional based upon the amendment of Article 1 Section 11 of the Constitution.

42. By reason of the foregoing, Petitioners respectfully request an order declaring the age limitations under Article VI Section 25(b) and Judiciary Law §23 unconstitutional.

THIRD CAUSE OF ACTION AGAINST RESPONDENTS

43. Petitioners repeat and reallege each and every allegation contained in the paragraphs above with the same force and effect as fully set forth herein.

44. The New York State Human Rights Law §292(5) provides that the State of New York, which includes the named Respondents, are the employer of Petitioners.

45. Respondents, as fully named above, acting in concert under the color of state law, are in violation and discriminating against Petitioners based upon their age under NYSHRL §296(1)(b), ADEA, and most importantly, the January 1, 2025 Equal Rights Amendment to the Constitution, Article 1 Section 11.

46. As a result of Respondents' discrimination in violation of NYSHRL, ADEA and the Constitution, Petitioners will suffer significant damages including loss of employment, salary,

fringe benefit.

47. By reason of the foregoing, Petitioners respectfully request an Order declaring the provisions of Article VI Section 25(b) of the Constitution and Judiciary Law §23 regarding age a violation of NYSHR, ADEA and the Equal Rights Amendment, Article 1 Section 11 of the Constitution.

48. Petitioners have filed no other action seeking the same or similar relief.

WHEREFORE, Petitioners respectfully request an Order granting a declaratory judgment and preliminary and permanent injunctive relief:

1. Enjoining and prohibiting Respondents or anyone acting on their behalf from terminating Petitioner, Arthur B. Williams, on December 31, 2026 based upon his age and directing that Petitioner may remain in the position until his term ends on December 31, 2032.

2. Enjoining and prohibiting Respondents or anyone acting on their behalf from terminating Petitioner, Richard M. Healy, on December 31, 2025 based upon his age and directing that Petitioner may remain in the position until his term ends on December 31, 2026.

3. Enjoining and prohibiting Respondents or anyone acting on their behalf from terminating Petitioner's salary and fringe benefits.

4. Enjoining and prohibiting Respondents or anyone acting on their behalf from interfering with Petitioner's employment or otherwise terminating Petitioner's access to the courthouse(s), its systems or any other accoutrements of the judgeship.

5. Enjoining and prohibiting Respondents or anyone acting on their behalf from declaring the Judgeships vacant and filling said positions by election or appointment.

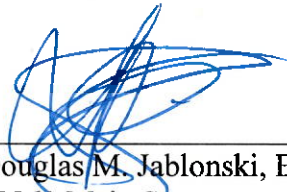
6. A declaratory judgment declaring any provision of Article VI Section 25(b) of the

Constitution and section 23 of the Judiciary Law regarding age unconstitutional based upon the January 1, 2025 amendment to Article 1 Section 11 of the Constitution (Equal Rights Amendment).

7. A declaratory judgment declaring enforcement of the provisions of Article VI Section 25(b) of the Constitution section 23 of the Judiciary Law regarding age a violation of NYSHR, ADEA and the January 1, 2025 Equal Rights Amendment, Article 1 Section 11 of the Constitution which is now the controlling law.

8. Awarding Petitioner the costs and disbursements associated with this action, together with such other, further, and additional relief as the Court deems just and proper.

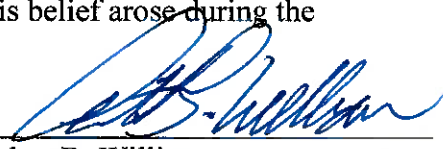
Dated: March 24, 2025



Douglas M. Jablonski, Esq.
12061 Main Street
Wolcott, New York 14590
(315) 594-1066

VERIFICATION

Arthur B. Williams, being duly sworn, says that he is the Petitioner in the herein action, that he has reviewed the attached Verified Petition dated March 24, 2025, that the same is true to the best of his knowledge, except for matters stated upon information and belief and, as to those matters, he believes them to be true, and that the grounds for his belief arose during the performance of his duties in the normal course of business.



Arthur B. Williams

Sworn to before me this
24th day of March, 2025

Brittany R Ruthven

Notary Public - County of Wayne
My Commission Expires 09-20-2025

