

E52AAUSAC1 - CORRECTED Conference

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA EX
4 REL. ANTI-DISCRIMINATION
CENTER OF METRO NEW YORK,
5 INC.,

6 Plaintiffs,

7 v.

06 CV 2860 (DLC)

8 WESTCHESTER COUNTY, NEW YORK,

9 Defendant.

10 -----x

New York, N.Y.
May 2, 2014
12:00 p.m.

11
12 Before:

13 HON. DENISE L. COTE,

14 District Judge

15 APPEARANCES

16 ANTI-DISCRIMINATION CENTER OF METRO NEW YORK, INC.

Attorneys for Plaintiff

17 BY: CRAIG GURIAN ROBERT STROUP

18 U.S. ATTORNEY'S OFFICE - CIVIL DECISION

Attorneys for Plaintiff

19 BY: DAVID J. KENNEDY

20 WESTCHESTER COUNTY LAW DEPARTMENT

Attorneys for Defendant Westchester

21 BY: ROBERT F. MEEHAN

22 ALSO PRESENT: JAMES E. JOHNSON, Monitor

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1 to grips with the law of exclusionary zoning. And what we've
2 seen however is that because the county says that none of the
3 municipalities within its area have exclusionary zoning the
4 obligation to follow any lawsuit is not triggered. And, if you
5 think about it, what Mr. Gurian's position would be would be to
6 hold the county in contempt for not filing a lawsuit when they
7 have analysis on file that says that lawsuit would be legally
8 meritless. That's a different position. And we don't think
9 that's a position that the Court should adopt. What we think
10 the Court should do is consistent with what HUD has done here.
11 HUD has done exactly the right thing here. What HUD has done
12 is said get the analysis right. When you get the analysis
13 right certain consequences follow. And once we get the county
14 to agree that there are those towns that have exclusionary
15 zoning then the county is well suited to bring litigation
16 against those. But as it stands now, if I am one of those
17 towns the county is ordered to file suit against me, if I am
18 defense counsel for one of those towns I am going to like my
19 chances. That's not a good approach. The approach that HUD
20 has taken is the correct one.

21 So, I talked about the monitor a little bit. The
22 monitor has been doing extremely helpful work here. We're very
23 pleased with the analysis that he did on exclusionary zoning.
24 Now, I'll turn it over to him in a bit but I do want to close
25 with a point about how the government is merely acting outside