

# Victory! Judge Strikes Down Vax Mandate for ALL City Employees in NYC

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*“The city’s vaccine mandate is unconstitutional, violates the separation of powers ... arbitrary and capricious.”*

by [The Vigilant Fox](#)

October 24, 2022

Attorney [Chad LaVeglia](#) walked out of the courtroom today and shared some great news for the unvaccinated city workers of New York City.

*So my name is [Chad LaVeglia](#). I’m an attorney who gets to represent these fine men and women over here. What just happened was the judge [Porzio] found that the city’s vaccine mandate is unconstitutional, violates the separation of powers – found it to be arbitrary and capricious. He found the commissioner’s order, mandating private and public employees to get vaccinated, was arbitrary and capricious.*

*And now, it’s null and void, essentially. So we just defeated the vaccine mandate for every single city employee – not just sanitation, FDNY, NYPD, Department of Corrections. For all the brave men and women who have been our first responders and have been brave through all this are now free, and you should be able to go back to work.*

*The case was Garvey et al v City of NY et al, brought by DSNY*

*workers terminated for failing to comply with the mandate. In a 2:30pm hearing in Richmond County Supreme Court, Judge Porzio ruled against the city, praising workers and declaring the mandate arbitrary and capricious.*

– NYCforYourself (@nycforyourself) [October 24, 2022](#)

*The case was Garvey et al v City of NY et al, brought by DSNY workers terminated for failing to comply with the mandate. In a 2:30pm hearing in Richmond County Supreme Court, Judge Porzio ruled against the city, praising workers and declaring the mandate arbitrary and capricious.*

Here's [the decision and order](#) in its official form:

For A Judgment Pursuant To  
Article 78 of the CPLR

## **DECISION & ORDER**

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF HEALTH AND MENTAL  
HYGIENE, NEW YORK CITY DEPARTMENT  
OF SANITATION, DAVID CHOKSHI, in his official  
capacity as the Commissioner of the Department of Health  
and Mental Hygiene, and ERIC ADAMS, in his official  
capacity as Mayor

Respondents.

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Upon all of the papers filed in support of the applications and the papers filed in opposition thereto, and after hearing oral arguments, it is

**ORDERED** that Motion #002 brought by Respondents for a judgment pursuant to CPLR 3211(a)(7) to dismiss the Petition on the grounds that the Petitioner failed to state a claim is hereby denied.

**ORDERED** that the Petition is hereby granted as set forth below.

[Chad took to Twitter](#) to celebrate, and the great news is spreading like wildfire.

*BREAKING NEWS: CJ Law defeats NYC Vaccine Mandate. Judge strikes mandate down as unconstitutional, arbitrary and capricious. Historic victory for NY's Strongest and the rest of NYC's public servants.*

– Chad J. LaVeglia (@ChadLaveglia) [October 24, 2022](#)

*BREAKING NEWS: CJ Law defeats NYC Vaccine Mandate. Judge strikes mandate down as unconstitutional, arbitrary and capricious. Historic victory for NY's Strongest and the rest of NYC's public servants.*

So, hip, hip, hooray. Another vaccine mandate bites the dust. I know it's easy to take the black pill and say, "the damage has already been done." That is fair. We can't go back in time and get people unjabbed.

But rulings like this validate our stance on medical freedom and that this overreaching behavior should never happen again. And with essentially no fear of COVID anymore whatsoever, expect more judges with clear minds to rule against COVID vax mandates to the point of extinction.

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*cover image credit: [qgadrian](#)*