

SUPREME COURT OF THE STATE OF NEW YORK
FOR THE
COUNTY OF NEW YORK, CIVIL PART

	)	Index No.: _____
	)	
MULTICULTURAL BUSINESS COALITION, INC.,	)	
individually and on behalf of its members, all	)	
similarly associated,	)	COMPLAINT
	)	
Plaintiffs,	)	
	)	
Plenary Action for Relief Pursuant to Rule 901 of the	)	
the New York Civil Practice Law and Rules,	)	(Plenary Action, NY
	)	CPLR §§ 901, <i>et seq.</i>)
	)	
<i>-against-</i>	)	
	)	
ZOHRAN K. MAMDANI solely in his official capacity	)	
as Mayor of the City of New York, and THE CITY OF	)	
NEW YORK,	)	
	)	
Defendants.	)	

PRELIMINARY STATEMENT

The Lead Plaintiff, by and through counsel, CIVIL RIGHTS CONSORTIUM, bring the instant action for relief from the Defendant City of New York pursuant to Rule 901 of the Civil Practice Law and Rules, for violations of Articles 4 and 8-A of the New York Civil Rights Laws, and Article I, Section 11 of the NYS-C, the Equal Protection Clause (“EPC”).

The Defendants’ municipal grocery stores deny the Class Members, hundreds of grocers, many small grocers equal protection, as they are not able to offer discounts that markedly depart from globalized commerce, thereby violating New York’s Civil Rights Laws.¹

¹ Grocery stores or bodega or supermarkets is hereinafter referred to as “grocery stores” or “grocers”.

JURISDICTION

1. This Court has jurisdiction over the subject matter of this action pursuant to Rule 901 of the New York Civil Practice Law and Rules.

2. The claims asserted herein arise under Article 4 of New York's Civil Rights Laws, namely New York's Equal Rights in public accommodations and privileges, and Article 8-A of New York Civil Rights, namely New York's Bivens Act.

3. The Lead Plaintiff and the Class Members' claims are excepted from any noticing requirement and or any restriction on a private right of action, by the courts' decisions in *Khrapunskiy v. Doar*, 12 N.Y.3d 478, 909 N.E.2d 70, 881 N.Y.S.2d 377, 2009 N.Y. Slip Op. 3761 (2009), *Khrapunskiy v. Doar*, 49 A.D.3d 201, 852 N.Y.S.2d 40, 2008 N.Y. Slip Op. 351 (N.Y. App. Div. 2008), *Khrapunskiy v. Doar*, 2015 N.Y. Slip Op. 51462(U) (N.Y. Co. Sup. Ct., Aug. 11, 2015), and *Mirro v. City of New York*, 159 A.D.3d 964, 966, 74 N.Y.S.3d 356, 2018 N.Y. Slip Op. 02154 (N.Y. App. Div. 2018).

4. Furthermore, the Lead Plaintiffs and Class Members' claims are excepted from any defense of sufficient remedy where such applies to individuals and not class claims.

5. Moreover, the underlying Civil Rights Laws, Lead Plaintiff and the Class Members have the right to injunctive relief which would have the effect of stopping the underlying discrimination that affects all members of the class.

VENUE

6. Pursuant to Civil Practice Law and Rules §§ 504(3) and 503(a) where the Defendant City of New York is headquartered in New York County, and where material factual

events have taken place in New York County, as well as the fact that the underlying policies, practices, and goals, were created in New York County, as noted herein, this action is adjudicated in New York County.

SUMMARY OF THE ACTION

7. The Lead Plaintiff and the Class Members move on behalf of their membership, namely hundreds of private independent grocers are being irreparably harmed by the municipal grocery stores.

8. Many of the facts supporting the allegations contained herein are known only to the Defendants or are exclusively within their custody and control. Nonetheless, after a reasonable opportunity for discovery, further substantial evidentiary support will exist for the allegations contained in this Complaint.

9. This action is being pursued New York's Civil Rights Laws and Constitution, with a Class Period of January 1, 2026, through August 20, 2026.

JURY DEMAND

10. Lead Plaintiffs respectfully demand a trial by a jury of all issues herein pursuant to Civil Practice Law and Rules § 4101(1) and (3), including whether the Defendants have discriminated against the Lead Plaintiff and Class Members in violation of Articles 4 and 8-A of the New York Civil Rights Laws, and EPC of the New York State Constitution.

PARTIES

11. The Lead Plaintiff MULTICULTURAL BUSINESS COALITION, INC. ("MBC"), is a not-for-profit entity with thousands of business members, hundreds of whom are

small grocery stores in the City of New York that are adversely affected by the municipal grocers.

12. The Defendant Zohran K. Mamdani is the Mayor of the City of New York.

13. The Defendants City of New York is a political subdivision of the State of New York, who owns the underlying below market-rate grocery stores.

FACTUAL BACKGROUND

(1) Zohran K. Mamdani, Mayor of the City of New York, ran his campaign to be Mayor of the City of New York, on an affordability agenda.

(2) One of the core pledges of Mr. Mamdani's affordability agenda was the opening of five (5) municipal grocery stores.

(3) In doing so, Mr. Mamdani pledged to open municipal grocery stores that sell food items well below the market rate.

(4) The grocery stores do not appear to meaningfully regulate the so-called affordable items on a need base method.

(5) Therefore, the municipal grocery stores, five (5) in total, openly compete with grocery stores at large, including members of the MBC, who are members of groups historically discriminated against, and who run grocery stores barely making profits, in some instances not operating in the red.

(6) Therefore, many minority members of the MBC cannot compete with the municipal grocery stores, and therefore, will be put out of business.

(7) Each of the members of the MBC have duly authorized the MBC's filing of this class action lawsuit on their behalf.

(8) The Respondents-Defendants establishment of the municipal grocers, coming without any studies, threatens to further exclude immigrant and minority business owners from opportunities, for the same reason the City has long refused to allow Walmart to open any stores in the City of New York. *Exhibit 2*.

(9) The Respondents-Defendants' municipal grocery stores have pledged to sell food items 30% below the market-rate, a rate the rivals or exceeds Walmart discounts.

(10) Therefore, the Petitioners-Plaintiffs move to permanently enjoin the opening of the municipal grocery stores.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Lead Plaintiff brings a claim against the Defendants pursuant to Article 4 of the New York Civil Rights Law, and Article I, Section 11 of the New York Constitution where the Defendants have unduly discriminated against the Plaintiff, denying the Plaintiff equal protection.

14. Plaintiff repeats and restates as if stated herein all averments set forth in Paragraphs "1" through "13" above.

15. The Class moves as a class claiming violation of their equal protection of their rights under the State's Civil Rights Laws and Constitution.

16. The Plaintiffs of members of protected groups.

17. Plaintiffs have been denied equal protection where the Plaintiffs small, immigrant, and minority owned grocery stores, are unable to discount products are being unduly denied the equal protection of the subsidized municipal grocery stores, where the Defendants have failed to take corrective action.

18. Therefore, the Plaintiffs are suffering undue harm.

SECOND CAUSE OF ACTION

Lead Plaintiff brings a claim against the Defendants pursuant to Article 8-A of the New York Civil Rights Law (hereinafter referred to as “the Bivens Act”), where the Defendants have unduly discriminated against the Plaintiff, denying the Plaintiff equal protection.

19. Plaintiff repeats and restates as if stated herein all averments set forth in Paragraphs “1” through “18” above.

20. The Class moves as a class claiming violation of their equal protection of their rights under the State’s Civil Rights Laws and Constitution.

21. The Plaintiffs of members of protected groups.

22. Plaintiffs have been denied equal protection where the Plaintiffs, predominately immigrant and minority owned grocery stores, are unable to offer similarly discounted products of the NYC-GP, and therefore, the former are being unduly denied the equal protection of the subsidized municipal grocery stores (i.e., NYC-GP), where the Defendants have failed to take corrective action, namely meaningfully study and analysis to avoid furthering historic discriminatory exclusion, and exclusion generally.

23. Therefore, the Plaintiffs are suffering undue harm.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests relief and judgment, as follows:

- (a) Awarding compensatory damages and punitive damages to be proved at trial;
- (b) Awarding extraordinary, equitable, and/or injunctive relief as permitted by law, equity, and the state law, including moving expenses to Plaintiffs;
- (c) Awarding all the Plaintiffs reasonable costs and expenses incurred in this action, including counsel fees and expert fees;
- (d) Such other and further relief as this Court may deem just and proper.

Dated: Rye, New York,
August 20, 2026

CIVIL RIGHTS CONSORTIUM.
ATTORNEYS FOR THE PLAINTIFFS

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