

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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In the Matter of the Application of

JAMES MCDUGAL,

Petitioner,

VERIFIED PETITION

Index No.

For a Judgment Pursuant to Article 78 of the Civil Practice Law  
and Rules,

-against-

THE CITY OF NEW YORK; THE NEW YORK CITY  
DEPARTMENT OF PARKS AND RECREATION; TRICIA  
SHIMAMURA, COMMUNITY BOARD NO. 3, BROOKLYN;  
and NADEEN GAYLE

Respondents.

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Petitioner JAMES MCDUGAL, by his attorneys, THE SANDERS FIRM, P.C.,

respectfully alleges as follows:

**PRELIMINARY STATEMENT**

1. This Article 78 proceeding challenges respondents’ failure and refusal to process, consider, and issue a reasoned determination on petitioner JAMES MCDUGAL’s long-pending request to rename the basketball courts at St. Andrew’s Playground in Bedford-Stuyvesant, Brooklyn, in honor of Cornelius “Connie” Hawkins.

2. Petitioner does not ask this Court to substitute its judgment for the New York City Department of Parks and Recreation on a discretionary commemorative naming decision.

3. Petitioner seeks a narrower and legally proper remedy: an order compelling respondent to process the proposal under ascertainable standards, identify any alleged deficiency in writing, disclose whether any adverse position rests on written policy, established practice,

formal board action, or reasoned agency determination, and issue a final written determination subject to judicial review.

4. Connie Hawkins is not an obscure or marginal proposed honoree.

5. Hawkins was born in Bedford-Stuyvesant, became a New York City playground legend, emerged as one of basketball's first above-the-rim artists, and later received national recognition as an American Basketball Association Most Valuable Player, National Basketball Association All-National Basketball Association First Team selection, and 1992 inductee into the Naismith Memorial Basketball Hall of Fame.

6. Hawkins's career also carries unusual historical significance because he was excluded from the highest levels of organized basketball during his athletic prime despite not being arrested, indicted, or convicted in connection with the scandal that derailed his early career.

7. His later vindication, Hall of Fame induction, and enduring reputation reflect more than athletic excellence; they reflect New York City playground culture, Bedford-Stuyvesant history, institutional exclusion, public memory, and national sports history.

8. Since at least 2019, petitioner and community supporters have pursued the proposed renaming through civic and administrative channels.

9. In support of the proposal, petitioner and supporters gathered community signatures, obtained elected-official support, secured family support, and received indications that the New York City Department of Parks and Recreation was willing to proceed at least as to naming one basketball court after Hawkins.

10. Yet the proposal has remained stalled through shifting and non-criteria-based explanations, including alleged lack of family support, alleged insufficient fame, alleged absence

of Community Board No. 3 naming procedures, administrative delay, and demands for additional support not clearly grounded in any written rule.

11. The record therefore presents a process problem, not merely a naming disagreement.

12. Community boards serve an important advisory function, but they are not final agency decisionmakers and do not possess veto authority over New York City Department of Parks and Recreation naming determinations.

13. If respondents have treated Community Board No. 3's informal opposition, inaction, committee resistance, or non-final position as dispositive, respondents have converted an advisory role into an unlawful de facto veto.

14. Administrative action must be rational, evenhanded, and grounded in lawful authority.

15. Respondents may not indefinitely delay petitioner's proposal, apply unpublished criteria, move the goalposts, withhold the alleged deficiency, or insulate extra-record opposition from review by refusing to issue a reasoned determination.

16. Respondents' failure to identify the governing standard, state any deficiency, disclose any formal board action, provide a fair path to final consideration, or issue a final written determination is arbitrary and capricious, affected by an error of law, and constitutes a failure to perform duties enjoined upon them by law.

17. Petitioner therefore seeks mandamus and related Article 78 relief compelling respondents to process the proposal lawfully, recognize Community Board No. 3's advisory role as advisory, and issue a reasoned written determination within a date certain.

### **PARTIES**

18. Petitioner JAMES MCDUGAL is a resident of Bedford-Stuyvesant, Brooklyn, New York.

19. Petitioner is a long-time Bedford-Stuyvesant resident and community advocate.

20. Petitioner has pursued the proposed renaming of the basketball courts at St. Andrew's Playground in honor of Connie Hawkins.

21. Respondent THE CITY OF NEW YORK is a municipal corporation duly organized and existing under the laws of the State of New York.

22. Respondent NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION is an agency of the City of New York charged with the administration, operation, and management of New York City parks and park properties, including St. Andrew's Playground.

23. Respondent TRICIA SHIMAMURA is the Commissioner of the New York City Department of Parks and Recreation and is sued in her official capacity.

24. Respondent COMMUNITY BOARD NO. 3, BROOKLYN is a community board created under the New York City Charter for the community district that includes Bedford-Stuyvesant and St. Andrew's Playground.

25. Respondent NADEEN GAYLE is the District Manager of Community Board No. 3, Brooklyn, and is sued in her official capacity.

#### **JURISDICTION AND VENUE**

26. This Court has jurisdiction pursuant to CPLR Article 78.

27. This proceeding is properly brought pursuant to CPLR 7803(1) because respondents have failed to perform duties enjoined upon them by law.

28. This proceeding is also properly brought pursuant to CPLR 7803(3) because respondents' conduct is arbitrary and capricious, an abuse of discretion, and affected by an error of law.

29. Venue is proper in Kings County pursuant to CPLR 506(b) because the material events occurred in Kings County, the subject park property is located in Kings County, Community Board No. 3 is located in Kings County, and the challenged administrative conduct concerns a Brooklyn Park facility.

### FACTUAL ALLEGATIONS

#### A. St. Andrew's Playground and the Proposed Connie Hawkins Renaming

30. St. Andrew's Playground is a New York City Park property located in Bedford-Stuyvesant, Brooklyn.

31. The basketball courts at St. Andrew's Playground are part of the neighborhood's public recreational, cultural, and athletic landscape.

32. Petitioner has advocated for the basketball courts at St. Andrew's Playground to be renamed in honor of Cornelius "Connie" Hawkins.

33. Petitioner's proposal seeks public recognition of a historically significant Bedford-Stuyvesant-born basketball figure whose legacy is directly connected to New York City playground basketball, Brooklyn civic history, national sports history, and public vindication after institutional exclusion.

34. Petitioner does not seek a private benefit.

35. Petitioner seeks the fair processing of a public commemorative naming proposal under lawful, ascertainable, and evenhanded administrative standards.

#### B. Connie Hawkins's Bedford-Stuyvesant Origin and Historical Significance

36. Cornelius “Connie” Hawkins was born on July 17, 1942, in the Bedford-Stuyvesant section of Brooklyn.

37. Hawkins was not merely a professional basketball player who later achieved national recognition.

38. Hawkins was a Bedford-Stuyvesant-born basketball figure whose public identity, athletic reputation, and lasting mystique were formed in New York City’s playground basketball culture.

39. By the age of eleven, Hawkins was already dunking.

40. Hawkins’s athletic gifts quickly became the subject of neighborhood reputation and local basketball lore.

41. Hawkins became known in New York basketball circles as a playground legend.

42. His reputation was built before the modern media era, before most of his best basketball could be preserved on film, and before his full athletic prime could be displayed in the National Basketball Association.

43. The absence of extensive film does not diminish Hawkins’s significance.

44. It is part of the reason public commemoration is appropriate.

45. Hawkins represents a form of New York City basketball history that lived first on neighborhood courts, in recreation gyms, on blacktop surfaces, and through community memory.

46. Hawkins was a 1960 Parade magazine High School All-American.

47. Hawkins later attended the University of Iowa.

48. Before Hawkins played a college game, his career was derailed by the 1961 New York gambling and point-shaving scandal.

49. Hawkins was not arrested.

50. Hawkins was not indicted.

51. Hawkins was not convicted.

52. Hawkins was not directly implicated in any fixed game.

53. Nevertheless, Hawkins was linked to the scandal and effectively excluded from the highest levels of organized basketball during years that should have been his athletic prime.

54. The University of Iowa severed its relationship with Hawkins.

55. The National Basketball Association, then a young league concerned with its public image, excluded Hawkins from the league.

56. As a result, Hawkins became a basketball exile despite the absence of any arrest, indictment, conviction, or direct implication in fixed-game conduct.

57. Hawkins's exclusion is central to his public significance.

58. His life and career reflect not only athletic greatness, but also institutional exclusion, delayed opportunity, and later public vindication.

**C. Hawkins's Professional Achievements and National Recognition**

59. After his exclusion from major organized basketball opportunities, Hawkins played with the Pittsburgh Rens of the American Basketball League. (Exhibit 7).

60. At age nineteen, Hawkins was named the American Basketball League's Most Valuable Player.

61. After the American Basketball League folded, Hawkins toured with the Harlem Globetrotters.

62. Hawkins later became one of the defining early stars of the American Basketball Association.

63. During the 1967–1968 American Basketball Association season, Hawkins played for the Pittsburgh Pipers.

64. Hawkins led the Pittsburgh Pipers to a 54–24 regular-season record.

65. Hawkins led the Pittsburgh Pipers to the first American Basketball Association championship.

66. Hawkins led the American Basketball Association in scoring during the 1967–1968 season with 26.8 points per game.

67. Hawkins averaged 13.5 rebounds per game during that season.

68. Hawkins shot .519 from the field during that season.

69. Hawkins was named the American Basketball Association Most Valuable Player for the 1967–1968 season.

70. Hawkins was selected to the All-American Basketball Association Team.

71. In the following season, Hawkins averaged 30.2 points per game and 11.4 rebounds per game while shooting .503 from the field.

72. Across two American Basketball Association seasons, Hawkins averaged 28.2 points and 12.6 rebounds per game.

73. Hawkins’s American Basketball Association playoff scoring average was also 28.2 points per game.

74. Hawkins then entered the National Basketball Association with the Phoenix Suns for the 1969–1970 season.

75. In his first National Basketball Association season, Hawkins played eighty-one games.

76. Hawkins averaged 24.6 points per game.

77. Hawkins averaged 10.4 rebounds per game.
78. Hawkins recorded 391 assists, nearly five assists per game.
79. Hawkins was named to the All-National Basketball Association First Team.
80. The All-National Basketball Association First Team that season included Willis Reed, Walt Frazier, Jerry West, Billy Cunningham, and Connie Hawkins.
81. Hawkins continued to produce at a high level during the following seasons.
82. Hawkins averaged 20.9 points per game during the 1970–1971 National Basketball Association season.
83. Hawkins averaged 21.0 points per game during the 1971–1972 National Basketball Association season.
84. Hawkins later played for the Los Angeles Lakers and Atlanta Hawks before retiring after the 1975–1976 season.
85. During seven National Basketball Association seasons, Hawkins averaged 16.5 points per game.
86. In National Basketball Association playoff games, Hawkins averaged 19.3 points per game.
87. Hawkins was inducted into the Naismith Memorial Basketball Hall of Fame in 1992.
88. Hawkins’s Hall of Fame induction was a public vindication of a career that had been delayed, diverted, and damaged by exclusion from the sport’s highest level.
89. Hawkins died on October 6, 2017.
90. Hawkins’s death satisfies the New York City Department of Parks and Recreation’s three-years-posthumous policy for commemorative naming.

**D. Hawkins's Cultural and Civic Relevance**

91. Hawkins's statistical record, standing alone, does not fully capture his public significance.
92. Hawkins's importance lies in his cultural and historical role as one of basketball's first above-the-rim artists.
93. Hawkins was recognized for aerial play, court vision, one-on-one creativity, long strides, ball control, acrobatic finishes, and a style that anticipated later eras of modern basketball.
94. Hawkins's contemporaries regarded him as one of the most talented forwards of his era.
95. Hawkins's style anticipated the flash, altitude, creativity, and athletic expression later associated with players such as Julius Erving and Michael Jordan.
96. Hawkins's career also carries institutional significance because his exclusion from the National Basketball Association deprived him of the opportunity to display his talent during his most productive years.
97. Hawkins's later success in the American Basketball Association and National Basketball Association demonstrated that the reputation formed on New York City playground courts was not folklore.
98. It was fact.
99. Hawkins's Hall of Fame induction confirmed that his greatness was not confined to National Basketball Association box scores.

100. It recognized that some of the most consequential basketball was played outside National Basketball Association arenas, including on playground courts, in recreation centers, and in the informal but fiercely competitive spaces that shaped New York City basketball.

101. Hawkins’s Bedford-Stuyvesant birth, New York City playground legend status, national basketball recognition, Hall of Fame induction, and historically significant exclusion from the National Basketball Association establish precisely the kind of local, national, historical, civic, and cultural relevance that supports commemorative naming.

102. The proposed renaming of the basketball courts at St. Andrew’s Playground would not merely honor a former athlete.

103. It would commemorate a Bedford-Stuyvesant-born figure whose life reflects New York City basketball genius, institutional exclusion, public vindication, and the cultural power of neighborhood playgrounds.

104. Petitioner’s proposal is therefore directly tethered to the publicly described purposes of commemorative naming: preserving local history, recognizing public significance, and connecting public spaces to figures whose lives bear meaningful civic and community relevance.

**E. The New York City Department of Parks and Recreation’s Publicly Described Naming Criteria**

105. The New York City Department of Parks and Recreation and related City materials have publicly described core considerations associated with commemorative park naming and renaming.

106. Those considerations include whether the proposed honoree has local, national, or historical relevance.

107. Those considerations include whether the proposed honoree bears a meaningful connection to the neighborhood, community, or public space.

108. Those considerations include whether there is community and elected support for the proposal.

109. Those considerations include whether the proposal complies with the New York City Department of Parks and Recreation's three-years-posthumous policy for commemorative naming.

110. The New York City Department of Parks and Recreation has also publicly indicated that, outside a special naming initiative, members of the public may gather support and submit a naming request directly to the agency.

111. Hawkins satisfies the three-years-posthumous policy.

112. Hawkins satisfies the local, national, historical, civic, cultural, and athletic-relevance considerations that the New York City Department of Parks and Recreation has publicly associated with commemorative naming.

113. Hawkins's connection to Bedford-Stuyvesant, Brooklyn, New York City playground basketball, and national basketball history is substantial.

114. Petitioner and supporters gathered community support for the proposal. (Exhibits 1 and 5).

115. Petitioner and supporters obtained elected-official support for the proposal.

116. Petitioner and supporters obtained family support for the proposal.

117. Petitioner and supporters pursued the proposal through civic and community channels.

118. Respondents have not provided petitioner with a written final determination identifying any governing rule that the proposal fails to satisfy.

119. Respondents have not provided petitioner with a written final determination explaining why the proposal cannot proceed.

120. Respondents have not provided petitioner with a reasoned written statement identifying any specific deficiency in the proposal.

**F. Community Board No. 3's Role Is Advisory, Not Decisional**

121. Community Board No. 3 has an advisory role in matters affecting the district.

122. Under the New York City Charter, community boards cooperate with, consult, assist, and advise public officers, agencies, legislative bodies, and borough presidents regarding matters relating to the welfare of the district and its residents.

123. Community boards may hold hearings or investigations with respect to matters relating to the welfare of the district and its residents.

124. Community boards may take formal board action only through proper public board process.

125. Community boards may advocate for neighborhood interests.

126. Community boards may make recommendations.

127. Community boards may express support or opposition.

128. Community boards may communicate with City agencies.

129. But community boards do not possess authority to order a City agency or official to perform or not perform a governmental task.

130. Community boards do not possess final agency authority over New York City Department of Parks and Recreation naming determinations.

131. Community boards do not possess veto power over New York City Department of Parks and Recreation commemorative naming decisions.

132. A district manager does not possess authority to deny, block, or indefinitely delay a New York City Department of Parks and Recreation naming application.

133. A committee does not possess final authority to deny, block, or indefinitely delay a New York City Department of Parks and Recreation naming application.

134. Individual board members do not possess final authority to deny, block, or indefinitely delay a New York City Department of Parks and Recreation naming application.

135. Informal opposition by individual board members, elected officials, community actors, or staff does not constitute lawful final agency action.

136. If respondents have allowed informal opposition to operate as a de facto veto, that process violates the Charter framework and is affected by an error of law.

**G. The Proposal Has Been Pursued Since at Least 2019**

137. Since at least 2019, petitioner and the Connie Hawkins Committee have pursued the proposed renaming of the basketball courts at St. Andrew's Playground after Hawkins.

138. The available record reflects that petitioner and supporters understood that the process required or expected substantial support from several sources.

139. Those sources included community support, elected-official support, family support, and support or non-objection from relevant City actors.

140. Petitioner and supporters gathered a petition of support from residents in the surrounding community in or about 2019.

141. Petitioner and supporters obtained elected-official support in or about 2019.

142. Petitioner and supporters obtained family support. (Exhibit 2).

143. Petitioner and supporters obtained indications of New York City Department of Parks and Recreation support or willingness to proceed, at least as to the naming of one basketball court after Hawkins.

144. Notwithstanding those efforts, Community Board No. 3 did not provide support.

145. The reasons communicated or attributed to Community Board No. 3 changed over time.

146. The asserted reasons included that Hawkins's family allegedly did not want to see his legacy continued.

147. That assertion was contradicted by subsequent family-support materials.

148. The asserted reasons included that Hawkins allegedly was not famous enough.

149. That assertion is irreconcilable with Hawkins's Bedford-Stuyvesant origin, New York City playground legend status, American Basketball Association Most Valuable Player award, National Basketball Association All-National Basketball Association First Team selection, and Naismith Memorial Basketball Hall of Fame induction.

150. The asserted reasons included that Community Board No. 3 allegedly had no process for renaming or naming parks.

151. That assertion did not identify a governing written rule, agency policy, or lawful basis for indefinite delay.

152. The asserted reasons included administrative excuses, including that computers were not working.

153. The asserted reasons included delay based upon people allegedly returning from vacation.

154. These shifting explanations show that the proposal was not being processed under a fixed, published, evenhanded standard.

155. These shifting explanations support petitioner's concern that informal opposition, rather than lawful criteria, was driving the process.

**H. Community Petition and Resident Support**

156. Petitioner and supporters gathered signatures from community residents supporting the proposed renaming.

157. The petition materials state that the undersigned supported naming the basketball courts at St. Andrew's Playground after National Basketball Association Hall of Famer Connie Hawkins.

158. The petition materials included names, signatures, addresses, and dates.

159. The petition materials demonstrate that petitioner did not present an unsupported request.

160. The petition materials demonstrate that community members supported the proposed renaming.

161. The petition materials also demonstrate that petitioner attempted to satisfy the community-support component associated with the naming process.

162. To protect private identifying information, petitioner intends to file redacted versions of community-support materials where appropriate.

**I. Elected-Official Support**

163. In or about August 2019, then-Brooklyn Borough President Eric L. Adams expressed support for naming basketball courts after Connie Hawkins.

164. The August 28, 2019 letter from then-Borough President Adams was directed to the Brooklyn Parks Commissioner.

165. The letter supported naming basketball courts after Brooklyn-born basketball legend Connie Hawkins.

166. The letter described Hawkins's connection to Brooklyn basketball history.

167. The letter further explained that the playground bounded by Atlantic Avenue, Herkimer Street, Kingston Avenue, and St. Andrew's Place once housed courts where generations of Brooklyn basketball players developed and competed.

168. The letter recognized that Hawkins's legacy should be preserved for the benefit of the community.

169. The elected-official support rebuts any suggestion that petitioner's proposal lacked civic legitimacy.

170. The elected-official support also rebuts any suggestion that the proposal lacked the type of public support contemplated by the naming process.

#### **J. Family Support**

171. Respondents, Community Board No. 3, or persons associated with the process asserted or suggested that Hawkins's family did not support continuation of his legacy through the proposed renaming.

172. That assertion is contradicted by the family-support materials in petitioner's possession.

173. On or about February 17, 2023, Shawn Hawkins, identified as chairperson of Community Board No. 3 and attorney-in-fact for Shawna Hawkins, provided a letter concerning family support. (Exhibit 3).

174. The letter stated that Shawn Hawkins, on behalf of the surviving members of the Hawkins family, supported the renaming of the basketball courts at St. Andrew's Playground after Brooklyn icon Connie Hawkins.

175. The letter identified Shawn Hawkins as the sole surviving child of Connie Hawkins.

176. The letter identified additional surviving family members, including the sole daughter of Hawkins's sole surviving child, the sole granddaughter of Hawkins, and the sole son of Hawkins's sole grandson.

177. The letter stated that a durable power of attorney had been signed and notarized.

178. The family-support materials undermine any claim that family opposition justified delay, non-support, or obstruction.

179. Petitioner does not intend to file sensitive power-of-attorney documents publicly unless necessary.

180. If respondents dispute family authority or family support, petitioner reserves the right to submit appropriate family-authority materials subject to redaction, sealing, in camera review, or other protective measures as appropriate.

**K. Communications Reflecting Parks Department Support and Community Board No. 3's Practical Veto**

181. On or about 2025, petitioner received or obtained an email from Hercules E. Reid, Citywide Youth Coordinator in the Office of the Mayor, Community Affairs. (Exhibit 4).

182. The email memorialized a conversation concerning the Community Board No. 3 process.

183. The email stated that the New York City Department of Parks and Recreation was not going to rename an entire park or multiple courts after someone.

184. The email stated that the Brooklyn Parks Commissioner had offered to rename one of the basketball courts after Connie Hawkins.

185. The email stated that the mayor and City Hall would not go around the Community Board process and would only proceed with Community Board support.

186. The email stated that Community Board No. 3 was open to reconsidering the proposal.

187. The email stated that the reconsideration process included obtaining support from the local block association and having a family member on board.

188. This communication is significant.

189. It indicates that the New York City Department of Parks and Recreation was willing to proceed at least as to naming one basketball court after Hawkins.

190. It also indicates that the mayor and City Hall were treating Community Board No. 3 support as necessary to move forward.

191. In practical effect, Community Board No. 3's advisory position was being elevated into a veto.

192. That practical veto is inconsistent with the Charter framework governing community boards.

193. That practical veto is also inconsistent with rational administrative decision-making where no written final determination identifies any lawful deficiency.

194. The email further reflects moving-target requirements.

195. Although petitioner had already gathered community support, elected-official support, and family support, petitioner was being directed toward additional local block association support and renewed family confirmation.

196. Respondents have not identified a written rule requiring these additional conditions.

197. Respondents have not identified a written agency policy requiring these additional conditions.

198. Respondents have not identified a formal board resolution requiring these additional conditions.

199. Respondents have not identified a reasoned New York City Department of Parks and Recreation determination requiring these additional conditions.

**L. Petitioner's March 6, 2026 Conciliation Letter**

200. On or about March 6, 2026, petitioner, through counsel, sent correspondence to District Manager Nadeen Gayle of Community Board No. 3. (Exhibit 6).

201. The letter advised that counsel represented petitioner in connection with the proposal to rename the basketball courts at St. Andrew's Playground in honor of Hawkins.

202. The letter stated that petitioner had pursued the matter through community and civic channels in good faith and with respect for the local process.

203. The letter expressly stated that it was sent in the spirit of conciliation and with the hope that the matter could be resolved through dialogue, transparency, and adherence to governing standards without litigation.

204. The letter identified the core commemorative naming considerations publicly described by the New York City Department of Parks and Recreation and related City materials.

205. The letter explained petitioner's position that Hawkins plainly satisfied the posthumous requirement.

206. The letter further explained petitioner's position that his submission satisfied the core renaming criteria that had been communicated and publicly described.

207. The letter placed respondents on notice that Hawkins's legacy was not incidental to the request.

208. The letter explained that Hawkins was a New York City playground legend whose athleticism, artistry, and style helped move basketball to the next level.

209. The letter further stated that, in Brooklyn and particularly in the history of neighborhood basketball culture, Hawkins is not merely a former player but part of the borough's civic and cultural inheritance.

210. The letter identified petitioner's concern that the remaining obstacle to approval appeared not to be a clear, published criterion applied in an evenhanded manner, but an informal political impediment.

211. The letter expressly stated that it did not assume misconduct as fact.

212. But the letter placed on record petitioner's concern that the proposal was being delayed or withheld for reasons not tethered to governing standards.

213. The letter explained that administrative action must have a rational basis and may not be arbitrary or capricious.

214. The letter further explained that where government actors depart from their own criteria, prior practice, or treatment of similar matters without a reasoned explanation, that departure becomes legally significant.

215. The letter also identified the structural issue that community boards are advisory bodies, not final decisionmakers over agency action.

216. The letter explained that a board acts only through proper board action taken with the required quorum and vote.

217. The letter warned that if the proposal was being stalled because of informal opposition, political pressure, or the effective treatment of an advisory voice as a veto, that would raise serious questions about whether the process had strayed from the Charter framework.

218. The letter requested a meeting within ten business days with the appropriate representatives of Community Board No. 3 and, if appropriate, the New York City Department of Parks and Recreation.

219. The stated purpose of the meeting was to identify any remaining deficiency in the proposal.

220. The stated purpose included determining whether any alleged deficiency was grounded in written policy, established practice, or formal board action.

221. The stated purpose included clarifying whether delay was being caused by informal political opposition rather than published criteria.

222. The stated purpose included establishing a fair and timely path toward final consideration.

223. The letter requested availability for a meeting on or before March 13, 2026.

224. Upon information and belief, respondents did not provide a meaningful written response identifying the governing standard.

225. Upon information and belief, respondents did not identify any written policy that the proposal failed to satisfy.

226. Upon information and belief, respondents did not identify any formal Community Board No. 3 vote constituting official board action on the proposal.

227. Upon information and belief, respondents did not provide a fair and timely path toward final consideration.

228. Upon information and belief, respondents did not issue a final reasoned determination.

**M. Respondents' Delay, Failure to State a Reasoned Position, and Constructive Refusal to Process the Proposal**

229. Petitioner has been left without a clear administrative determination.

230. Petitioner has been left without a written statement of the applicable standard.

231. Petitioner has been left without a written explanation of any deficiency.

232. Petitioner has been left without a clear statement whether Community Board No. 3 has taken formal public action on the proposal.

233. Petitioner has been left without a clear statement whether the New York City Department of Parks and Recreation has accepted, rejected, or deferred the proposal.

234. Petitioner has been left without a clear statement whether the New York City Department of Parks and Recreation considers Community Board No. 3's position advisory or dispositive.

235. Petitioner has been left without a clear statement whether any elected official, community actor, committee, staff member, or informal political consideration is being treated as an obstacle to further processing.

236. This opacity prevents meaningful administrative review.

237. This opacity prevents petitioner from curing any actual deficiency.

238. This opacity prevents petitioner from knowing whether there is any lawful basis for delay.

239. This opacity shields extra-record political influence from judicial review.

240. Where an agency has a duty to process a matter, it cannot avoid review by refusing to act indefinitely.

241. Where an agency has public criteria, it cannot apply unpublished criteria in an ad hoc manner.

242. Where an advisory body has only advisory authority, it cannot be permitted to exercise final decisional power through delay, obstruction, or informal opposition.

243. Respondents' conduct is arbitrary and capricious.

244. Respondents' conduct is affected by an error of law.

245. Respondents have failed to perform duties enjoined upon them by law.

**FIRST CAUSE OF ACTION  
Mandamus to Compel  
CPLR 7803(1)**

246. Petitioner repeats and realleges the preceding paragraphs as if fully set forth herein.

247. Respondents have a duty to process public submissions and requests concerning park naming and renaming in a non-arbitrary manner.

248. Respondents have a duty to apply ascertainable standards.

249. Respondents have a duty to distinguish advisory community input from final agency action.

250. Respondents have a duty to prevent an advisory body, committee, district manager, staff member, elected official, or informal political actor from exercising unlawful veto power over an agency matter.

251. Respondents have a duty to issue a determination, or at minimum to identify the governing criteria and any alleged deficiency, so petitioner may understand the administrative status of the proposal.

252. Petitioner has a clear legal right to have his proposal processed under lawful procedures.

253. Petitioner has a clear legal right to a reasoned administrative process rather than unexplained delay.

254. Petitioner has a clear legal right to know whether any alleged deficiency is grounded in written policy, established practice, formal board action, or reasoned agency determination.

255. Petitioner has no adequate remedy at law.

256. Respondents' failure to process the proposal and issue a reasoned determination warrants mandamus relief.

257. Petitioner is entitled to an order compelling respondents to process the proposal, identify any alleged deficiency in writing, disclose whether any adverse position is based on formal board action, and render a reasoned determination within a date certain.

**SECOND CAUSE OF ACTION**  
**Arbitrary and Capricious Action**  
**CPLR 7803(3)**

258. Petitioner repeats and realleges the preceding paragraphs as if fully set forth herein.

259. Administrative action is arbitrary and capricious when it is taken without sound basis in reason and without regard to the facts.

260. Administrative action is also arbitrary and capricious when an agency departs from its own criteria, established practice, or treatment of similar matters without a reasoned explanation.

261. Respondents have not identified any written policy that disqualifies Hawkins.

262. Respondents have not identified any factual deficiency in petitioner's proposal.

263. Respondents have not identified any formal board vote that lawfully resolved Community Board No. 3's position.

264. Respondents have not identified any NYC Parks determination accepting or rejecting the proposal.

265. Respondents have not explained why Hawkins's local, national, historical, civic, cultural, and athletic significance is insufficient under the publicly described naming criteria.

266. Respondents have not explained why the posthumous requirement is not satisfied.

267. Respondents have not explained why advisory opposition, if any, is being treated as an obstacle to agency processing.

268. Respondents have not explained why additional requirements were imposed after petitioner and supporters gathered community support, elected-official support, and family support.

269. Respondents have not explained why Community Board No. 3's stated or attributed reasons shifted over time.

270. Respondents' failure to provide any reasoned explanation is arbitrary and capricious.

271. Respondents' delay is arbitrary and capricious.

272. Respondents' use of extra-record, informal, unpublished, or political criteria, if any, is arbitrary and capricious.

273. Petitioner is entitled to an order annulling any constructive denial, informal veto, or adverse non-final position, and remitting the matter to NYC Parks for lawful processing and a reasoned determination.

**THIRD CAUSE OF ACTION**

**Error of Law  
CPLR 7803(3)**

274. Petitioner repeats and realleges the preceding paragraphs as if fully set forth herein.

275. Community boards are advisory bodies under the New York City Charter.

276. Community boards do not possess final agency decision-making power over NYC Parks naming determinations.

277. Community board action must be taken through proper public board action.

278. A district manager, committee, individual board member, elected official, or informal political actor cannot lawfully exercise final authority over an NYC Parks naming proposal.

279. To the extent respondents have treated Community Board No. 3's informal opposition, non-final position, committee resistance, staff resistance, or political objection as a dispositive veto, respondents have acted under an error of law.

280. To the extent respondents have refused to process the proposal unless petitioner satisfies unpublished, extra-record, or ad hoc criteria, respondents have acted under an error of law.

281. To the extent respondents have failed to distinguish advisory consultation from final agency decision-making, respondents have acted under an error of law.

282. Petitioner is entitled to judgment declaring that Community Board No. 3 may advise but may not veto the proposal, and directing NYC Parks to process the proposal under lawful standards.

**FOURTH CAUSE OF ACTION  
Unreasonable Delay and Constructive Refusal to Act**

283. Petitioner repeats and realleges the preceding paragraphs as if fully set forth herein.

284. Petitioner and supporters have pursued the proposal since at least 2019.

285. The proposal has not received a reasoned written determination.

286. Respondents have not identified a lawful final denial.

287. Respondents have not identified a lawful final approval.

288. Respondents have not identified a lawful written deferral.

289. Respondents have not identified a clear path to final consideration.

290. Respondents have allowed the matter to remain in administrative limbo.

291. That administrative limbo is not a lawful substitute for agency action.

292. Respondents' unreasonable delay constitutes a constructive refusal to act.

293. Petitioner is entitled to mandamus relief compelling respondents to process the proposal and issue a written determination.

**FIFTH CAUSE OF ACTION  
Unequal Treatment Under Article 78 Principles**

294. Petitioner repeats and realleges the preceding paragraphs as if fully set forth herein.

295. Upon information and belief, similarly situated naming and renaming proposals have been processed under publicly described commemorative naming criteria.

296. Upon information and belief, similarly situated proposals have not been subjected to indefinite delay, unpublished criteria, shifting requirements, or informal political vetoes.

297. Petitioner's proposal has been treated differently without a rational basis.

298. Respondents have not identified any material distinction justifying the different treatment.

299. Respondents have not identified any governing standard that explains the disparate administrative treatment.

300. Respondents' unequal treatment of petitioner's proposal is arbitrary and capricious.

301. Petitioner is entitled to an order compelling respondents to process the proposal under the same standards applicable to similarly situated commemorative naming proposals.

**REQUEST FOR RELIEF**

WHEREFORE, petitioner respectfully requests that this Court enter judgment:

- a. Pursuant to CPLR 7803(1), compelling respondents to process petitioner's proposal to rename the basketball courts at St. Andrew's Playground in honor of Connie Hawkins;
- b. Compelling respondents to identify, in writing, any alleged deficiency in the proposal;
- c. Compelling respondents to identify, in writing, the governing policy, rule, standard, established practice, formal board action, or agency determination

upon which any alleged deficiency, delay, refusal, or adverse position is based;

- d. Compelling respondents to disclose whether Community Board No. 3 has taken formal public board action on the proposal and, if so, to produce or identify the agenda, minutes, vote, resolution, recommendation, and related public record;
- e. Compelling respondents to disclose whether NYC Parks has accepted, rejected, deferred, or otherwise acted upon the proposal;
- f. Compelling NYC Parks to render a reasoned written determination within thirty days of the Court's order, or within such other time as the Court deems just and proper;
- g. Declaring that Community Board No. 3 is advisory and does not possess final veto authority over NYC Parks' naming or renaming determinations;
- h. Declaring that respondents may not deny, delay, obstruct, or refuse to process petitioner's proposal based upon informal political opposition, unpublished criteria, extra-record considerations, or advisory opposition treated as a dispositive veto;
- i. Annuling any constructive denial, informal veto, adverse non-final position, or refusal to process petitioner's proposal that is unsupported by written policy, formal public board action, lawful agency authority, or reasoned agency determination;
- j. Remitting the matter to NYC Parks for lawful processing under ascertainable criteria;

- k. Awarding petitioner costs and disbursements; and
- l. Granting such other and further relief as the Court deems just and proper.

Dated: June 21, 2026  
New York, NY

Respectfully submitted,

By: /s/Eric Sanders, Esq.  
Attorney for Petitioner JAMES MCDOUGAL

**THE SANDERS FIRM, P.C.**  
30 Wall Street, 8<sup>th</sup> Floor  
New York, NY 10005  
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(212) 652-2783 (Facsimile)

Website: <http://www.thesandersfirm.com>

**EXHIBIT LIST**

Exhibit 1 — Petition of Support Signed by Members of the Community, dated August 4, 2019

Exhibit 2 — Letter of Support from Then-Brooklyn Borough President Eric L. Adams, dated August 28, 2019

Exhibit 3 — Letter of Support from Ms. Shawna Hawkins (sole surviving child of Cornelius “Connie” Hawkins), dated February 17, 2023

Exhibit 4 — Email from the Office of the Mayor – Community Affairs

Exhibit 5 — Petition of Support Signed by Members of the Community, dated June through July 2025

Exhibit 6 — Letter Request for Conciliation Meeting Concerning Proposed Renaming of the Basketball Courts at St. Andrew’s Playground in Honor of Connie Hawkins, dated March 26, 2026

Exhibit 7 — NBA.com Legends profile titled “Legends profile: Connie Hawkins,” together with a snapshot identifying Connie Hawkins as a member of the Naismith Memorial Basketball Hall of Fame’s 1992 inductee class.

**ATTORNEY VERIFICATION AND AFFIRMATION**

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

ERIC SANDERS, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following under penalties of perjury pursuant to CPLR 2106:

I am the attorney for petitioner JAMES MCDOUGAL in this Article 78 proceeding.

I maintain my office at THE SANDERS FIRM, P.C., 30 Wall Street, 8th Floor, New York, New York 10005.

I am familiar with the facts and circumstances set forth in the foregoing Verified Petition based upon my representation of petitioner, my review of documents and records, my investigation of the relevant facts, my communications with petitioner and others, and my review of legal, administrative, public-record, correspondence, community-support, family-support, elected-official-support, and evidentiary materials concerning the subject matter of this proceeding.

This proceeding concerns petitioner’s long-pending request to rename the basketball courts at St. Andrew’s Playground in Bedford-Stuyvesant, Brooklyn, in honor of Cornelius “Connie” Hawkins.

Petitioner proceeds by Notice of Petition because petitioner seeks Article 78 relief compelling respondents to process the proposal under lawful, ascertainable, and evenhanded administrative standards; identify any alleged deficiency in writing; disclose whether any adverse position rests upon written policy, established practice, formal board action, or reasoned agency determination; and issue a final written determination subject to judicial review.

Petitioner does not seek emergency ex parte relief at this time.

Petitioner respectfully reserves the right to seek interim relief by Order to Show Cause should respondents take action, accelerate action, refuse to act, or otherwise proceed in a manner that would impair petitioner's ability to obtain meaningful judicial review before this petition is heard.

Annexed to the Verified Petition are true and correct copies of documents relevant to petitioner's request and respondents' handling of the proposed renaming.

Those documents include, among other things, correspondence concerning the proposed renaming, materials reflecting community support, elected-official support, family support, communications concerning the Community Board No. 3 process, and public materials concerning Connie Hawkins's historical and civic significance.

I have read the foregoing Verified Petition and know the contents thereof.

The Verified Petition is true to my knowledge, except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

The reason this verification is made by me and not by petitioner is that petitioner is not presently within New York County, where I maintain my office, and because many of the material allegations are based upon documents, correspondence, public records, administrative materials, and counsel's review of the record concerning the proposed renaming.

The sources of my knowledge and information include petitioner's communications, reports of investigation, public records, documents, writings, correspondence, community petition materials, elected-official support materials, family-support materials, communications concerning Community Board No. 3, communications concerning the New York City Department of Parks and Recreation, legal memoranda, administrative records, public

biographical materials concerning Cornelius “Connie” Hawkins, and other data concerning the subject matter of this proceeding.

I submit this Attorney Verification and Affirmation in support of the Verified Petition and the relief requested therein.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: June 21, 2026  
New York, NY

Respectfully submitted,

By: /s/Eric Sanders, Esq.  
Attorney for Petitioner JAMES MCDUGAL

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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In the Matter of the Application of

JAMES MCDOUGAL,

Petitioner,

For a Judgment Pursuant to Article 78 of the Civil Practice Law  
and Rules,

-against-

THE CITY OF NEW YORK; THE NEW YORK CITY  
DEPARTMENT OF PARKS AND RECREATION; TRICIA  
SHIMAMURA, COMMUNITY BOARD NO. 3, BROOKLYN;  
and NADEEN GAYLE

Respondents

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**NOTICE OF PETITION, VERIFIED PETITION AND EXHIBITS**

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*Duly submitted by:*

By: /s/Eric Sanders, Esq.  
Attorney for Petitioner JAMES MCDOUGAL

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*To:*  
*Attorney(s) for:*

*Dated:*

*Sir(s): Please take notice that the legal papers within is/are certified true and original under the jurisdiction  
referenced above and are properly submitted/filed by the respective counsel so referenced.*