

	)	Index No.: _____
	)	
MULTICULTURAL BUSINESS COALITION, INC.,	)	
individually and on behalf of its members, all	)	
similarly associated, and similarly situated non-MBC-	)	COMPLAINT
members,	)	
	)	
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.	)	

1 of 8

referred to as “grocery stores” or “grocers”), and operate in vicinity of the NYC-GP where the member grocery stores are predominately owned by minority groups, inclusive of Hispanic, Arab and Asian owned, with said grocers being denied equal protection, as they are not able to offer discounts that markedly depart from globalized commerce, thereby violating New York’s Civil Rights Laws.

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, Article 8-A of New York Civil Rights, namely New York’s Bivens Act, and Article I, Section 11 of the NYS-C, namely the Equal Protection Clause (“EPC”) of the Constitution of the State of New York.

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, pursuant to 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 moves on behalf of its membership, Class Members, namely hundreds of private independent grocers, and in some instances, similarly situated non-members who are being irreparably harmed by the NYC-GP.

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 Pursuant to Civil Rights Law of the State of New York, and the Constitution of the State of New York, as to violations within the Class Period of January 1, 2026, through August 20, 2026 (“Class Period”).

JURY DEMAND

10. Lead Plaintiff respectfully demands 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 and similarly situated non-MBC-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, 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 Defendant City of New York is a political subdivision of the State of New York, who owns the underlying below market-rate grocery stores (i.e., NYC-GP).

FACTUAL BACKGROUND

14. 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.

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

16. In doing so, Mr. Mamdani pledged to open municipal grocery stores that would sell food items well below the market rate, selling staple food items as much as thirty percent (30%) below market rate.

17. The overwhelming consensus, regardless of class or party affiliation, is that affordable food is an excellent idea. There is virtually no doubt or debate in that regard.

18. However, the legal issues before the Court, both in this case, and the related special proceeding for limited relief, arises because:

- a. The current municipal grocery structure (“CMGS”), is a classic example of contemporary globalization which began in the 1980s, with the increasing spread of the United States version of capitalization and neoliberalism; and
- b. The CMGS has resulted in smaller grocery stores in New York City, predominately owned by minority groups that are historically excluded by the City of New York from economic opportunities; and
- c. The NYC-GP markedly departs from the CMGS in a way that smaller grocery stores, predominately owned by minority groups that are historically excluded by the City of New York from economic opportunities cannot; and
- d. The NYC-GP has not undertaken a study and proper review that would be modeled after the New York City's City Environmental Quality Review (CEQR) law to analyze the adverse effects of the proposed development the NYC-GP may have on smaller grocers, many of which are predominately owned by minority groups that are historically excluded by the City of New York from economic opportunities;
- e. The NYC-GP has not undertaken a study and proper review of the baseline data, neighborhood needs, and supermarket access using foundational city studies like the Going to Market Study (a foundational study by city agencies identifying the citywide shortage of full-line grocery stores in low income areas) and the Supermarket Needs Index under the FRESH Program (an interactive mapping tool created by the Department of City Planning to pinpoint underserved community districts and to assess the implications of lack of access to supermarkets on the quality of life for

neighborhood residents, and begins to identify barriers to access and opportunities for encouraging the development of supermarkets in underserved areas). These reports evaluate local food deserts and track program impact.

19. It is beyond debate that 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.

20. There is no existing evidence that the Defendants have undertaken any studies and/or any serious analysis before its current arbitrary site selection, of the effect that said competition will have on businesses, many of which are owed by minority groups that are historically excluded by the City of New York from economic opportunities.

21. For example, the NYC-GP La Marqueta site is surrounded by a considerable number of successfully run predominately Hispanic and Korean owned supermarkets, with whom La Marqueta will be in competition.

22. Therefore, many minority members of the MBC cannot compete with the municipal grocery stores, and therefore, will be put out of business resulting in further exclusion of minority groups that are historically excluded by the City of New York from economic opportunities.

23. The 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.

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

25. Therefore, Lead Plaintiff moves for relief.

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.

26. Plaintiff repeats and restates as if stated herein all averments set forth in Paragraphs "1" through "25" above.

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

28. The Plaintiffs are members of protected groups.

29. 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.

30. 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.

31. Plaintiff repeats and restates as if stated herein all averments set forth in Paragraphs "1" through "30" above.

32. The Class moves as a class claiming violation of their equal protection

of their rights under the State's Civil Rights Laws and Constitution.

33. The Plaintiffs of members of protected groups.

34. 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).

35. 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 21, 2026

CIVIL RIGHTS CONSORTIUM.
ATTORNEYS FOR THE PLAINTIFFS

BY: E. Dubois Raynor, Jr.
E. Dubois Raynor, Esq.
Managing Attorney
411 Theodore Fremd Avenue
Rye, New York 10580
(855) 246-2776, Ext. 702