

## Public Advocate Letitia James Calls for Forest City Ratner, BUILD to be Held to Account

*October 30th, 2014, Brooklyn, NY*“In a substantial victory, a group of low-income Brooklyn workers will move forward to trial in their lawsuit against Forest City Ratner and related entities. Judge John Gleeson of the Eastern District of New York issued a decision on October 27th denying Forest City Ratner’s and Brooklyn United for Innovative Development’s (BUILD) motion for summary judgment on the workers’ key claims involving unpaid wages and false promises. The workers are represented by Legal Services NYC’s Brooklyn program and the law firm of Emery Celli Brinckerhoff & Abady.”

Plaintiffs were participants in a sham jobs training program negotiated as part of the Atlantic Yards development. Judge Gleeson held that a jury will weigh whether the defendants promised them union memberships and jobs in order to secure their participation in the program. A jury will also decide whether the defendants engaged in deceptive acts or practices in violation of the New York General Business Law. These determinations will turn in part on the question of whether BUILD, a now-defunct nonprofit organization, functioned as an agent of Forest City Ratner. BUILD was one of a number of nonprofit signatories to the Community Benefits Agreement that enabled Forest City Ratner to take advantage of significant public subsidies and backing for Atlantic Yards.

The court also held that the plaintiffs’ federal and state claims for wages for their uncompensated work on a construction site as part of the program will move forward to trial. Judge Gleeson held that a rational jury could find that the Forest City defendants and BUILD were joint employers in operating the Pre-Apprenticeship Training Program (PATP), and that “BUILD and the PATP program, and the goodwill they were created to generate, were an integral component of the success of the Atlantic Yards project, which at the time was facing strong opposition from some segments of the surrounding communities.”

“We are delighted that our clients will finally have their day in court,” said Sarah Dranoff, Director of the Workers’ Rights and Benefits Unit at LSNYC’s Brooklyn program. “It’s been nearly four years since they graduated from the program and learned that there would be no union construction jobs waiting for them, and they now look forward to the opportunity to present their case to a jury.”

“The decision from U.S. District Judge John Gleeson represents a significant victory for the individuals who did not receive payment for the pre-apprenticeship training, or ultimately the project jobs, promised by Forest City Ratner,” said Letitia James, Public Advocate for the City of New York. “The company, and those most closely aligned with FCR’s agent organization BUILD, should be held fully accountable for the commitments made to members of the larger community.”

Judge Gleeson granted summary judgment dismissing the claims against defendants Bruce Ratner, Gausia Jones, and Orbin’s Big Green Machine, focusing the issues for trial against the crucial defendants.

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