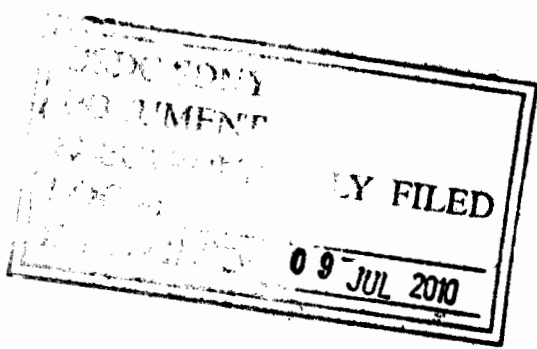


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- X  
Sze Tung Wong,

Plaintiff,

-against-

The City of New York, MTA New York City  
Transit Authority, MTA New York City Transit,  
Howard Roberts, Robert Otero, William Fortunato,  
Lawrence Greenfield, and Thomas Persaud.,  
Defendants

09cv8026 (GBD)

ORDER

----- X  
GEORGE B. DANIELS, District Judge:

Defendants move pursuant to Fed. R Civ. P. 12(b)(6), to dismiss Plaintiff's complaint for failure to state a claim. Defendants' motion to dismiss is granted.

Plaintiff has withdrawn claims: (1) pursuant to 42 USC §1981; (2) pursuant to 42 USC §1981(a); (3) pursuant to 42 USC §1983; (4) first amendment retaliation; and (5) against the individual defendants pursuant to Title VII.

Plaintiff is granted leave to amend the complaint in regard to claim (5) pursuant to Title VII against defendant NYC Transit Authority; (6) pursuant to New York State Executive Law §296 against the defendants NYC Transit Authority, William Fortunato, Lawrence Greenfield and Thomas Persaud; and (7) pursuant to New York City Administrative Code §8-107(1) against the defendants NYC Transit Authority, William Fortunato, Lawrence Greenfield and Thomas Persaud.

Dated: July 9, 2010  
New York, New York

SO ORDERED:

\_\_\_\_\_  
GEORGE B. DANIELS  
United States District Judge  
HON. GEORGE B. DANIELS