

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

In Re: New York City Policing
During Summer 2020 Demonstrations

20 Civ. 8924 (CM)(GWG)

**MEMORANDUM IN SUPPORT
OF PARTIES' JOINT MOTION**

This filing is related to:

Payne v. de Blasio, 20 Civ. 8924;

*People of the State of New York v.
City of New York*, No. 21-cv-322;

Gray, et al v. City of New York, et al,
No. 21-cv-06610;

Rolon, et al v. City of New York, et al,
No. 21-cv-2548.

Plaintiffs in *Payne v. de Blasio*, 20 Civ. 8924; *People of the State of New York v. City of New York*, No. 21-cv-322; *Gray, et al v. City of New York, et al*, No. 21-cv-06610; and *Rolon, et al v. City of New York, et al*, No. 21-cv-2548 (the “Injunctive Relief Plaintiffs”), Defendant City of New York, and Union Intervenors Sergeants Benevolent Association and Detectives’ Endowment Association (collectively, the “Parties”), have entered into a Stipulated Order Pursuant to Fed. R. Civ. P. 41(a)(2) that they have attached as Exhibit A to the Parties’ Joint Motion that resolves the injunctive claims raised in the cases brought by the Injunctive Relief Plaintiffs. This motion concerns only the injunctive relief at issue. Plaintiffs in cases *Payne v. de Blasio*, 20 Civ. 8924; *Gray, et al v. City of New York, et al*, No. 21-cv-06610; and *Rolon, et al v. City of New York, et al*, No. 21-cv-2548, will separately file stipulations pursuant to Rule

41(a)(2) to dismiss the remaining damages claims in those cases.

The Parties jointly move this Court for entry of an Order conditionally dismissing the injunctive claims in the these actions, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, subject to the Court incorporating the terms of the Settlement Agreement into its dismissal Order and retaining jurisdiction to enforce the Settlement Agreement in accordance with its terms for the duration of the Agreement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994) (establishing that under Rule 41(a) a federal district court may retain jurisdiction to enforce a “dismissal-producing settlement agreement” in its order); *Hendrickson v. United States*, 791 F.3d 354, 358 (2nd Cir. 2015); *see also, e.g.*, So-Ordered Stipulation of Voluntary Dismissal With Prejudice, *Dannhauser v. TSG Reporting, Inc.*, No. 16 Civ. 747 (S.D.N.Y. Dec. 20, 2017), ECF No. 93.¹

Therefore, the Parties respectfully request, pursuant to Federal Rule of Civil Procedure 41(a)(2), that the Court dismiss the injunctive claims raised in the consolidated cases with prejudice in an Order incorporating the terms of the Parties’ Agreement, and retaining jurisdiction to enforce its terms.²

Dated: September 5, 2023

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

By: /s/ Lois Saldana
Travis England, *Deputy Chief*
Lois T. Saldana, *Assistant Attorney General*

¹ *See also* Memo Endorsement Order, *Dannhauser v. TSG Reporting, Inc.*, No. 16 Civ. 747, (S.D.N.Y. July 9, 2019), ECF. No. 109 at 1, 13 (Court’s endorsement of magistrate judge’s report and recommendation finding the Court did have ancillary jurisdiction to decide dispute.)

² The Parties have agreed that in the event the Court declines to retain jurisdiction, their Agreement shall become null and void and the Plaintiffs retain the right to pursue any claims otherwise resolved by operation of this Agreement.

Office of the New York State Attorney General,
Civil Rights Bureau
28 Liberty Street, 20th Floor
New York, NY 10005
(212) 416-6233

THE LEGAL AID SOCIETY

By: /s/ Corey Stoughton
Corey Stoughton
Jennvine Wong
Rigodis Appling
Paula Garcia-Salazar
49 Thomas Street
New York, NY 10013
Cstoughton@legal-aid.org

NEW YORK CIVIL LIBERTIES UNION
Foundation

By: /s/ Molly K. Biklen
Molly K. Biklen
Daniel R. Lambright
Jessica Perry
Veronica Salama
Robert Hodgson
Perry Grossman
Lisa Laplace
Christopher T. Dunn
125 Broad Street, 19th Floor
New York, NY 10004
mbiklen@nyclu.org

Counsel for Payne plaintiffs

DAVIS WRIGHT TREMAINE LLP

By: /s/ Robert D. Balin
Robert D. Balin
Abigail Everdell
Kathleen Farley
Nimra H. Azmi
1251 Avenue of the Americas, 21st Floor
New York, New York 10020
Phone: (212) 489-8230
Fax: (212) 489-8340
robbalin@dwt.com

Wylie Stecklow
WYLIE STECKLOW PLLC
Carnegie Hill Tower 152 W. 57th Street, 8th Floor
NY NY10019
(t) 212 566 8000
ecf@WylieLAW.com

Mickey H. Osterreicher
General Counsel
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION
70 Niagara Street
Buffalo, New York 14202
Tel: (716) 983-7800
Fax: (716) 608-1509
lawyer@nppa.org

Alicia Calzada (pro hac vice)
ALICIA WAGNER CALZADA, PLLC
Deputy General Counsel National Press Photographers Association
926 Chulie Drive, Suite 16
San Antonio, TX 78216
210-825-1449
Alicia@calzadalegal.com

Attorneys for Gray Plaintiffs

The Aboushi Law Firm PLLC
/s/ Tahanie A. Aboushi
Tahanie A. Aboushi, Esq.
Aymen A. Aboushi, Esq.
1441 Broadway, 5th Floor
New York, NY 10018
Tel: (212) 391-8500
Tahanie@Aboushi.com
Aymen@Aboushi.com

COHEN&GREEN P.L.L.C.
By: /s/ Elena L. Cohen
Elena L. Cohen
J. Remy Green
Jessica Massimi
1639 Centre Street, Suite 216
Ridgewood (Queens), NY 11385
t: (929) 888-9480
f: (929) 888-9457

e: elena@femmelaw.com
remy@femmelaw.com
jessica@femmelaw.com

GIDEON ORION OLIVER

/s/ Gideon Orion Oliver

277 Broadway, Suite 1501

New York, NY 10007

t: 718-783-3682

f: 646-349-2914

Gideon@GideonLaw.com

Counsel for Plaintiffs in Rolon, et al. v. City of New York, et al., No. 21-cv-2548

/s/ Patricia Miller

Patricia Miller
Division Chief, Special Federal Litigation Division
Genevieve Nelson
Jenny Weng
Omar J. Siddiqi
Counsel for Defendants

PITTA LLP

/s/ Stephen Mc Quade

Stephen Mc Quade, Esq.
Attorneys for the Detectives' Endowment Association
120 Broadway, 28th Floor
New York, New York 10271
Telephone: (212) 652-3885
smcquade@pittalaw.com

/s/ Andrew Quinn

Andrew C. Quinn, Esq.
The Quinn Law Firm, PLLC
Attorneys for the Sergeants Benevolent Association
399 Knollwood Road, Suite 220
White Plains, New York 10603
Tel: (914) 997-0555
Fax: (914) 997-0550
Aquinn@quinnlawny.com