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JAN 13 2004

Richard J. Cardinale
Michael Hueston
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January 10, 2004

The Honorable Charles P. Sifton
United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT
NY:
★ FEB 3 2004 ★
P.M.
TIME A.M.

Re: Spinner v. City of New York, CV 01 2715 (CPS)(CLP)
Knopke v. City of New York, CV 01 8264
Micciuli v. City of New York, CV 02 2899
Habrout v. City of New York, CV 02 1039

Your Honor:

I write concerning the order to show cause issued on January 7, 2003.

Plaintiffs will withdraw their consolidated class action complaint, which is the subject of the order to show cause. As I indicated to the Court in my letter dated December 31, 2003, the consolidated class action complaint was interposed solely for convenience and pursuant to a request by defense counsel. These actions are already consolidated and there is no legal requirement that the complaints in consolidated actions be consolidated into a single pleading. Moreover, the Court never directed plaintiffs to file a single consolidated pleading. Thus, the plaintiffs in the aforesaid actions will rely on the complaints interposed in their respective separate complaints.

The proposed consolidated class action complaint will be formally withdrawn upon receipt of an appropriate stipulation by defense counsel.

So Ordered
RCJ
1/13

Respectfully,

RCJ

Richard J. Cardinale (RC-8507)

Copy: Alan Scheiner (by fax)

1/22/04

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Richard J. Cardinale
Michael Hueston
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December 31, 2003

By Hand

The Honorable Charles P. Sifton
United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Spinner v. City of New York, CV 01 2715 (CPS)(CLP)
Knopke v. City of New York, CV 01 8264
Micciuli v. City of New York, CV 02 2899
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Your Honor:

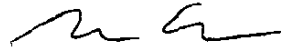
This office and attorney Robert N. Isseks represent the plaintiffs in the above referenced cases. I write in response to defense counsel's letter of December 31, 2003, which, among other things, objects to some of the language in plaintiffs' consolidated class action complaint.

First, plaintiffs have always challenged the fact that plaintiffs were strip searched in front of onlookers and/or members of the opposite sex and have always sought class certification on this claim. See Proposed Consolidated Class Action Complaint, dated January 30, 2003 (Def. Ex. B) at prelim. stmt., ¶¶ 7, 15, 17. Plaintiffs wish to pursue this claim at the upcoming trial.

Second, plaintiffs have always challenged the fact that plaintiffs and thousands of other detainees were subjected to unconstitutional conditions in Brooklyn Central Booking and have always sought class certification on this claim. See Proposed Consolidated Class Action Complaint, dated January 30, 2003 (Def. Ex. B) at prelim. stmt., ¶¶ 7, 21-23, 25. Plaintiffs wish to reserve their right to class certification on this aspect of their case. In any event, we intend to file a second class action very soon which challenges the conditions of Brooklyn Central Booking on behalf of all detainees, felony and misdemeanor, irrespective of whether such detainees were strip searched.

Finally, I wish to point out that the consolidated class action complaint was interposed for convenience and pursuant to request by the Law Department. These actions are already consolidated and there is no legal requirement that the complaints in consolidated actions be consolidated into a single caption. Moreover, the Court never ordered plaintiffs to file a single consolidated pleading.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Cardinale', written in a cursive style.

Richard J. Cardinale (RC-8507)

Copy: Alan Scheiner (by fax)
Magistrate Judge Pollak (by fax)