



KeyCite Red Flag - Severe Negative Treatment

Opinion Vacated and Superseded by Handschu v. Special Services Div., S.D.N.Y., August 6, 2003

2003 WL 21961367

Only the Westlaw citation is currently available.
United States District Court,
S.D. New York.

Barbara HANDSCHU, Ralph DiGia, Alex McKeiver, Shaba Om, Curtis M. Powell, Abbie Hoffman, Mark A. Sagal, Michael Zumoff, Kenneth Thomas, Robert Rusch, Annette T. Rubenstein, Mickey Sheridan, Joe Sucher, Steven Fischler, Howard Blatt, Ellie Benzoni, on behalf of themselves and all others similarly situated,
Plaintiffs,

v.

SPECIAL SERVICES DIVISION, a/k/a Bureau of Special Services; William H.T. Smith; Arthur Grubert; Michael Willis; William Knapp; Patrick Murphy; Police Department of the City of New York; John V. Lindsay; and various unknown employees of the Police Department acting as undercover operators and informers, Defendants.

No. 71 CIV 2203(CSH). | April 7, 2003.

Opinion

REVISED ORDER AND JUDGMENT

HAIGHT, Senior J.

*1 This Court having entered a Memorandum Opinion and Order dated February 11, 2003, reported at 2003 U.S. Dist. LEXIS 2134, 2003 WL 302258 (SDNY 2003), stating that the Handschu Guidelines, which form an integral part of the consent decree previously entered in this case and set forth in an Opinion and Order dated March 7, 1985 and reported at 605 F.Supp. 1384

(S.D.N.Y.1985), would be modified if the New York City Police Department (“NYPD”) complied with two numbered conditions set forth in 2003 U.S. Dist. LEXIS 2134 at *63-64, 2003 WL 302258, at *21; and the NYPD having complied with those conditions; and the Court being fully advised in the premises; it is now

ORDERED, ADJUDGED, AND DECREED, that the motion of the NYPD to modify the Handschu Guidelines be, and the same hereby is, granted; and it is further

ORDERED, ADJUDGED, AND DECREED, that the Handschu Guidelines are modified in such a manner as to conform to the text appearing in Appendix “A” of the Court’s Memorandum and Order of February 11, 2003; and it is further

ORDERED, ADJUDGED, AND DECREED, that the Guidelines for Investigations Involving Political Activity appearing in Exhibit “A” to the declaration of Deputy Chief Edwin A. Young dated March 20, 2003, remain in the NYPD Patrol Guide unless otherwise directed by the Court; and it is further

ORDERED, ADJUDGED, AND DECREED, that the execution of this Order and Judgment be, and the same hereby is, stayed for ten (10) calendar days following the entry of this Order and Judgment, or until class counsel advises this Court in writing that the plaintiff class does not intend to appeal, whichever first occurs; and it is further

ORDERED, ADJUDGED, AND DECREED, that any further stay of the execution of this Order and Judgment must be obtained from the Court of Appeals; and it is further

ORDERED, ADJUDGED, AND DECREED that the Judgment and Order entered on March 20, 2003, is hereby wholly vacated, replaced, and superseded by the instant Order.