

2003 WL 22245590

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. Segal, Michael Zumoff,
Kenneth Thomas, Robert Rusch, Anette T.
Rubenstein, Michey Sheridan, Joe Sucher, Steven
Fischler, Howard Blatt and Ellie Benzzone, 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
under-cover operators and informers, Defendants.

No. 71 Civ.2203(CSH). | Sept. 29, 2003.

Opinion

MEMORANDUM AND ORDER

HAIGHT, Senior J.

*1 In a letter dated September 5, 2003, class counsel ask the Court to submit to the West Publishing Company for inclusion in the Federal Supplement 2d series of bound volumes the Court's Memorandum Opinion dated August 6, 2003; the Second Revised Order and Judgment bearing the same date; and the NYPD's Guidelines for Investigations Involving Political Activity ("the Guidelines"), referred to in the Court's opinions informally reported at 2003 WL 1109025 (S.D.N.Y. March 12, 2003) and 2003 WL 1529197 (S.D.N.Y. March 21, 2003). West Publishing Company has already selected for formal publication the Court's earlier opinion and

order which may presently be found at 2003 WL 302258 (S.D.N.Y. Feb. 13, 2003).

Class counsel's request is reasonable, given the importance of the issues and the public interest this case has generated since the first published opinion, 605 F.Supp. 1384 (S.D.N.Y.1985). To continue and amplify the reported history of the case, I think that the August 6, 2003 opinion (which cannot yet be found in WL), as well as the March 12 and March 21, 2003 opinions cited in the previous paragraph of this Memorandum, should also be published in Federal Supplement 2d. So should the Second Revised Judgment dated August 6, 2003. (That is the operative judgment; I see no need to publish the two earlier judgments, now withdrawn, but would defer to the views of the West editors if they take a contrary view). Lastly, the Guidelines should be published, as an appendix to the Second Revised Order and Judgment. Publishing the Guidelines causes the NYPD no discernible prejudice. While the Guidelines form a part of the NYPD Patrol Guide, which is not in general circulation, they were also attached to an affidavit submitted by the Corporation Counsel which was not filed under seal and is accordingly in the public domain.

In these circumstances, the Clerk of the Court is directed to locate the original of the Second Revised Order and Judgment dated August 6, 2003 in the Court file, and physically attach to it the copy of the text of the NYPD Guidelines for Investigations Involving Political Activity which I have marked "Appendix A to the Second Revised Order and Judgment." I am sending to West Publishing Company copies of the Second Revised Order and Judgment, the Guidelines marked as indicated, and the Court's August 6, 2003 Memorandum Opinion, with the respectful request that these documents be published in the Federal Supplement 2d series, together with the opinions presently reported at 2003 WL 1109025 and 2003 WL 1529197. The appearances of counsel in these opinions are the same as those listed in the opinion now scheduled for publication.

It is SO ORDERED.