

2004 WL 1683166

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

Ann STAUBER and the New York Civil Liberties
Union, Plaintiffs,

v.

THE CITY OF NEW YORK, et al., Defendants.
Jeremy CONRAD, Plaintiff,

v.

THE CITY OF NEW YORK, et al., Defendants.
Jeremiah GUTMAN and the New York Civil
Liberties Union, Plaintiffs,

v.

THE CITY OF NEW YORK, et al., Defendants.

No. 03 Civ.9162 RWS, 03 Civ.9163 RWS, 03
Civ.9164 RWS. | July 27, 2004.

Opinion

PRELIMINARY INJUNCTION

SWEET, J.

*1 The plaintiffs having filed a motion for preliminary injunctive relief on June 2, 2004; the Court having received evidence and heard argument from the parties; and the Court having issued an opinion dated July 16, 2004,

IT IS HEREBY ORDERED:

1. The plaintiffs' claim for relief with respect to the access policy is granted, and the NYPD is enjoined from closing streets and sidewalks at demonstrations without making reasonable efforts to notify persons how they can otherwise access the demonstration sites.

2. The plaintiffs' claim for relief with respect to the Mounted Unit is denied for lack of standing.

3. The plaintiffs' claim for injunctive relief with respect to the access policy is granted, and the NYPD is enjoined from unreasonably restricting access to and participation in demonstrations through the use of pens. No particular action is required to be taken by the NYPD, although creating a larger number of openings which may be monitored by police officers may alleviate the problem.

4. The plaintiffs' claim for injunctive relief with respect to the bag search policy is granted, and the NYPD is hereby enjoined from searching the bags of all demonstrators without individualized suspicion at particular demonstrations or without the showing of both the probability of a threat to public safety and a determination that blanket searches could reduce that threat. Less intrusive searches, such as those involving magnetometers, do not fall within the scope of the injunction.

It is so ordered.

End of Document