



National Lawyers Guild

New York City Chapter
NATIONAL LAWYERS GUILD
143 Madison Ave, 4th floor
New York, NY 10016-6717
phone 212-679-6018
fax 212-679-6178
email: nlgnyc@igc.org

PRESIDENT
Martin R. Stolar

VICE PRESIDENTS
Joseph Lipofsky
Rachel Meeropol

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October 14, 2004

MEMO TO RNC ARRESTEES: **CIVIL LAWSUIT OPTIONS**

Many of the people arrested during the Republican National Convention were the victims of civil rights violations for retaliation for First Amendment conduct, false arrest, excessive detention, and other constitutional violations. The RNC was a test-run of a new strategy directed at suppressing dissent, which will certainly be tried at future protests. Civil rights cases for money damages are one way to help prevent it from becoming commonplace.

National Lawyers Guild attorneys can assist you in evaluating your options, which include a class action, and individual cases. The experienced civil rights attorneys on the list with this memo will provide you with a free consultation and answer your individual questions. They are listed in alphabetical order, and you are free to seek more than one opinion. You should also feel free to consult with your own attorney concerning your options. The following general information describes overall options, but your individual situation may vary from them, something you should discuss with an attorney.

The Class Action vs. Individual Claims

National Lawyers Guild attorneys are preparing a class action which will make three general claims: that people were held too long after arrest (“excessive detention”); that the conditions of their detention were unreasonable (*e.g.*, the conditions at Pier 57, denial of access to attorneys, denial of access to medications); and that they were subjected to mass arrests without committing any crime. The first two claims concerning detention will be available to anyone who was arrested, regardless of whether they pled guilty to something or were convicted after a trial. The third claim will be available to anyone who was not convicted (or who did not plead guilty) – it will be available to people who took “ACD’s” (Adjournment in Contemplation of Dismissal).

You don’t have to do anything to be covered by the class action, you will be notified if the court agrees to let the class action proceed – if it doesn’t, then you can consider pursuing an individual case. In a class action, you would not have to appear in court or be deposed (*i.e.*, answer questions from a City attorney under oath). The class will be represented by a small number of individual plaintiffs who will represent the class and participate more directly in the lawsuit. Discuss with an attorney whether you wish to be a class representative.



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Many people had individual circumstances which would result in more damages if they brought individual cases, rather than letting the class action cover them, especially if they were falsely arrested, or if they were seriously injured. An individual lawsuit would require more participation than the class action. The attorneys listed on the back of this memo are available to discuss your situation with you and to bring such lawsuits, if you wish. The attorneys will take cases on a contingency basis, which means you do not pay anything up front, and the attorney is paid by keeping a percentage of the money obtained through the suit. The listed attorneys have also volunteered to contribute a portion of their fees to the National Lawyers Guild to support its mass defense work.

Notice of Claim

A Notice of Claim is a short document filed with the City telling them that you are considering filing a lawsuit. It must be filed within 90 days of an arrest. If you are considering a lawsuit (even if you are planning on being covered by the class action suit), you may wish to file one – you should make that decision by consulting an attorney. Therefore, it is important that you consult with an attorney before 90 days have passed after your arrest.

A Notice of Claim form accompanies this Memo. If you wish to use it, you can mail it to the National Lawyers Guild - NYC Chapter, at the above address, and we will file it for you.

RNC Affirmative Litigation Committee
Contact Information

NATIONAL LAWYERS GUILD CIVIL RIGHTS ATTORNEYS

Name	Phone	E-Mail
Rick Best	212-549-2681	Rbest@aclu.org
Julia R. Cohen	212-832-2797	jcohen@shebitzlaw.com
Brad Conover	212-588-9080	brad@conoverlaw.com
Liz Fink	718-783-3682	atticuslex@aol.com
Jeff Fogel	212-614-6427	fogelesq@ccr-ny.org
Bill Goodman	212-353-9587	bgoodman@gis.net
Joel Kupferman	917-414-1983	envjoel@ix.netcom.com
Yetta G. Kurland	212-253-6911	kurland@helloworld.edu
Alan Levine	212-739-7506	alev@att.net
Rachel Meeropol	212-614-6432	rachelm@ccr-ny.org
Dan Meyers	212-226-4106	dmaxmeyers@aol.com
James J. Meyerson	212-226-3310	jimeyerson@yahoo.com
Lewis B. Oliver, Jr.	646-263-3495	gideon@mindless.com
Margaret Ratner Kunstler	212-924-2025	mratnerkunstler@aol.com
Jeff Rothman	212-348-9833	jrothman@alumni.law.upenn.edu
Michael Spiegel	212-587-8558	mikespieg@aol.com
Marty Stolar	212-219-1919	mrslaw37@hotmail.com

In The Matter Of The Claim Of:

Name

Claimant,

-against-

**THE CITY OF NEW YORK and
THE HUDSON RIVER PARK TRUST,**

Respondents.

**TO: COMPTROLLER OF THE CITY OF NEW YORK
 HUDSON RIVER PARK TRUST**

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against the above-named respondents:

1. The name and address of claimant and claimant's attorneys:

Claimant:

Attorney: [if you have one]

2. The nature of the claim, includes, but is not limited to: violation of claimant's property and liberty interests in violation of the 14th Amendment to the United States Constitution, enforceable by 42 USC § 1983, and in violation of Article 1, § 6 of the New York State Constitution; violation of claimant's rights to free speech, expression and association under the First and 14th Amendments to the United States Constitution and Article 1, §§ 8 and 9 of the New York State Constitution; violation of claimant's right to equal protection of laws in violation of the 14th Amendment to the United States Constitution and Article 1, § 11 of the New York

State Constitution; unreasonable search and seizure and excessive force under the 4th and 14th Amendments to the United States Constitution and Article 1, § 12 of the New York State Constitution; false arrest; false imprisonment; assault and battery; negligence; intentional and negligent infliction of emotional distress; abuse of process; malicious prosecution; willful, deliberate and/or negligent exposure to irritants and/or toxic chemicals; denial of access to medication and/or medical attention and care; and negligent hiring, screening and supervision. Claimant further asserts a claim for respondeat superior liability of the City of New York for all claims. Claimant also asserts claims for physical injuries, emotional, mental and psychological pain and suffering, loss of income, legal expenses, loss of property, embarrassment and humiliation, sustained by claimant as a result of the intentional, reckless, careless, and/or negligent acts, and violation of claimant's civil rights, by employees, servants and agents of the City of New York and/or the Hudson River Park Trust, acting in the alleged performance of their employment and/or authority with actual or with apparent authority, and as a result of the acts of the City of New York and/or the Hudson River Park Trust in their ownership, operation, maintenance, supervision and control of their employees, agents, or servants and in the hiring, training, instructing, retaining, and/or supervising the incompetent, unfit, dangerous and/or unsuitable employees, agents, or servants and/or property owned or leased or taken by them, by which claimant was injured.

3. The claim arose on or about _____^{Date}_____, 2004, at approximately _____^{Time}_____, at _____^{Location}_____, New York, New York, when claimant was falsely arrested by New York City police officers and thereafter taken against his/her will and confined in a location controlled by the respondents called Pier 57 and then later taken and confined at 100

Centre Street. During these periods claimant was unlawfully denied food, medical attention and/or access to counsel. During that same period, claimant was exposed to toxic, irritating and/or hazardous chemicals which the respondents knew or should have known were present.

4. Claimant seeks, among other things, the following relief: monetary redress for injuries to claimant's well-being, the full extent of which are as yet not fully determined. Claimant claims lost property, loss of income, damages for physical, mental and psychological pain and suffering and punitive damages, and diverse general and special damages, and damages under 42 U.S.C. §1983, including reasonable attorneys fees and costs, of an amount to be determined. Claimant also seeks permanent injunctive relief against the respondents related to their conduct.

The undersigned claimant presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of its presentation to you, the claimant intends to commence an action on the claim.

Dated: _____, 2004

[Sign]

[Print Name]

