

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIVE BOROUGH BICYCLE CLUB, SHARON BLYTHE,
JOSH GOSCIAK, KENNETH T. JACKSON, MADELINE
NELSON, ELIZABETH SHURA, and LUKE SON

Plaintiffs,

-against-

THE CITY OF NEW YORK, RAYMOND KELLY, Police
Commissioner of the New York City Police Department,
JAMES TULLER, Commanding Officer, Patrol Borough
Manhattan South, and LT. JOHN DOE and CAPTAIN
JANE DOE, New York City Police Department

Defendants.
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**DEFENDANTS'
SECOND RESPONSE
AND OBJECTIONS
TO PLAINTIFFS'
SECOND SET OF
INTERROGATORIES**

Index No. 07 Civ. 2448
(LAK)

Pursuant to Rule 33 of the Federal Rules of Civil Procedure (“FRCP”) and Local Rule 33.3 of the Civil Rules for the Southern District of New York, Defendants submit the following to supplement their Response to Plaintiffs’ Second Set of Interrogatories (“First Response”):

INTERROGATORY NO. 7:

Describe in detail the NYPD’s use of electronic surveillance and/or Undercover NYPD Personnel to surveil or investigate Group Bicycle Rides, including without limitation by identifying the Group Bicycle Rides that have been subject to such surveillance or investigation, the NYPD Individuals responsible for assigning or supervising NYPD Individuals engaging in such surveillance or investigation, the duties and responsibilities of NYPD Individuals engaging in such surveillance or investigation, and the number of Undercover NYPD Individuals that have attended each Group Bicycle Ride.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Subject to the objections set forth in Defendants' First Response, Defendants further respond that the following Technical Assistance Response Unit ("TARU") supervisors were assigned to Critical Mass Events from 2004 through 2008:

<u>EVENT DATE</u>	<u>SUPERVISOR(S) ASSIGNED</u>
July 30, 2004	Sgt. Anderson
August 27, 2004	Inspector Hurley, Lt. Vozza, Lt. DiBiase, Sgt. Phelan, Sgt. Schiotis, Sgt. Ellson and Sgt. Anderson
September 24, 2004	Lt. DiBiase
October 8, 2004	Sgt. Anderson, Sgt. Zulch
October 29, 2004	Sgt. Anderson, Sgt. Zulch
November 12, 2004	Lt. DiBiase, Sgt. Asam
November 26, 2004	Sgt. Anderson, Sgt. Zulch
December 31, 2004	Sgt. Anderson, Sgt. Zulch
January 28, 2005	Sgt. Tierney
February 25, 2005	Sgt. Tierney
March 25, 2005	Sgt. Anderson
April 29, 2005	Sgt. Anderson
May 27, 2005	Sgt. Anderson
<u>EVENT DATE</u>	<u>SUPERVISOR(S) ASSIGNED</u>
June 24, 2005	Detail Supervisor*
July 29, 2005	Sgt. Tierney
August 26, 2005	Sgt. Asam, Sgt. Tierney
September 30, 2005	Sgt. Anderson

October 28, 2005	Sgt. Asam
December 30, 2005	Detail Supervisor*
January 27, 2006	Sgt. Anderson
February 24, 2006	Detail Supervisor*
March 31, 2006	Detail Supervisor*
April 28, 2006	Detail Supervisor*
May 26, 2006	Sgt. Tierney
June 30, 2006	Sgt. Bach
July 28, 2006	Sgt. Asam
August 25, 2006	Sgt. Anderson
September 29, 2006	Sgt. Tierney
October 27, 2006	Sgt. Kingston
November 24, 2006	Sgt. Bach
January 26, 2007	Detail Supervisor*
February 23, 2007	Sgt. Bach, Sgt. Kingston
March 30, 2007	Detail Supervisor*
April 27, 2007	Sgt. Kingston
May 25, 2007	Detail Supervisor*
<u>EVENT DATE</u>	<u>SUPERVISOR(S) ASSIGNED</u>
June 29, 2007	Sgt. Tierney
July 27, 2007	Detail Supervisor*
August 31, 2007	Detail Supervisor*
September 28, 2007	Detail Supervisor*

October 27, 2007 Detail Supervisor*
November 30, 2007 Sgt. Tierney
December 28, 2007 Detail Supervisor*
January 25, 2008 Sgt. Tierney

* References to Detail Supervisor denotes that TARU personnel were to report to the highest ranking member of Patrol Borough Manhattan South or to Legal Bureau.

Dated: New York, New York
 February 7, 2008

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Corporation Counsel of the
City of New York
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By: 

NICHOLAS R. CIAPPETTA
Assistant Corporation Counsel

TO: STEVE VACCARO
 DEBEVOISE & PLIMPTON LLP
 Attorneys for Plaintiff
 919 Third Avenue
 New York, New York 10022

VERIFICATION

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

NICHOLAS R. CIAPPETTA, being duly sworn, says that he has been duly designated as Assistant Corporation Counsel of The City of New York, and as such that he is an officer of The City of New York in the within action. That the foregoing Defendants' Second Response and Objections to Plaintiffs' Second Set of Interrogatories are true to his knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true. Deponent further says that the reason why this verification is not made by The City of New York is that it is a corporation; that the grounds of his belief as to all matters not therein stated upon his knowledge are as follows: Information obtained from the books and records of the Law Department and other departments of the city government and from statements made to him by certain officers or agents of The City of New York.



NICHOLAS R. CIAPPETTA

Sworn to before me this
7 day of February, 2008.



NOTARY

AVE MARIA BRENNAN
NOTARY PUBLIC, State of New York
OIBR No. ~~24~~4627182
Qualified in Kings County
~~Certificate filed in~~ New York County
Commission Expires July 31, ~~1997~~

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