

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 - :

07 Civ. _____ (____)

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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**DECLARATIONS ACCOMPANYING PLAINTIFFS' MEMORANDUM OF LAW
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Jeremy Feigelson (JF-4963)
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Dated: New York, New York
March 26, 2007

**ALDRICH
DECLARATION**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FIVE BOROUGH BICYCLE CLUB,
SHARON BLYTHE, JOSH GOSCIAK,)
KENNETH T. JACKSON, MADELINE)
NELSON, ELIZABETH SHURA, 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; Lt. John Doe,)
and Captain Jane Doe, New York City)
Police Department,)

Defendants.)
-----X

07 Civ. _____

I, Neal Aldrich, hereby declare as follows:

1. My name is Neal Aldrich.
2. I reside at 239 West 20th Street, New York, NY, where I have lived since 1973.
3. I have been retired since January of 2001.
4. I enjoy riding my bicycle around the city and I use it frequently.
5. On the afternoon of March 25, 2005 I rode my bicycle from my home in Chelsea to Brighton Beach and back. The ride is about one and a half hours each way. I started

out at 4 PM, so by the time I reached the Union Square area on the return trip, it was approximately 7 PM.

6. I was heading west on 17th Street toward my home. I was traveling on 17th Street because I wanted to see the Rubin Museum of Art that had recently opened at 150 West 17th Street.

7. As I was going past Union Square, I noticed that there were a lot of bicyclists going west on 17th Street. I did not know why the bicyclists were there or where they were going.

8. At the corner of 6th Avenue I was stopped by a police blockade. There was orange netting strung across the street. I concluded that I was not permitted to cross 6th Avenue, so I turned around and headed back east. When I got back to 5th Avenue, I was stopped by a police officer who told me that I had to go back the other way. I told the officer that the street was roped off and that the police weren't letting people pass. The officer insisted again that I had to go back west so I rode back toward 6th Avenue.

9. Having been turned away from both ends of the block of 17th Street between 5th and 6th Avenues, I began looking for some other way to leave this block. I noticed that there were two parking lots on the north side of 17th Street with apparent access to 18th Street. I tried to go through one but the police had the north ends of both of the lots blocked off as well.

10. At this point I sensed that I was trapped and I decided that it would be wisest to secure my bicycle as best I could and walk out on foot. I was very confused and did not know what was going on but I knew that I did not want to be there. I locked my bicycle against a bit of scaffolding on the north side of 17th Street, just east of 6th Avenue.

11. There were about thirty or forty police officers on foot on the block. One of them saw me lock up my bicycle and insisted that I unchain it. He then instructed me to take my bicycle and join the rest of the cyclists as they were being lined up with their bicycles.

12. I don't recall being told that I was under arrest but I was handcuffed with white plastic restraints as were the other people in the line. A few minutes later each of us was photographed with our bicycles and arresting officers. Then a paddy wagon and a police bus arrived. Most of the people were put into the paddy wagon but six of us were put on the bus.

13. At the police station, I was issued a Desk Appearance Ticket. I was charged with Disorderly Conduct and Parading without a Permit. I was released a little after 3 AM.

14. I was arraigned on April 26, 2005 – the first of nine court appearances I had to make in relation to this arrest. It cost me \$750.00 to hire a lawyer to represent me at these appearances. Ultimately the charge was dismissed pursuant to C.P.L. § 30.30.

I declare under penalty of perjury that the foregoing is true and correct.



NEAL ALDRICH

13th day of March, 2007