

Jeremy Feigelson (JF-4963)
Steve Vaccaro (SV-4644)
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000

Attorneys for Plaintiffs

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) 07 Civ. 2448 (LAK)
SHURA, and LUKE SON,)
)
Plaintiffs,)
) **PLAINTIFFS'**
- against -) **SECOND SET OF**
) **INTERROGATORIES**
)
THE CITY OF NEW YORK, RAYMOND)
KELLY, Police Commissioner of the New York)
City Police Department, JAMES TULLER,)
Commanding Officer, Patrol Borough Manhattan) **ECF Case**
South, THOMAS GRAHAM, New York City)
Police Department Disorder Control Unit)
Commander, DANIEL ALBANO, Lieutenant, New)
York City Police Department Legal Bureau,)
STEPHEN PARAGALLO, Deputy Chief, New)
York City Police Department Patrol Borough)
Manhattan South, and LT. JOHN DOE and)
CAPTAIN JANE DOE, New York City Police)
Department,)
)
Defendants.)
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Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 33.1 and 33.3 of the Civil Rules of the United States District Court for the Southern District of New York, Plaintiffs, by and through their undersigned attorneys, Debevoise & Plimpton LLP, hereby

request that Defendants answer the following interrogatories, separately and fully, in writing, under oath, by delivering such answers to the offices of Debevoise and Plimpton LLP, 919 Third Avenue, New York, NY 10022, Attention: Steve Vaccaro, Esq., on or before December 29, 2007, or such other time and place as agreed upon by the parties' counsel.

DEFINITIONS AND INSTRUCTIONS

1. The Uniform Definitions in Discovery Requests set forth in Rule 26.3 of the Civil Rules of the Southern District of New York are incorporated herein by reference.

2. The rules relating to interrogatories set forth in Rule 33 of the Civil Rules of Southern District of New York are incorporated herein by reference.

3. The Definitions set forth in Plaintiffs' First Request for the Production of Documents, dated May 4, 2007, are incorporated herein by reference except to the extent expressly supplemented or modified herein.

4. "Identify" means *(i)* with respect to an individual person, provide the following information in addition to that required by Local Civil Rule 26.3(c)(3), to the extent known or ascertainable using reasonable efforts: *(a)* the person's employer(s) and position with such employer(s) during the time period for which information is provided for the person in response to the Interrogatory, *(b)* the name, address and phone number of the person's attorney, if the person is represented by an attorney with respect to this action, and *(c)* the last known or ascertainable address and phone number of the person, if the person is not represented by an attorney with respect to this action; and *(ii)* with respect to an event involving NYPD management, surveillance, issuance of summons or arrest in connection with a Group Bicycle Ride, provide the following information in addition to that required by Local Civil Rule 26.3(c)(3), to the extent known or ascertainable using reasonable efforts: *(a)* the date(s) of the

event, *(b)* the location(s) of the event, *(c)* all Documents Concerning the event, and *(d)* all persons with knowledge of the event.

5. "NYPD Individual" means any of the NYPD's officers, supervisors, commanders, employees, and agents, and any person acting at the direction of such officers, supervisors, commanders, employees, or agents, regardless of the presence or absence of any employment, consulting or similar relationship between the NYPD and any such person.

6. "Undercover" means not in uniform or wearing insignia signifying affiliation with the NYPD.

7. Defendants must answer each Interrogatory separately and fully.

8. To the extent that Defendants contend that they lack sufficient information with which to respond fully to any Interrogatory, Defendants shall respond to the extent that they are able and describe the information they are lacking that prevents them from more fully responding and explain why they are unable to obtain that information.

9. If Defendants withhold any information called for by an Interrogatory by reason of a claim of privilege or work product, Defendants shall furnish a list setting forth as to each objection the information called for in Rule 26.2 of the Civil Rules of the Southern District of New York.

10. Each Interrogatory shall be construed independently and not with reference to any other Interrogatory for the purpose of limitation.

11. Defendants are required to produce information responsive to each Interrogatory for the period of January 1, 2004 through the day before trial in this matter, except that to the extent any Interrogatory seeks any information Concerning any Group Bicycle Ride, the subset of such

information that is responsive to such Interrogatory Concerning any Critical Mass, Century or Jackson Tour are requested for the period of January 1, 2000 to the present.

12. These interrogatories are continuing in character so as to require prompt supplemental responses if Defendants obtain or discover additional information between the time of the initial response pursuant to this request and the time of final disposition of this action, in accordance with Rule 26(e) of the Federal Rules of Civil Procedure. Defendants shall serve upon the undersigned attorneys for Plaintiffs each supplemental response no later than 30 days after discovery of further information. In no event shall any supplemental response be served later than the day before the first day of trial in this matter.

INTERROGATORIES

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.

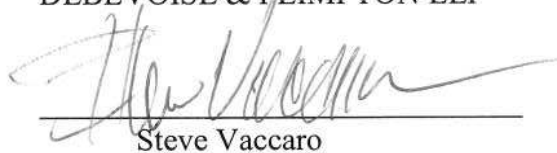
Interrogatory No. 8

Identify each summons issued by NYPD for any of the following violations: Failure of bicyclist to use designated bicycle lane or path; failure of bicyclists to proceed in single file or two abreast; failure of bicyclist to ride at the left or right hand side of the roadway; failure of

bicyclist to be equipped with lights or reflective devices; failure of bicyclist to be equipped with bell or horn; failure to stop for steady red signal; failure to stop for stop sign; parading without a permit; bicycling on the sidewalk.

Dated: New York, New York
November 29, 2007

BY: DEBEVOISE & PLIMPTON LLP



Steve Vaccaro

919 Third Avenue
New York, New York 10022
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Attorneys for Plaintiffs