



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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**CITY'S FIRST DECISION INVOLVING
REPUBLICAN NATIONAL CONVENTION CASES
RESULTS IN A WIN**

***MOTION FOR SUMMARY JUDGMENT GRANTED IN SUIT
INVOLVING THE ARRESTS OF TWO PROTESTORS***

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, media@law.nyc.gov

New York, Oct. 1, 2010 – In the District Court's first decision addressing the merits of the arrests during the 2004 Republican National Convention (RNC), the Court ruled yesterday in the City's favor and granted the City's motion for summary judgment in the case of *Marcavage v. City of New York*.

The United States District Court for the Southern District held that the arrests of two protestors across from Madison Square Garden were valid after they refused to comply with orders to leave the area. In reaching its conclusion, the Court recognized that the RNC was a "highly charged political event" that "presented unique security challenges and required advance security measures."

The Court also found that the demonstration area set up by the City on Eighth Avenue throughout the RNC provided ample opportunity for protestors to express their views and that the City's demonstration policy complied with the First Amendment. The Court found that "tens of thousands of protestors engaged in anti-war, labor, human rights, and other political rallies within the demonstration area" during the RNC.

"We feel that the court has validated the City's claim all along – that the Police Department did its best in balancing the complex challenge of allowing RNC protests to go forward while also ensuring public safety," said Senior Counsel Peter Farrell of the New York City Law Department's Special Federal Litigation Division, who led the legal team.

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