



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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*For Immediate Release*

**CITY PREVAILS IN CASE OF 30-YEAR SMOKER,  
“SPANISH RAYMOND,”  
WHO SUED THE DEPARTMENT OF CORRECTION  
FOR CAUSING HIS CANCER;  
MATTER CITED AS AN EXAMPLE OF RIDICULOUS LAWSUITS**

***OPPOSING COUNSEL COMPARES THE LAW DEPARTMENT’S ATTORNEY TO GREGORY PECK  
IN HOW AGGRESSIVELY HE PURSUED THIS CASE***

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New York, May 13, 2008 – New York City has prevailed in a case that attracted attention from *The New York Times*, *the Daily News*, the *New York Post* and other media venues, with several citing it as an example of the ridiculous lawsuits that are brought against the City – and which taxpayer dollars unfortunately must be spent defending.

The matter involved Raymond Marquez, commonly known to authorities as “Spanish Raymond” and believed to be the longtime chief of a notorious Spanish Harlem numbers betting racket that ran from the 1940s to 1990s.

In 2001, Marquez filed a \$15 million civil lawsuit against New York City’s Department of Correction. Marquez claimed that his bladder cancer, diagnosed in September 2000, was caused by secondhand cigarette smoke he inhaled at the Tombs and Riker’s Island during 29 months behind bars while awaiting trial.

The only problem?

Marquez also claimed that his *30-year smoking history* had nothing to do with his getting bladder cancer, although active smoking is the No. 1 cause of bladder cancer. Marquez admitted in his court testimony that he smoked a half-pack to a pack a day from age 15 to age 45. Incredulously, though, he also claimed that he never inhaled.

After a two-week trial, a Manhattan jury unanimously (6-to-0) rejected Marquez’s arguments late Friday and found that the City was not negligent in the way it ran Riker’s Island. After asking one question regarding verdict form technicalities – and after only an hour and 15 minutes of deliberations – the 5-woman, 1-man jury found for the City. One juror told the City after the verdict that “it was very easy to come to a decision in the City’s favor on the question of negligence.” There has been no recurrent of Marquez’s bladder tumor since early 2001, when he had surgery.

“We are very pleased that the jury unanimously agreed that the City did nothing wrong in the way it ran Riker’s,” said Scot Gleason, lead trial counsel for the City. “This is a perfect example of some of the

ridiculous cases that the City must defend against – and on which we waste incredible amounts of taxpayer dollars.”

Opposing counsel David Marquez, the plaintiff's son, jokingly complained to the judicial hearing officer during jury selection about how aggressively the City and attorney Scot Gleason had pursued this matter. “I feel like I'm competing against *Gregory Peck in To Kill a Mockingbird*, so how can I win?” he noted.

In addition to the secondhand smoke claim, Marquez had also alleged that the City had lost some of his personal effects when he went to the hospital. But the judge dismissed this claim after the plaintiff rested, noting that he had failed to provide enough evidence to make his case. The jury then found for the City on the larger case.

The Marquez case has attracted previous media attention, including pieces in *The New York Times* and editorials in the *New York Post* and *The Daily News*. Several outlets raised concerns about the dubious nature of Marquez's case.

In addition to Scot Gleason, the Law Department's legal team included Raafat Toss, Noe Ilano and Caleb Hagopian of the Tort Division. Scott Siegel served as the paralegal.

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