



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

[nyc.gov/law](http://nyc.gov/law)

*For Immediate Release*

**COURT UPHOLDS CONSTITUTIONAL CHALLENGES  
TO CITY'S CABARET LAWS,  
ENABLING CITY TO CONTINUE TO PROTECT  
QUALITY OF LIFE IN RESIDENTIAL AREAS**

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

New York, February 22, 2007 – In a confirmation of the City's efforts to protect residential communities from potential noise and safety hazards caused by some cabarets, the Appellate Division, First Department in *John Festa, et al. v. New York City Department of Consumer Affairs, et al.*, today upheld the lower court's decision that recreational dancing is not a form of expression protected by the federal or state constitutions. The ruling affirmed the enforcement of City licensing and zoning requirements for cabarets — establishments that sell food or drink and have recreational dancing — that limit where these establishments may be located.

The individual plaintiffs claimed they wanted to be able to dance in any bar or restaurant of their choice, at any time. The Court declared that the City's measures are rationally related to the governmental objectives of protecting its residential communities from "potentially intrusive noise, congestion and other hazards, and to protect local retail development."

"We welcome the Court's decision, which recognizes City's authority to protect its residents from excessive noise and other disruptions, and to make appropriate choices in seeking to reconcile the competing needs and desires of its citizens," said Norman Corenthal, Senior Counsel with the New York City Law Department's Appeals Division, who argued the case on appeal. The case was litigated at the trial level by Ave Maria Brennan, Senior Counsel with the Department's Administrative Law Division.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 100,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at [www.nyc.gov](http://www.nyc.gov) or via direct link at [www.nyc.gov/html/law/home.html](http://www.nyc.gov/html/law/home.html).

###