



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**SECOND CIRCUIT COURT OF APPEAL GRANTS
NEW YORK CITY'S REQUEST FOR A STAY ON
CONSTRUCTION PROJECTS AT PRETRIAL DETENTION FACILITIES**

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New York, April 29, 2002 -- The Second Circuit Court of Appeals granted New York City's request for a stay of District Court orders that would have required the City to complete assorted construction projects at its pretrial detention facilities. Corporation Counsel Michael Cardozo personally argued the case, Benjamin v. Fraser, in court on April 16. The stay authorizes the City to defer further work on the projects while the City appeals the orders, issued by Judge Harold Baer Jr. of the United States District Court for the Southern District of New York. The panel issuing the stay included Judges Ellsworth Van Graafeiland, Dennis Jacobs and Guido Calabresi.

The District Court's orders required the Department of Correction to replace lighting fixtures throughout the Department's detainee jails, complete ongoing renovations of inmate shower facilities and move most of the inmate beds so that they are a specified distance apart. All three projects were required to be completed on an extremely expedited basis at a cost of millions of dollars. The City also argued that the schedule would have required it to temporarily relocate so many inmates at the same time that security would be compromised.

Cardozo said, "The Circuit's stay enables the Department to proceed with its appeal of the underlying order without completing the mandated construction at the same time. Without the stay, the City would have had no real appeal because once the work is done and the money spent, there is no way to go back and undo it if the City prevails in its appeal, and the District Court's orders are reversed."

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