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**Press Release**

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*For Immediate Release*

**NEW YORK STATE SUPREME COURT JUDGE FINDS THAT CITY MAY CLOSE  
TOPLESS BARS WITHOUT ALSO BANNING ALL NUILITY IN THEATRES**

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New York, December 5, 2002-- Justice Michael D. Stallman of the New York State Supreme Court has rejected a claim by several topless bars that the City was violating their constitutional rights by enforcing the adult use zoning provisions against them and not against art films and theatrical productions which feature sex or nudity.

The lawsuit was brought by the operators of Ten's and The VIP Club, two cabarets that feature entertainment by topless female dancers, and the landlord of the premises where another topless club, Scores, is currently operating. In 1995, the City adopted zoning provisions which limited where topless clubs, peep shows and triple-X video stores may be located, because these types of establishments have a harmful effect on their neighborhoods.

These zoning provisions were found to be constitutional by the state and federal courts. Nonetheless, these topless clubs sued the City in October of 2001 complaining that the City had unfairly targeted them for enforcement. They argued that the failure by the City to prosecute Broadway and Off-Broadway shows such as "Naked Boys Singing," "The Blue Room," and "The Full Monty," and art films such as "Baise Moi" and "Y Tu Mama Tambien" was a violation of equal protection.

Justice Stallman rejected their argument as "the latest in a long series of unsuccessful challenges" to the City's regulation of adult entertainment uses. In so doing, Justice Stallman recognized that, unlike topless clubs and peep shows, Broadway and Off-Broadway theatrical productions and cinematic art house do not have a deleterious impact on their surrounding neighborhoods.

"We are very satisfied by the decision," said Robin Binder, Deputy Chief of the New York City Law Department's Administrative Law Division and the main lawyer on this case. "The court recognized that Broadway shows and art films are fundamentally different from topless bars and peep shows, which adversely impact upon the City's neighborhoods."

After this lawsuit was commenced, the City amended its adult use zoning laws to close certain loopholes relied upon by the adult entertainment industry to evade enforcement and remain in operation at prohibited locations. Challenges to those amendments are pending in the courts.

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