

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-00322-CM**

People of the State of New York v. City Of New York et al Date Filed: 01/14/2021
Assigned to: Judge Colleen McMahon Jury Demand: None
Referred to: Magistrate Judge Gabriel W. Gorenstein Nature of Suit: 440 Civil Rights:
(Settlement) Other
Jurisdiction: Federal Question
Lead case: [1:20-cv-08924-CM](#)
Member case: ([View Member Case](#))
Related Cases: [1:20-cv-08924-CM](#)
[1:21-cv-00533-CM](#)
Cause: 42:1983 Civil Rights Act

Plaintiff

People of The State of New York
*by Letitia James, Attorney General of
the State of New York*

represented by **Gregory Morril**
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V.

Defendant

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Defendant

Mayor Bill de Blasio

represented by **Brachah Goykadosh**
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ATTORNEY TO BE NOTICED

Dara Lynn Weiss
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Defendant

Police Commissioner Dermot F. Shea

represented by **Brachah Goykadosh**
(See above for address)
ATTORNEY TO BE NOTICED

Dara Lynn Weiss
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Chief of Department Terence A. Monahan

represented by **Brachah Goykadosh**
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ATTORNEY TO BE NOTICED

Dara Lynn Weiss
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Intervenor Defendant

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ADR Provider

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Interested Party

Sergeants Benevolent Association

V.

Intervenor

Sergeants Benevolent Association

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Date Filed	#	Docket Text
01/14/2021	<u>1</u>	COMPLAINT against Chief of Department Terence A. Monahan, City Of New York, Mayor Bill de Blasio, Police Commissioner Dermot F. Shea. (Filing Fee \$ 402.00, Receipt Number ANYSDC-23509112) Document filed by People of the State of New York, by Letitia James, Attorney General of the State of New York..(Clarke, Jessica) (Entered: 01/14/2021)
01/14/2021	<u>2</u>	CIVIL COVER SHEET filed..(Clarke, Jessica) (Entered: 01/14/2021)
01/14/2021	<u>3</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 20-cv-08924. Document filed by People of the State of New York, by Letitia James, Attorney General of the State of New York..(Clarke, Jessica) (Entered: 01/14/2021)
01/14/2021	<u>4</u>	NOTICE OF APPEARANCE by Morenike Fajana on behalf of People of the State of New York, by Letitia James, Attorney General of the State of New York..(Fajana, Morenike) (Entered: 01/14/2021)
01/14/2021	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to City of New York, re: <u>1</u> Complaint,. Document filed by People of the State of New York, by Letitia James, Attorney General of the State of New York..(Clarke, Jessica) (Entered: 01/14/2021)

01/14/2021	6	REQUEST FOR ISSUANCE OF SUMMONS as to Mayor Bill de Blasio, re: 1 Complaint,. Document filed by People of the State of New York, by Letitia James, Attorney General of the State of New York..(Clarke, Jessica) (Entered: 01/14/2021)
01/14/2021	7	REQUEST FOR ISSUANCE OF SUMMONS as to Police Commissioner Dermot F. Shea, re: 1 Complaint,. Document filed by People of the State of New York, by Letitia James, Attorney General of the State of New York..(Clarke, Jessica) (Entered: 01/14/2021)
01/14/2021	8	REQUEST FOR ISSUANCE OF SUMMONS as to Chief of Department Terence A. Monahan, re: 1 Complaint,. Document filed by People of the State of New York, by Letitia James, Attorney General of the State of New York..(Clarke, Jessica) (Entered: 01/14/2021)
01/14/2021	9	NOTICE OF APPEARANCE by Lillian Marie Marquez on behalf of People of the State of New York, by Letitia James, Attorney General of the State of New York..(Marquez, Lillian) (Entered: 01/14/2021)
01/14/2021	10	NOTICE OF APPEARANCE by Travis William England on behalf of People of the State of New York, by Letitia James, Attorney General of the State of New York..(England, Travis) (Entered: 01/14/2021)
01/14/2021	11	NOTICE OF APPEARANCE by Gregory Morril on behalf of People of the State of New York, by Letitia James, Attorney General of the State of New York..(Morril, Gregory) (Entered: 01/14/2021)
01/15/2021	12	NOTICE OF APPEARANCE by Philip Levitz on behalf of People of The State of New York..(Levitz, Philip) (Entered: 01/15/2021)
01/15/2021		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Jessica Clarke. The party information for the following party/parties has been modified: People of the State of New York. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error. (sj) (Entered: 01/15/2021)
01/15/2021		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (sj) (Entered: 01/15/2021)
01/15/2021		Case Designated ECF. (sj) (Entered: 01/15/2021)

01/15/2021		CASE REFERRED TO Judge Colleen McMahon as possibly related to 1:20cv8924. (sj) (Entered: 01/15/2021)
01/15/2021	13	ELECTRONIC SUMMONS ISSUED as to City Of New York. (sj) (Entered: 01/15/2021)
01/15/2021	14	ELECTRONIC SUMMONS ISSUED as to Mayor Bill de Blasio. (sj) (Entered: 01/15/2021)
01/15/2021	15	ELECTRONIC SUMMONS ISSUED as to Police Commissioner Dermot F. Shea. (sj) (Entered: 01/15/2021)
01/15/2021	16	ELECTRONIC SUMMONS ISSUED as to Chief of Department Terence A. Monahan. (sj) (Entered: 01/15/2021)
01/19/2021	17	SUMMONS RETURNED EXECUTED Summons and Complaint, served. City Of New York served on 1/19/2021, answer due 2/9/2021. Document filed by People of The State of New York..(Marquez, Lillian) (Entered: 01/19/2021)
01/19/2021		CASE ACCEPTED AS RELATED. Create association to 1:20-cv-08924-CM. Notice of Assignment to follow. (laq) (Entered: 01/19/2021)
01/19/2021		NOTICE OF CASE REASSIGNMENT to Judge Colleen McMahon. Judge Unassigned is no longer assigned to the case. (laq) (Entered: 01/19/2021)
01/19/2021		Magistrate Judge Gabriel W. Gorenstein is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (laq) (Entered: 01/19/2021)
01/19/2021	18	CALENDAR NOTICE: Please take notice that the above captioned matter has been scheduled for a: Telephone conference on Friday, February 5, 2021 at 11:30 A.M. before the Honorable Colleen McMahon, United States District Judge. Parties should dial in at 1(888)363-4749, access code (9054506) to join the conference Any scheduling difficulties must be brought to the attention of the Court in writing and faxed to Chambers at (212) 805-6326. SO ORDERED. Telephone Conference set for 2/5/2021 at 11:30 AM before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 1/19/2021) (mml) (Entered: 01/19/2021)
01/21/2021	19	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Mayor Bill de Blasio served on 1/21/2021, answer due

		2/11/2021. Document filed by People of The State of New York..(Marquez, Lillian) (Entered: 01/21/2021)
01/21/2021	20	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Police Commissioner Dermot F. Shea served on 1/21/2021, answer due 2/11/2021. Document filed by People of The State of New York..(Marquez, Lillian) (Entered: 01/21/2021)
01/21/2021	21	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Chief of Department Terence A. Monahan served on 1/21/2021, answer due 2/11/2021. Document filed by People of The State of New York..(Marquez, Lillian) (Entered: 01/21/2021)
01/25/2021	22	ORDER: Please docket this notice from Chief Judge McMahon in cases: Payne v. DiBlasio, 20 Civ. 8924; Wood v. City of New York, 20 Civ. 10541; People v. City of New York, 21 Civ. 322; Sow v. City of New York, 21 Civ. 533. Counsel: I now have four matters on my docket relating to the conduct of the NYPD in connection with various demonstrations that occurred in New York City during 2020, that are connected to the Black Lives Matter (BLM) movement and the deaths of George Floyd and other individuals at the hands of law enforcement officials in other jurisdictions. They are Payne v. DiBlasio, 20 Civ. 8924, Wood v. City of New York, 20 Civ. 10541, People v. City of New York, 21 Civ. 322, Sow v. City of New York, 21 Civ. 533. I preliminarily consolidated these cases for pre-trial purposes. The defendants have moved to deconsolidate Payne and Wood, and the plaintiffs in Payne object to consolidation of their action with the Attorney General's suit, though they do not object to coordinated discovery and joint motion practice on the common issues of law and fact regarding policies and practices of the NYPD that undergird all four of these lawsuits. I note that Wood, People and Sow were all filed as "related cases" to Payne - and so they are, whether they end up being tried together or not - so I anticipate that most pre-trial matters, and certainly discovery, will be consolidated. I want to conference all four cases initially, so I can get my head around how to manage these cases and start them moving. I want that conference to take place in person - "in person" meaning that no more than two attorneys for each plaintiff and no more than four attorneys for the defendants may be present in my courtroom, masked and socially distanced, at an on-the-record conference. We cannot possibly accommodate all the members of the public who would want to be present at this conference, even with an overflow courtroom; we will provide a call in number for maximum public access. At present, as you know, we are not holding in person proceedings in the federal courthouses, so the February 5 date that is currently on your calendars will not work. I would like to schedule this proceeding for the week of February 16-17-18-19. As to the exact date, I would

		prefer to suit the convenience of counsel, so please confer and be in touch with my deputy clerk, Mariela de Jesus, Mariela_DeJesus@nysd.uscourts.gov with suggested dates and times during that week. You should be prepared to discuss anticipated motions, coordinated discovery and the reasons why these cases should or should not be consolidated. If each plaintiff and the defendants would file a letter of no more than three pages summarizing your positions at last five days prior to the conference; you can flesh them out fully at the conference. There really is no need to make a lot of formal procedural motions; I would rather hear you outline your positions and rule from the bench. Magistrate Judge Gorenstein is the assigned MJ on these cases. I will be inviting him to participate at this conference as well. (Signed by Judge Colleen McMahon on 1/25/2021) (mml) Modified on 2/5/2021 (mml). (Entered: 01/25/2021)
01/25/2021		CONSOLIDATED MEMBER CASE: Create association to 1:20-cv-08924-CM.. (kv) (Entered: 03/03/2021)
02/01/2021	23	NOTICE OF APPEARANCE by Brachah Goykadosh on behalf of Chief of Department Terence A. Monahan, City Of New York, Mayor Bill de Blasio, Police Commissioner Dermot F. Shea..(Goykadosh, Brachah) (Entered: 02/01/2021)
02/01/2021	24	NOTICE OF APPEARANCE by Dara Lynn Weiss on behalf of Chief of Department Terence A. Monahan, City Of New York, Mayor Bill de Blasio, Police Commissioner Dermot F. Shea..(Weiss, Dara) (Entered: 02/01/2021)
02/03/2021	25	LETTER MOTION for Extension of Time <i>Respectfully Request that the Court Sine Die Extend Defendants Time to Respond to the Complaints in These Related Cases Until After the In Person Conference</i> addressed to Judge Colleen McMahon from Brachah Goykadosh dated February 3, 2021. Document filed by Chief of Department Terence A. Monahan, City Of New York, Mayor Bill de Blasio, Police Commissioner Dermot F. Shea..(Goykadosh, Brachah) (Entered: 02/03/2021)
02/04/2021	26	MOTION TO INTERVENE. Document filed by Towaki Kamatsu, a non-party. (Attachments: # 1 Exhibit, # 2 Exhibit).(sc) (Entered: 02/04/2021)
02/04/2021	27	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge Colleen McMahon on 2/4/2021) (mml) (Entered: 02/04/2021)

02/04/2021	28	ORDER terminating 25 Letter Motion for Extension of Time. All proceedings in all cases are stayed until we hold our conference. (Signed by Judge Colleen McMahon on 2/4/2021) (mml) (Entered: 02/05/2021)
02/04/2021		Case Stayed. (mml) (Entered: 02/05/2021)
02/12/2021	29	LETTER addressed to Judge Colleen McMahon dated February 12, 2021 re: Consolidation. Document filed by People of The State of New York..(Marquez, Lillian) (Entered: 02/12/2021)
02/15/2021	30	LETTER addressed to Judge Colleen McMahon from Brachah Goykadosh, Elissa Jacobs and Dara L. Weiss dated February 15, 2021 re: Defendants' positions on coordinated discovery, consolidation and anticipated motions. Document filed by Chief of Department Terence A. Monahan, City Of New York, Mayor Bill de Blasio, Police Commissioner Dermot F. Shea..(Weiss, Dara) (Entered: 02/15/2021)
02/16/2021	31	LETTER addressed to Judge Colleen McMahon from Anthony P. Coles dated February 16, 2021 re: advising that the Sergeants Benevolent Association anticipates moving to intervene under Fed. R. Civ. P. 24(a) and (b). Document filed by Sergeants Benevolent Association..(Coles, Anthony) (Entered: 02/16/2021)
02/18/2021	32	CALENDAR NOTICE: Please take notice that the above captioned matter has been scheduled for a: Rule (16) conference on Monday, February 22, 2021 at 2:00 P.M. before the Honorable Colleen McMahon, United States District Judge in Courtroom 24A, U.S. District Court, 500 Pearl Street, New York, New York 10007. Any scheduling difficulties must be brought to the attention of the Court in writing and faxed to Chambers at (212) 805-6326. SO ORDERED. Initial Conference set for 2/22/2021 at 02:00 PM in Courtroom 24A, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Chief Judge Colleen McMahon on 2/18/2021) (jca) (Entered: 02/18/2021)
02/19/2021	33	ORDER: The Court will hold a conference in this matter on Monday, February 22, 2021, at 2:00 P.M. in Courtroom 24A. This is an open proceeding, but we have limited space in the courtroom due to the Covid-19 pandemic and social distancing requirements. Members of the public and press may dial in at: 888-363-4749; the Access Code is: 9054506. This line will remain on mute for the duration of the conference. (Signed by Chief Judge Colleen McMahon on 2/19/2021) (jca) (Entered: 02/19/2021)
02/19/2021	34	LETTER addressed to Judge Colleen McMahon from Stephen McQuade dated 02/19/2021 re: preliminary conference. Document

		filed by Detectives Endowment Association of New York City..(McQuade, Stephen) (Entered: 02/19/2021)
02/22/2021	35	ORDER: Amended Pleadings due by 3/5/2021. Any motion for leave to intervene, by any party, must be filed by 3/3/2021. Responses due 3/19/2021. Replies due 3/26/2021. Motions to dismiss the complaints must be filed by close of business on 3/26/2021. Responsive papers are due 4/16/2021. Replies are due 4/30/2021. The case is referred to The Hon. Gabriel W. Gorenstein for all pre-trial supervision other than the motions to dismiss and for leave to intervene. "All discovery" means ALL discovery, including expert discovery, individual discovery and Monell discovery. Potential class plaintiffs should be deposed by July 1, 2021, so that class certification motions can be made no later than September 10, 2021. Deposition due by 7/1/2021. Motions due by 11/15/2021. (Signed by Judge Colleen McMahon on 2/22/2021) (va) (Entered: 02/22/2021)
02/22/2021		Minute Entry for proceedings held before Judge Colleen McMahon: Initial Pretrial Conference held on 2/22/2021. Decision: Initial conference held. Refer to docket for scheduling order. Submitted by: Chloe Lewis. (mde) (Entered: 03/04/2021)
03/02/2021	36	JOINT LETTER addressed to Magistrate Judge Gabriel W. Gorenstein dated March 1, 2021 re: Interim Discovery Deadlines. Document filed by People of The State of New York..(Marquez, Lillian) (Entered: 03/02/2021)
03/02/2021	37	ORDER: The above-referenced actions have been referred to the undersigned for pre-trial supervision as set forth in Paragraph 8 of Docket # 40 in 20 Civ. 8924. All applications to the undersigned must comply with this Court's Individual Practices, which are available at: https://nysd.uscourts.gov/hon-gabriel-w-gorenstein . The parties must comply with the deadlines set by Chief Judge McMahon in Docket#40. In addition, the Court orders the following interim deadlines as requested by the parties in their letter dated March 1, 2021 (Docket # 42 in 20 Civ. 8924): March 18, 2021: Initial Disclosures due March 25, 2021: First Request for Documents and First Set of Interrogatories due April 8, 2021: Defendants to provide proposed date for completion of document production April 26, 2021: Objections and Responses due; production of documents to begin. Additionally, by June 1, 2021, the parties must confer to reserve in the summer and fall a sufficient number of deposition dates for which all counsel must be available even if specific deponents are not attached to any particular date. Depositions shall be scheduled as soon as practicable. The parties shall not require a deponent to appear for a deposition after Friday, December 3, 2021, unless all parties agree otherwise or the Court orders otherwise. And as set forth

		herein. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 3/02/2021) (ama) (Entered: 03/02/2021)
03/03/2021	38	MOTION to Intervene <i>on behalf of the Detectives Endowment Association</i> . Document filed by Detectives Endowment Association of New York City..(McQuade, Stephen) (Entered: 03/03/2021)
03/03/2021	39	DECLARATION of Stephen Mc Quade in Support re: 38 MOTION to Intervene <i>on behalf of the Detectives Endowment Association</i> .. Document filed by Detectives Endowment Association of New York City. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16).(McQuade, Stephen) (Entered: 03/03/2021)
03/03/2021	40	MEMORANDUM OF LAW in Support re: 38 MOTION to Intervene <i>on behalf of the Detectives Endowment Association</i> . . Document filed by Detectives Endowment Association of New York City..(McQuade, Stephen) (Entered: 03/03/2021)
03/03/2021	41	NOTICE OF APPEARANCE by Thomas Aquinas Kissane on behalf of Police Benevolent Association of the City of New York, Inc.. Filed In Associated Cases: 1:20-cv-08924-CM, 1:20-cv-10541-CM, 1:21-cv-00322-CM.(Kissane, Thomas) (Entered: 03/03/2021)
03/03/2021	42	NOTICE OF APPEARANCE by Richard Henry Dolan on behalf of Police Benevolent Association of the City of New York, Inc.. Filed In Associated Cases: 1:20-cv-08924-CM, 1:20-cv-10541-CM, 1:21-cv-00322-CM.(Dolan, Richard) (Entered: 03/03/2021)
03/03/2021	43	MOTION to Intervene . Document filed by Sergeants Benevolent Association..(Coles, Anthony) (Entered: 03/03/2021)
03/03/2021	44	MEMORANDUM OF LAW in Support re: 43 MOTION to Intervene . . Document filed by Sergeants Benevolent Association. (Attachments: # 1 Exhibit A - Declaration of Sgt. Edward D. Mullins, # 2 Exhibit B - Affidavit of Prof. Bruce A. Green, # 3 Proposed Answer).(Coles, Anthony) (Entered: 03/03/2021)
03/03/2021	45	MOTION to Intervene <i>as a party-defendant</i> . Document filed by Police Benevolent Association of the City of New York, Inc..Filed In Associated Cases: 1:20-cv-08924-CM, 1:20-cv-10541-CM, 1:21-cv-00322-CM.(Dolan, Richard) (Entered: 03/03/2021)
03/03/2021	46	MEMORANDUM OF LAW in Support re: (48 in 1:20-cv-08924-CM, 45 in 1:20-cv-10541-CM, 45 in 1:21-cv-00322-CM) MOTION to Intervene <i>as a party-defendant</i> . . Document filed by Police Benevolent Association of the City of New York, Inc.. Filed In

		Associated Cases: 1:20-cv-08924-CM, 1:20-cv-10541-CM, 1:21-cv-00322-CM.(Dolan, Richard) (Entered: 03/03/2021)
03/03/2021	47	DECLARATION of Joseph Alejandro in Support re: (45 in 1:21-cv-00322-CM, 48 in 1:20-cv-08924-CM, 45 in 1:20-cv-10541-CM) MOTION to Intervene <i>as a party-defendant</i> .. Document filed by Police Benevolent Association of the City of New York, Inc.. (Attachments: # 1 A: Statement to the New York Attorney General's Office by the Police Benevolent Association dated June 17, 2020)Filed In Associated Cases: 1:20-cv-08924-CM, 1:20-cv-10541-CM, 1:21-cv-00322-CM.(Dolan, Richard) (Entered: 03/03/2021)
03/04/2021	48	MOTION to Intervene <i>on behalf of the Detectives Endowment Association</i> . Document filed by Dectectives Endowment Association of New York City.Filed In Associated Cases: 1:20-cv-08924-CM, 1:21-cv-00322-CM.(McQuade, Stephen) (Entered: 03/04/2021)
03/04/2021	49	DECLARATION of Stephen Mc Quade in Support re: (51 in 1:20-cv-08924-CM, 48 in 1:21-cv-00322-CM) MOTION to Intervene <i>on behalf of the Detectives Endowment Association</i> .. Document filed by Dectectives Endowment Association of New York City. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16)Filed In Associated Cases: 1:20-cv-08924-CM, 1:21-cv-00322-CM.(McQuade, Stephen) (Entered: 03/04/2021)
03/04/2021	50	MEMORANDUM OF LAW in Support re: (51 in 1:20-cv-08924-CM, 48 in 1:21-cv-00322-CM) MOTION to Intervene <i>on behalf of the Detectives Endowment Association</i> . . Document filed by Dectectives Endowment Association of New York City. Filed In Associated Cases: 1:20-cv-08924-CM, 1:21-cv-00322-CM.(McQuade, Stephen) (Entered: 03/04/2021)
03/05/2021	51	FIRST AMENDED COMPLAINT amending 1 Complaint, against Chief of Department Terence A. Monahan, City Of New York, Mayor Bill de Blasio, Police Commissioner Dermot F. Shea.Document filed by People of The State of New York. Related document: 1 Complaint,..(Clarke, Jessica) (Entered: 03/05/2021)
03/06/2021	52	LETTER addressed to Judge Colleen McMahon from Remy Green dated 2021-03-06 re: In Re: New York City Policing During Summer 2020 Demonstrations, 20 Civ. 8924 (CM)(GWG) (Amended Complaint in Sow (21-cv-533)). Document filed by Adama Sow. (Attachments: # 1 Exhibit First Amended Complaint in Sow (21-cv-

		533))Filed In Associated Cases: 1:20-cv-08924-CM, 1:20-cv-10541-CM, 1:21-cv-00322-CM.(Green, Remy) (Entered: 03/06/2021)
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