

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, *et al.*, individually and on behalf of a class of
all others similarly situated

Plaintiffs,

08 CV 1034 (AT)

- against -

CITY OF NEW YORK, et al.,

Defendants.

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KELTON DAVIS, *et al.*, individually and on behalf of a class of
all others similarly situated

Plaintiffs,

10 CV 699 (AT)

- against -

CITY OF NEW YORK, et al.,

Defendants.

----- x

JAENEAN LIGON, *et al.*, individually and on behalf of a class
of all others similarly situated

Plaintiffs,

12 CV 2274 (AT)

- against -

CITY OF NEW YORK, et al.,

Defendants.

----- x

**DECLARATION OF DAVID COOPER IN OPPOSING
PLAINTIFFS' MOTION FOR EMERGENCY RELIEF**

DAVID COOPER, an attorney duly admitted to practice in the State of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys assigned to the defense of this matter. As such, I am familiar with the facts and circumstances of this action. This Declaration submits the Exhibits described below in support of Defendants' Motion Opposing Plaintiffs' Motion for Emergency Relief.

2. Annexed hereto as Exhibit "A" is the Declaration of David Kaen, dated June 8, 2020. The Declaration contains the transcription of body worn camera footage captured during the incidents involving Crystal Pope and Steven Merete, in response to their Declarations annexed to the Declaration of Dominique Day, at Plaintiffs' exhibits 2 and 3.

3. Annexed hereto as Exhibit "B" is a copy of Declaration of Chief Fausto Pichardo dated June 8, 2020. The Declaration is being present to the Court to describe the New York City Police Department's activities as it related to COVID-19 enforcement.

4. Annexed hereto as Exhibit "C" are copies of emails dated April 22, 2020 and May 8, 2020 from Plaintiffs requesting NYPD COVID-19 enforcement information.

5. Annexed hereto as Exhibit "D" is a copy of New York Executive Order No. 202. The Executive Order declared a disaster emergency in State of New York. This Executive Order was issued on March 7, 2020.

6. Annexed hereto as Exhibit “E” is a copy of New York Executive Order No. 202.8. The Executive Order was a continuing temporary suspension and modifications of law relating to the disaster emergency. This Executive Order was issued on March 20, 2020.

7. Annexed hereto as Exhibit “F” is a copy of New York Executive Order No. 202.17. The Executive Order was a continuing temporary suspension and modifications of law relating to the disaster emergency in that requiring individual to cover their nose and mouth with a mask or cloth face covering when in a public place and unable to maintain or when not maintaining social distance. This Executive Order was issued on April 15, 2020.

8. Annexed hereto as Exhibit “G” is a copy of New York Executive Order No. 202.35. The Executive Order was a continuing temporary suspension and modifications of law relating to the disaster emergency in that it extends the PAUSE, which requires postponement, cancellation, or restriction on size of all non-essential gatherings of more than ten individuals.. This Executive Order was issued on May 29, 2020.

9. Annexed hereto as Exhibit “H” is a copy of New York City Emergency Executive Order No. 98. The Emergency Executive Order declared that a state of emergency exists within the City of New York. This Emergency Executive Order was issued on March 12, 2020.

10. Annexed hereto as Exhibit “I” is a copy of New York City Emergency Executive Order No. 108. The Emergency Executive Order incorporated any and all relevant provisions of Governor Executive Order No. 202 and subsequent Orders. This Emergency Executive Order was issued on April 19, 2020.

11. Annexed hereto as Exhibit “J” is a copy of New York City Emergency Executive Order No. 115. The Emergency Executive Order incorporated any and all relevant

provisions of Governor Executive Order No. 202 and subsequent Orders. This Emergency Executive Order was issued on May 24, 2020.

12. Annexed hereto as Exhibit “K” is a copy of New York City Emergency Executive Order No. 117. The Emergency Executive Order imposed New York City’s curfew for June 1, 2020 through June 2, 2020. This Emergency Executive Order was issued on June 1, 2020.

13. Annexed hereto as Exhibit “L” is a copy of New York City Emergency Executive Order No. 118. The Emergency Executive Order imposed New York City’s curfew for June 2, 2020 through June 3, 2020. This Emergency Executive Order was issued on June 1, 2020.

14. Annexed hereto as Exhibit “M” is a copy of New York City Emergency Executive Order No. 119. The Emergency Executive Order imposed New York City’s curfew for June 3, 2020 through June 8, 2020. This Emergency Executive Order was issued on June 2, 2020.

15. Annexed hereto as Exhibit “N” is a copy of New York City Emergency Executive Order No. 122. The Emergency Executive Order declared an end to New York City’s curfew. This Emergency Executive Order was issued on June 7, 2020.

16. Annexed hereto as Exhibit “O” is a copy of the Statement of R. Harcourt Dodds, NYPD Deputy Commissioner in charge of Legal Matters, addressed to the City Affairs Committee of the City Council on the Establishment of Emergency Measures for Riots and Other Disorders, April 22, 1968.

Dated: New York, New York
June 8, 2020

JAMES E. JOHNSON
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
100 Church Street
New York, New York 10007

By: *David Cooper* /s

DAVID COOPER
Senior Counsel
Tort Division – Risk Management Unit

cc: All Class Counsel (By ECF)