

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA HANDSCHU, RALPH DIGIA,
ALEX McKEIVER, SHABA OM, CURTIS
M. POWELL, ABBIE HOFFMAN, MARK
A. SEGAL, MICHAEL ZUMOFF,
KENNETH THOMAS, ROBERT RUSCH,
ANETTE T. RUBENSTEIN, MICHEY
SHERIDAN, JOE SUCHER, STEVEN
FISCHLER, HOWARD BLATT and
ELLIE BENZONE, on behalf of themselves
and all others similarly situated,

71 Civ. 2203 (CSH)

NOTICE OF MOTION FOR
INJUNCTIVE RELIEF
AND FOR APPOINTMENT
OF AN AUDITOR OR
MONITOR

Oral Argument Requested

Plaintiffs,

-against-

SPECIAL SERVICES DIVISION, a/k/a
BUREAU OF SPECIAL SERVICES,
WILLIAM H.T. SMITH, ARTHUR
GRUBERT, MICHAEL WILLIS,
WILLIAM KNAPP, PATRICK
MURPHY, POLICE DEPARTMENT
OF THE CITY OF NEW YORK,
JOHN V. LINDSAY and various unknown
employees of the Police Department acting
as under-cover operators and informers,

Defendants.

MADAMS OR SIRS:

PLEASE TAKE NOTICE that upon the accompanying
Declaration of Paul G. Chevigny dated January 22, 2013, the
Declaration of Shamiur Rahman dated October 28, 2012, the
Declaration of Faiza Ali dated January 18, 2013, the
Declaration of Linda Sarsour dated January 18, 2013, the
Declaration of Bernard Haykel dated December 7, 2012, the
deposition of Chief Thomas Galati dated June 28, 2012, the
exhibits annexed hereto and the accompanying Memorandum of

Law, counsel for the plaintiff Class will move this Court, at a time and place to be designated by the Court, for the following relief against the New York Police Department (NYPD):

a) pursuant to Rule 65 of the Federal Rules of Civil Procedure, an injunction against the policy and practice of retaining records concerning visits to public places made by the Zone Assessment Unit, the Demographics Unit or any other unit of the NYPD where no information has been obtained that relates to potential unlawful or terrorist activity, in violation of Section VIII A (2) of the Modified Handschu Guidelines;

b) pursuant to Rule 65 of the Federal Rules of Civil Procedure, an injunction against the policy and practice of surreptitiously joining, visiting and infiltrating organizations or institutions including organizations associated with Islam, and keeping records of such investigative activities, in the absence of "reasonable indications" or "indication" of terrorist or unlawful activity, in violation of Sec. V(B), Sec. V(C) and V(D) of the Modified Handschu Guidelines;

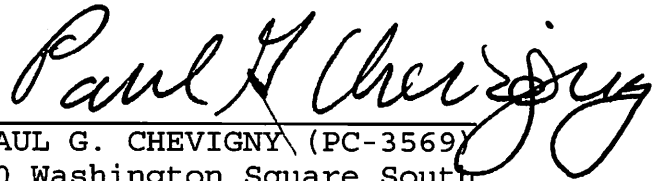
c) pursuant to Rule 706 of the Federal Rules of Evidence, or alternatively pursuant to Rule 53, F.R.C.P., an order appointing an auditor or monitor to supervise compliance by the NYPD, its employees and agents with the

injunctive orders made herein mandating obedience to the Modified Handschu Guidelines in investigations of political activity by members of the plaintiff class; and

d) for such other and further relief as to this Court seems just and proper.

Dated: New York, New York
January 22, 2013

Yours, etc.



PAUL G. CHEVIGNY (PC-3569)
40 Washington Square South
New York, NY 10012
(212) 998-6249

JETHRO M. EISENSTEIN (JE-6848)
Profeta & Eisenstein
45 Broadway, Suite 2200
New York, NY 10006
(212) 577-6500

MARTIN R. STOLAR (MS-1576)
351 Broadway, 4th Floor
New York, NY 10013
(212) 219-1919

FRANKLIN SIEGEL (FS-4952)
368 President St.
Brooklyn, NY 11231-5015
(212) 406-0700

ARTHUR EISENBERG (AE-2012)
New York Civil Liberties Union
125 Broad Street, 17th Floor
New York, NY 10004
(212) 344-3005

Attorneys for Plaintiff Class

TO: MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street
New York, NY 10007
Peter G. Farrell, Esq.
Senior Counsel