

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

**MANDATE**

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14<sup>th</sup> day of May, two thousand and thirteen.

Before: JON O. NEWMAN,  
RALPH K. WINTER,  
ROSEMARY S. POOLER,  
*Circuit Judges.*

United States of America,

Plaintiff-Appellee,

The Vulcan Society, Inc., Marcus Haywood, Candido Nunez,  
Roger Gregg,

Intervenors-Plaintiffs-Appellees-Cross-Appellants,

v.

City of New York, Michael Bloomberg Mayor, and  
Nicholas Scoppetta, New York Fire Commissioner, in their  
individual and official capacities,

Defendants-Appellants-Cross-Appellees,

New York City Department of Citywide Administrative  
Service, New York City Fire Department,

Defendants.

**JUDGMENT**

Docket Nos. 11-5113 (L)  
12-491 (XAP)

The appeal in the above captioned case from an order of the United States District Court for the Eastern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the order of the district court is AFFIRMED in part, VACATED in part, and the case is REMANDED in accordance with the opinion of this court.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



*Catherine O'Hagan Wolfe*

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**MANDATE ISSUED ON 05/29/2013**