

## Latino Officers Ass'n v. City of New York

United States District Court for the Southern District of New York

June 20, 2007, Decided

99 Civ. 9568 (LAK)

**Reporter:** 2007 U.S. Dist. LEXIS 44740; 2007 WL 1794933  
LATINO OFFICERS ASSOCIATION, INC., et al., Plaintiffs,  
-against- THE CITY OF NEW YORK, et al., Defendants.

**Subsequent History:** Motion denied by, Request denied by  
Latino Officers Ass'n v. City of New York, 2007 U.S. Dist.  
LEXIS 79212 (S.D.N.Y., Oct. 26, 2007)

**Prior History:** Latino Officers Ass'n v. City of New York,  
2006 U.S. Dist. LEXIS 3879 (S.D.N.Y., Jan. 31, 2006)

**Counsel:** [\*1] For Latino Officers Association City of New York Incorporated, for itself and its members, Anthony Miranda, Clifford Muniz, Adam Alvarez, Charles Castro, Michael Padilla, Plaintiffs: Barbara J. Olshansky, William Goodman, LEAD ATTORNEYS, Center for Constitutional Rights, New York, NY; Diane M. Paolicelli, LEAD ATTORNEY, Levy, Phillips & Konigsberg, LLP, New York, NY; Richard Alan Levy, LEAD ATTORNEY, Levy, Ratner & Behroozi, P.C., New York, NY; Robert H. Spergel, LEAD ATTORNEY, Oceanside, NY.

For Wilfred Maldonado, Ruben Malave, Plaintiffs: Barbara J. Olshansky, William Goodman, LEAD ATTORNEYS, Center for Constitutional Rights, New York, NY; Barry Lax, LEAD ATTORNEY, The Lax Law Firm, New York, NY; Joshua H. Epstein, LEAD ATTORNEY, Dreier, L.L.P., New York, NY; Laurie J. McPherson, LEAD ATTORNEY, Shapiro, Forman, Allen, Miller & McPherson, L.L.P., New York, NY; Philip S. Raible, Steven Glen Mintz, LEAD ATTORNEYS, Mintz & Gold, L.L.P., New York, NY; Roland Gustaf Riopelle, LEAD ATTORNEY, Sercarz & Riopelle, L.L.P., New York, NY.

For Hector Ariza, Christopher Castro, Plaintiffs: Diane M. Paolicelli, LEAD ATTORNEY, Levy, Phillips & Konigsberg, LLP, New York, NY; Richard Alan [\*2] Levy, LEAD ATTORNEY, Levy, Ratner & Behroozi, P.C., New York, NY.

For Manuel Gomez, Plaintiff: Philip S. Raible, LEAD ATTORNEY, Mintz & Gold, L.L.P., New York, NY; Roland Gustaf Riopelle, LEAD ATTORNEY, Sercarz & Riopelle, L.L.P., New York, NY.

For Parnell Peterson, Fernando Sanchez, Plaintiffs: Barry Lax, LEAD ATTORNEY, The Lax Law Firm, New York, NY; Joshua H. Epstein, LEAD ATTORNEY, Dreier, L.L.P., New York, NY; Laurie J. McPherson, LEAD ATTORNEY, Shapiro, Forman, Allen, Miller & McPherson,

L.L.P., New York, NY; Philip S. Raible, Steven Glen Mintz, LEAD ATTORNEYS, Mintz & Gold, L.L.P., New York, NY; Roland Gustaf Riopelle, LEAD ATTORNEY, Sercarz & Riopelle, L.L.P., New York, NY.

For The City of New York, New York City Police Department, Rudolph W. Giuliani, as Mayor of the City of New York and individually, Patrick Kelleher, as First Deputy Police Commissioner and individually, George Grasso, as Deputy Commissioner and individually, Patrick Bradley, as Deputy Inspector and individually, Joseph Flynn, as Director and individually, Richard Kubick, as Special Prosecutor and individually, Charles V. Campisi, as Chief and individually, The Police Relief Fund, Inc., Defendants: [\*3] James M. Lemonedes, Julie E. O'Neill, LEAD ATTORNEYS, Corporation Counsel of the City of New York, New York, NY.

For Howard Safir, as the Commissioner of the Police Department of the City of New York and individually, Defendant: Julie E. O'Neill, LEAD ATTORNEY, Corporation Counsel of the City of New York, New York, NY.

James K. Thomas, Movant, Pro se, Kennesaw, GA.

**Judges:** Lewis A. Kaplan, United States District Judge.

**Opinion by:** Lewis A. Kaplan

### Opinion

### ORDER

LEWIS A. KAPLAN, *District Judge*.

This case was settled on a class action basis. Four class members opted out. The claims of three of those class members were settled. The claims of the fourth, Manuel Gomez, were tried in May 2005 together with a subsequent action brought by Gomez. The trial resulted in a directed verdict for the defendants on one issue and a hung jury on the balance.

Gomez's case was called for retrial on June 19, 2007. At the commencement of the trial, counsel agreed that the directed verdict in the prior trial resolved all of Gomez's

claims that were included in the class action. In consequence,  
the only remaining claims now on trial are those made in his  
subsequent action. SO ORDERED.

Dated: June 20, 2007

Accordingly, all [\*4] claims brought by all parties in this  
action now have been resolved. The Clerk shall enter final  
judgment and close this case. This is without prejudice to  
Gomez's subsequent action.

Lewis A. Kaplan

United States District Judge