

# Exhibit B

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of the Application of  
  
PATROLMEN’S BENEVOLENT ASSOCIATION  
OF THE CITY OF NEW YORK, INC.,

Petitioner

for a Judgment Pursuant to Article 78 of the  
Civil Practice Law and Rules

- against -

BILL DE BLASIO, IN HIS OFFICIAL  
CAPACITY AS MAYOR OF THE CITY OF  
NEW YORK, CITY OF NEW YORK, JAMES  
P. O’NEILL, IN HIS OFFICIAL CAPACITY AS  
COMMISSIONER OF THE NEW YORK CITY  
POLICE DEPARTMENT, and NEW YORK  
CITY POLICE DEPARTMENT,

Respondents.

Index No. 150181/2018

Hon. Shlomo S. Hagler

**[PROPOSED] VERIFIED ANSWER**

Intervenors-Respondents Reporters Committee for Freedom of the Press, Hearst Corporation, The Associated Press, BuzzFeed, Cable News Network, Inc., The Center for Investigative Reporting, Daily News, LP, Dow Jones & Company, Inc., Gannett Co., Inc., Gizmodo Media Group, New York Public Radio, The New York Times Company, NYP Holdings, Inc., and Spectrum News NY1 (“News Media Intervenors”), by their undersigned attorneys, submit the following as and for a Verified Answer to the Verified Petition/Complaint and state as follows:

1. Admit that this case concerns the release of police body-worn camera footage by Respondents Bill de Blasio, the City of New York, James P. O'Neill, and the New York City Police Department (collectively, the "City" or "Respondents"). News Media Intervenors otherwise deny the allegations contained in Paragraph 1 of the Verified Petition.
2. Deny the allegations contained in Paragraph 2 of the Verified Petition.
3. Deny the allegations contained in Paragraph 3 of the Verified Petition.
4. Admit that, on September 14, 2017, Respondents released some police body-worn camera footage to the public. As to the other allegations contained in Paragraph 4 of the Verified Petition, News Media Intervenors respectfully refer the court to the Petition's Exhibit T, which speaks for itself.
5. Deny the allegation contained in Paragraph 5 of the Verified Petition that various parties had a statutory right to be heard before the footage was released. As to the allegations contained in Paragraph 5 of the Verified Petition relating to the police commissioner's statements, News Media Intervenors respectfully refer the court to the Petition's Exhibit F, which speaks for itself. News Media Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the Verified Petition.
6. Deny the allegation contained in Paragraph 6 of the Verified Petition that Respondents' release of BWC footage has not followed a required process. As to the other allegations contained in Paragraph 6 of the Verified Petition, News Media Intervenors respectfully refer the court to the Petition's Exhibit U and V, which speak for themselves.
7. Deny the allegations contained in Paragraph 7 of the Verified Petition, except with respect to the allegations concerning the text of statements made by the New York Police

Department. With respect to those statements, News Media Intervenors respectfully refer the court to the Petition's Exhibits I and J, which speak for themselves.

8. Deny the allegations contained in Paragraph 8 of the Verified Petition.
9. Deny the allegations contained in Paragraph 9 of the Verified Petition.

#### **PARTIES**

10. Admit the allegations contained in Paragraph 10 of the Verified Petition.
11. Admit the allegations contained in Paragraph 11 of the Verified Petition.
12. Admit the allegations contained in Paragraph 12 of the Verified Petition.
13. Admit the allegations contained in Paragraph 13 of the Verified Petition.
14. Admit the allegations contained in Paragraph 14 of the Verified Petition.

#### **JURISDICTION AND VENUE**

15. Deny the allegations contained in Paragraph 15 of the Verified Petition, except that this purports to be an action brought pursuant to Article 78 of the CPLR.

16. Deny the allegations contained in Paragraph 16 of the Verified Petition, except that this purports to be an action brought pursuant to Article 78 of the CPLR.

17. Paragraph 17 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenors do not contest that this court has jurisdiction over Respondents.

18. Paragraph 18 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenors do not deny that this action is timely.

19. Paragraph 19 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenors do not contest that this court has personal jurisdiction over Respondents.

20. Paragraph 20 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenors respectfully refer the court to CPLR § 3001, which speaks for itself.

21. Paragraph 21 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenors do not contest that venue in this court is proper.

#### **FACTUAL BACKGROUND**

22. As to the allegations in Paragraph 22 of the Verified Petition, News Media Intervenors respectfully refer the court to Section 50-a of the New York Civil Rights Law, which speaks for itself.

23. As to the allegations in Paragraph 23 of the Verified Petition, News Media Intervenors respectfully refer the court to Section 50-a of the New York Civil Rights Law, which speaks for itself.

24. As to the allegations in Paragraph 24 of the Verified Petition, News Media Intervenors respectfully refer the court to Section 50-a of the New York Civil Rights Law, which speaks for itself.

25. As to the allegations in Paragraph 25 of the Verified Petition, News Media Intervenors respectfully refer the court to Section 50-a of the New York Civil Rights Law, which speaks for itself.

26. As to the allegations in Paragraph 26 of the Verified Petition, News Media Intervenor respectfully refer the court to Section 50-a of the New York Civil Rights Law, which speaks for itself.

27. As to the allegations in Paragraph 27 of the Verified Petition, News Media Intervenor respectfully refer the court to Section 50-a of the New York Civil Rights Law, which speaks for itself.

28. As to the allegations in Paragraph 28 of the Verified Petition, News Media Intervenor respectfully refer the court to the Appellate Division's decision in *Luongo v. Records Access Officer*, 150 A.D.3d 13 (1st Dep't 2017), which speaks for itself.

29. As to the allegations in Paragraph 29 of the Verified Petition, News Media Intervenor respectfully refer the court to Section 87(2)(f) of the New York Public Officers Law, which speaks for itself.

30. As to the allegations in Paragraph 30 of the Verified Petition, News Media Intervenor respectfully refer the court to the City Administrative Procedure Act, which speaks for itself.

31. As to the allegations in Paragraph 31 of the Verified Petition, News Media Intervenor respectfully refer the court to the City Administrative Procedure Act, which speaks for itself.

32. As to the allegations in Paragraph 32 of the Verified Petition, News Media Intervenor respectfully refer the court to the lawsuit in question, which speaks for itself.

33. As to the allegations in Paragraph 33 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

34. As to the allegations in Paragraph 34 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

35. Admit the allegation contained in Paragraph 35 of the Verified Petition that Respondents agreed to drop their appeal of the lawsuit referenced above.

36. As to the allegations in Paragraph 36 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

37. As to the allegations in Paragraph 37 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

38. As to the allegations in Paragraph 38 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

39. As to the allegations in Paragraph 39 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

40. As to the allegations in Paragraph 40 of the Verified Petition, News Media Intervenor respectfully refer the court to Judge Scheindlin's opinion, which speaks for itself.

41. As to the allegations in Paragraph 41 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

42. As to the allegations in Paragraph 42 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

43. As to the allegations in Paragraph 43 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

44. As to the allegations in Paragraph 44 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

45. As to the allegations in Paragraph 45 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

46. As to the allegations in Paragraph 46 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

47. As to the allegations in Paragraph 47 of the Verified Petition, News Media Intervenor respectfully refer the court to Operations Order 21, which speaks for itself.

48. As to the allegations in Paragraph 48 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit L, which speaks for itself.

49. As to the allegations in Paragraph 49 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit L, which speaks for itself.

50. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 50 of the Verified Petition.

51. Deny the allegations contained in Paragraph 51 of the Verified Petition.

52. Deny the allegations contained in Paragraph 52 of the Verified Petition.

53. Deny the allegations contained in Paragraph 53 of the Verified Petition.

54. Admit the allegations contained in Paragraph 54 of the Verified Petition.

55. As to the allegations in Paragraph 55 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit B, which speaks for itself.

56. As to the allegations in Paragraph 56 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit B, which speaks for itself.

57. As to the allegations in Paragraph 57 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit B, which speaks for itself.

58. As to the allegations in Paragraph 58 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit B, which speaks for itself.

59. Deny the allegations contained in Paragraph 59 of the Verified Petition.

60. As to the allegations in Paragraph 60 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit M, which speaks for itself.

61. As to the allegations in Paragraph 61 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit M, which speaks for itself.

62. As to the allegations in Paragraph 62 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit N, which speaks for itself.

63. As to the allegations in Paragraph 63 of the Verified Petition, News Media Intervenor respectfully refer the court to the press release cited, which speaks for itself.

64. Admit the allegations contained in Paragraph 65 of the Verified Petition.

65. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 65 of the Verified Petition as to the dates that legislation was introduced. Admit the allegation contained in Paragraph 65 of the Verified Petition that neither bill passed.

66. As to the allegations in Paragraph 66 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit Q, which speaks for itself.

67. As to the allegations in Paragraph 67 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit Q, which speaks for itself.

68. As to the allegations in Paragraph 68 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit Q, which speaks for itself.

69. Admits the allegations contained in Paragraph 69 of the Verified Petition.

70. As to the allegations in Paragraph 70 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit R, which speaks for itself.

71. As to the allegations in Paragraph 71 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit R, which speaks for itself.

72. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 72 of the Verified Petition.

73. As to the allegations in Paragraph 73 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit S, which speaks for itself.

74. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 74 of the Verified Petition.

75. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 75 of the Verified Petition.

76. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 76 of the Verified Petition.

77. Deny the allegations contained in Paragraph 77 of the Verified Petition.

78. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 78 of the Verified Petition.

79. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 79 of the Verified Petition.

80. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 80 of the Verified Petition.

81. Deny the allegations contained in Paragraph 81 of the Verified Petition.

82. Deny the allegations contained in Paragraph 82 of the Verified Petition.

83. Admit the allegations contained in Paragraph 83 of the Verified Petition.

84. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 84 of the Verified Petition.

85. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 85 of the Verified Petition.

86. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 86 of the Verified Petition.

87. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 87 of the Verified Petition.

88. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 88 of the Verified Petition.

89. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 89 of the Verified Petition.

90. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 90 of the Verified Petition.

91. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 91 of the Verified Petition.

92. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 92 of the Verified Petition.

93. Deny the allegations contained in Paragraph 93 of the Verified Complaint.

94. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 94 of the Verified Petition.

95. Deny the allegations contained in Paragraph 95 of the Verified Complaint.

96. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 96 of the Verified Petition.

97. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 97 of the Verified Petition.

98. Deny the allegations contained in Paragraph 98 of the Verified Petition.

99. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 99 of the Verified Petition.

100. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 100 of the Verified Petition.

101. Deny the allegation contained in Paragraph 101 of the Verified Petition that Respondents' action violated Section 50-a of the Civil Rights Law. As to the remaining allegations in Paragraph 101 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit E, which speaks for itself.

102. Deny the allegation contained in Paragraph 102 of the Verified Petition that Respondents' action risked harm to police officers. As to the remaining allegations in Paragraph 102 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit E, which speaks for itself.

103. Deny the allegation contained in Paragraph 103 of the Verified Petition that Respondents' action risked harm to police officers. As to the remaining allegations in Paragraph 103 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit E, which speaks for itself.

104. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 104 of the Verified Petition.

105. As to the allegations in Paragraph 105 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit D, which speaks for itself.

106. Deny the allegation contained in Paragraph 106 of the Verified Petition that Respondents' action violated Section 50-a of the Civil Rights Law. As to the remaining

allegations in Paragraph 106 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit D, which speaks for itself.

107. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 107 of the Verified Petition.

108. Deny the allegation that the release of BWC video was "illegal". As to the remaining allegations in Paragraph 108 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit F, which speaks for itself.

109. As to the allegations in Paragraph 109 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit F, which speaks for itself.

110. As to the allegations in Paragraph 110 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit F, which speaks for itself.

111. As to the allegations in Paragraph 111 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit F, which speaks for itself.

112. As to the allegations in Paragraph 112 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit F, which speaks for itself.

113. Admit the allegations contained in Paragraph 113 of the Verified Petition.

114. Deny the allegation contained in Paragraph 114 of the Verified Petition that Respondents' release of BWC footage has been "haphazard." As to the remaining allegations in

Paragraph 114 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit T which speaks for itself.

115. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 115 of the Verified Petition.

116. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 116 of the Verified Petition.

117. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 117 of the Verified Petition.

118. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 118 of the Verified Petition.

119. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 119 of the Verified Petition.

120. Deny the allegations contained in Paragraph 120 of the Verified Petition.

121. Deny the allegations contained in Paragraph 121 of the Verified Petition.

122. Deny the allegations contained in Paragraph 122 of the Verified Petition.

123. Admit the allegations contained in Paragraph 123 of the Verified Petition.

124. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 124 of the Verified Petition.

125. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 125 of the Verified Petition.

126. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 126 of the Verified Petition.

127. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 127 of the Verified Petition.

128. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 128 of the Verified Petition.

129. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 129 of the Verified Petition.

130. Deny the allegation contained in Paragraph 130 of the Verified Petition that BWC footage is protected by Section 50-a of the Civil Rights Law. As to the remaining allegations in Paragraph 130 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit G, which speaks for itself.

131. Admit the allegations contained in Paragraph 131 that the NYPD released BWC footage of the Cummings shooting pm November 27, 2017. As to the remaining allegations in Paragraph 131 of the Verified Petition, News Media Intervenors lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations therein.

132. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 132 of the Verified Petition.

133. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 133 of the Verified Petition.

134. Deny the allegations contained in Paragraph 134 of the Verified Petition, to the extent these allegations are intended to imply that such a court order was required before releasing the footage. News Media Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 134 of the Verified Petition.

135. Deny the allegations contained in Paragraph 135 of the Verified Petition, to the extent these allegations are intended to imply that the officers' consent was required before releasing the footage. News Media Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 135 of the Verified Petition.

136. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 136 of the Verified Petition.

137. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 137 of the Verified Petition.

138. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 138 of the Verified Petition.

139. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 139 of the Verified Petition.

140. Deny the allegations contained in Paragraph 140 of the Verified Petition.

141. Deny the allegations contained in Paragraph 141 of the Verified Petition.

142. Admit the allegations contained in Paragraph 142 of the Verified Petition.

143. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 143 of the Verified Petition.

144. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 144 of the Verified Petition.

145. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 145 of the Verified Petition.

146. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 146 of the Verified Petition.

147. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 147 of the Verified Petition.

148. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 148 of the Verified Petition.

149. Deny the allegation contained in Paragraph 149 of the Verified Petition that BWC footage is protected by Section 50-a of the Civil Rights Law. As to the remaining allegations in Paragraph 149 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit H, which speaks for itself.

150. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 150 of the Verified Petition.

151. As to the allegations in Paragraph 151 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit V, which speaks for itself.

152. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 152 of the Verified Petition.

153. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 153 of the Verified Petition.

154. Deny the allegations contained in Paragraph 154 of the Verified Petition, to the extent these allegations are intended to imply that such a court order was required before releasing the footage. News Media Intervenors otherwise lack knowledge or information

sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 154 of the Verified Petition.

155. Deny the allegations contained in Paragraph 155 of the Verified Petition, to the extent these allegations are intended to imply that the officers' consent was required before releasing the footage. News Media Intervenors otherwise lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 155 of the Verified Petition.

156. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 156 of the Verified Petition.

157. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 157 of the Verified Petition.

158. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 158 of the Verified Petition.

159. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 159 of the Verified Petition.

160. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 160 of the Verified Petition.

161. Deny the allegations contained in Paragraph 161 of the Verified Petition.

162. Deny the allegations contained in Paragraph 162 of the Verified Petition.

163. As to the allegations in Paragraph 163 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit I which speaks for itself.

164. As to the allegations in Paragraph 164 of the Verified Petition, News Media Intervenors respectfully refer the court to the Verified Petition's Exhibit I which speaks for itself.

165. As to the allegations in Paragraph 165 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit I which speaks for itself.

166. As to the allegations in Paragraph 166 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit I which speaks for itself.

167. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 167 of the Verified Petition.

168. As to the allegations in Paragraph 168 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit I which speaks for itself.

169. Paragraph 169 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenor deny the allegations contained in Paragraph 169 of the Verified Petition.

170. Deny the allegation contained in Paragraph 170 of the Verified Petition that BWC footage is protected by Section 50-a of the Civil Rights Law. As to the remaining allegations in Paragraph 170 of the Verified Petition, News Media Intervenor respectfully refer the court to the Verified Petition's Exhibit J, which speaks for itself.

171. Deny the allegations contained in Paragraph 171 of the Verified Petition.

172. Deny the allegations contained in Paragraph 172 of the Verified Petition.

173. Deny the allegations contained in Paragraph 173 of the Verified Petition.

174. Deny the allegations contained in Paragraph 174 of the Verified Petition.

175. Deny the allegations contained in Paragraph 175 of the Verified Petition.

176. Deny the allegations contained in Paragraph 176 of the Verified Petition.

**CLAIMS FOR RELIEF**  
**First Cause of Action**

177. Repeat and re-allege each and every response to Paragraphs 1 through 176 of the Verified Petition as if fully stated herein.

178. Deny the allegations contained in Paragraph 178 of the Verified Petition.

179. Deny the allegations contained in Paragraph 179 of the Verified Petition to the extent that Petitioner intends to imply that evaluation of the officers' performance is the primary nature and use of the footage, or that the footage is therefore a personnel record. As to the remaining allegations in Paragraph 179 of the Verified Petition, News Media Intervenors lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations therein.

180. Deny the allegations contained in Paragraph 180 of the Verified Petition.

181. Deny the allegations contained in Paragraph 181 of the Verified Petition.

182. Deny the allegations contained in Paragraph 182 of the Verified Petition.

183. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 183 of the Verified Petition.

184. Deny the allegations contained in Paragraph 184 of the Verified Petition.

185. Deny the allegations contained in Paragraph 185 of the Verified Petition.

186. No response is required to the relief sought by Petitioner in Paragraph 186 of the Verified Petition. However, to the extent a response is required, News Media Intervenors deny that Petitioner is entitled to the relief sought.

**Second Cause of Action**

187. Repeat and re-allege each and every response to Paragraphs 1 through 186 of the Verified Petition as if fully stated herein.

188. Deny the allegations contained in Paragraph 188 of the Verified Petition.

189. Deny the allegations contained in Paragraph 189 of the Verified Petition.

190. Deny the allegations contained in Paragraph 190 of the Verified Petition.

191. Deny the allegations contained in Paragraph 191 of the Verified Petition.

192. No response is required to the relief sought by Petitioner in Paragraph 192 of the Verified Petition. However, to the extent a response is required, News Media Intervenors deny that Petitioner is entitled to the relief sought.

**Third Cause of Action**

193. Repeat and re-allege each and every response to Paragraphs 1 through 192 of the Verified Petition as if fully stated herein.

194. Paragraph 194 states a legal conclusion to which no response is required.

195. Paragraph 195 states a legal conclusion to which no response is required.

196. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 196 of the Verified Petition.

197. Deny the allegations contained in Paragraph 197 of the Verified Petition to the extent that Petitioner intends to imply that evaluation of the officers' performance is the primary nature and use of the footage, or that the footage is therefore a personnel record. As to the remaining allegations in Paragraph 197 of the Verified Petition, News Media Intervenors lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations therein.

198. Lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 198 of the Verified Petition.

199. No response is required to the relief sought by Petitioner in Paragraph 199 of the Verified Petition. However, to the extent a response is required, News Media Intervenors deny that Petitioner is entitled to the relief sought.

200. No response is required to the relief sought by Petitioner in Paragraph 200 of the Verified Petition. However, to the extent a response is required, News Media Intervenors deny that Petitioner is entitled to the relief sought.

#### **Fourth Cause of Action**

201. Repeat and re-allege each and every response to Paragraphs 1 through 200 of the Verified Petition as if fully stated herein.

202. Paragraph 202 states a legal conclusion to which no response is required. To the extent a response is required, News Media Intervenors deny the allegations contained in Paragraph 202 of the Verified Petition.

203. No response is required to the relief sought by Petitioner in Paragraph 203 of the Verified Petition. However, to the extent a response is required, News Media Intervenors deny that Petitioner is entitled to the relief sought.

#### **AS AND FOR A FIRST DEFENSE**

Petitioner has failed to state a claim upon which relief can be granted.

#### **AS AND FOR A SECOND DEFENSE**

New York Civil Rights Law § 50-a does not apply to BWC footage.

**AS AND FOR A THIRD DEFENSE**

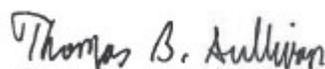
Public Officers Law § 87(2)(f) does not bar the release of the BWC footage at issue here.

**AS AND FOR A FOURTH DEFENSE**

Even if New York Civil Rights Law § 50-a or Public Officers Law § 87(2)(f) could exempt the BWC footage from disclosure, Respondents has discretion to voluntarily release the footage at issue.

WHEREFORE, News Media Intervenors respectfully request that the relief sought in the Verified Petition be denied, and that the Verified Petition and this proceeding be dismissed, together with such other relief as may be right and just.

Dated: New York, New York  
March 1, 2018



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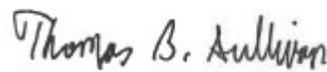
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## VERIFICATION

I, THOMAS B. SULLIVAN, an attorney admitted to the practice of law before the courts of the State of New York, and not a party to the above-entitled cause, affirm the following to be true under the penalties of perjury pursuant to CPLR 2106:

1. I am co-counsel for News Media Intervenors in this matter.
2. I have read the Verified Answer and hereby state that it is true to my knowledge, except as to matters therein stated on information and belief, and that as to those matters I believe it to be true.
3. The grounds of my belief as to all matters not stated upon my knowledge are correspondence and other writings furnished to me by News Media Intervenors.
4. The various News Media Intervenors are united in interest in this matter.
5. I make this verification, pursuant to CPLR 3020(d)(3), as News Media Intervenor Reporters Committee for Freedom of the Press, located in Washington, DC, is not in New York County, the county where I have my office. In addition, various News Media Intervenors are foreign corporations.

Dated: March 1, 2018  
New York, NY



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THOMAS B. SULLIVAN