

Court of Appeals
STATE OF NEW YORK

TALIB W. ABDUR-RASHID,

Petitioner-Appellant,

—against—

NEW YORK CITY POLICE DEPARTMENT and RAYMOND KELLY,
IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE
NEW YORK CITY POLICE DEPARTMENT,

Defendants-Respondents.

**BRIEF OF *AMICI CURIAE* THE REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS AND 20 MEDIA ORGANIZATIONS*
IN SUPPORT OF APPELLANT**

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INTEREST OF AMICI CURIAE

***Amici curiae* are the Reporters Committee for Freedom of the Press and 30 Media**

Organizations. *Amici* are described in more detail in Appendix A.

This case presents issues of substantial importance to *amici*. Members of the news media frequently utilize state and federal freedom of information laws, including New York’s Freedom of Information Law (“FOIL”), to gather news and keep the public informed about the activities and operations of government. *Amici* have a strong interest in ensuring that such laws remain powerful tools to facilitate public access to government records and assure government accountability. The Appellate Division’s decision below, affirming a municipal agency’s issuance of a so-called “Glomar” response to a FOIL request—that is, a refusal to either confirm or deny the existence of public records responsive to a request—will harm FOIL’s ability to serve as an effective means for public oversight of state and local government. Because the Appellate Division’s wholesale adoption of this judicially crafted federal doctrine will, if upheld, work a drastic change to FOIL, and will hinder the news media’s ability to keep the citizens of New York informed about their government, *amici* write to urge this Court to reverse.

INTRODUCTION AND SUMMARY OF ARGUMENT

This case concerns whether a municipal government agency may refuse to either confirm or deny whether it has records requested by a member of the public

under New York’s Freedom of Information Law, N.Y. Pub. Off. Law §§ 84–90 (“FOIL”). The Appellate Division, First Department, concluded that such a response is permissible under FOIL. For the reasons set forth in Appellant’s brief and herein, this Court should reverse.

Freedom of information laws like FOIL have been enacted at the federal level, as well as in every state and the District of Columbia. They exist to facilitate public access to government information and to enable meaningful public oversight of government agencies and officials. *See, e.g.*, FOIL § 84 (“a free society is maintained . . . when the public is aware of governmental actions”). Such laws generally require a government agency in receipt of a request for public records to respond in one of three ways: (1) to produce the requested records, (2) if a specific exemption applies, to withhold the requested records or the portions thereof that are exempt from disclosure under applicable law, or (3) to inform the requester that there are no records responsive to the request. In this case, the New York City Police Department (“NYPD”) adopted a fourth approach not found in any provision of FOIL. It issued what is known at the federal level as a “Glomar” response, refusing to either confirm or deny the existence of requested records. The Appellate Division, below, relying on federal caselaw, erroneously concluded that such a response is permissible under FOIL and is consistent with the law’s

legislative intent, purpose, and the policy underlying it. *See Abdur-Rashid v. N.Y. City Police Dep't*, 37 N.Y.S.3d 64, 65 (N.Y. App. Div. 2016).

The Glomar doctrine, a creature of federal decisional law, was developed to address uniquely federal concerns. It was developed by courts at the height of the Cold War to protect the most sensitive of national security activities from being revealed through requests for records made under the federal Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Since then, use of the Glomar response has broadly expanded, including into areas that could not have been imagined by the federal court that first authorized it.

Judicial incorporation of the Glomar doctrine into New York’s FOIL will work a profound change to this State’s statutory open records regime that was not contemplated—let alone adopted—by the Legislature. And, if the federal experience is any example, judicial adoption of that doctrine here will have a significant practical effect on the public’s statutory rights of access to state and local government information. An explosion in the use of the Glomar doctrine at the federal level has had a marked negative effect on the ability of the news media and the public to monitor federal government activity. If New York courts open the door to the issuance of Glomar responses by state and local government agencies in this case, over time, use of the Glomar doctrine by such agencies may spread far beyond the facts presented here.

The Glomar doctrine has significantly altered the nature of FOIA litigation in federal courts, inhibiting the ability of requesters and judges alike to evaluate government exemption claims in a true adversarial process. Among other things, the Glomar doctrine countenances the assertion of broad, sweeping, and generalized exemptions for categories of records and effectively shifts the burden of proof from the government entity to the requester—two striking departures from this Court’s long-standing line of decisions interpreting FOIL.

The Appellate Division’s decision grafting the federal Glomar doctrine onto New York’s FOIL is particularly worrisome for members of the news media, who routinely rely on FOIL as a means to gather news and information about the government, including law enforcement agencies like the NYPD, for the benefit of the public. Indeed, the NYPD—the largest municipal police force in the United States—is already a notoriously opaque agency with a history of failing to comply with its obligations under FOIL. *See, e.g.,* CJ Ciarmella, *Secrets of the NYPD*, Salon.com (May 8, 2013), *archived at* <https://perma.cc/27KH-9TPN> (reporting that the NYPD routinely ignores a third of all FOIL requests it receives). As one of the trial court decisions in this case correctly recognized, to permit state and local agencies like the NYPD to issue Glomar responses would only make it more difficult for the press to use FOIL as a tool to keep citizens informed about the activities of their government, including local law enforcement. *See Hashmi v.*

N.Y.C. Police Dept, 998 N.Y.S.2d 596, 603 (N.Y. Sup. Ct. 2014) (“The insertion of the Glomar doctrine into FOIL would build an impregnable wall against disclosure of any information concerning the NYPD’s anti-terrorism activities.”).

Because Glomar is a judicial doctrine, this Court has both the authority and obligation to consider its likely effects and whether those effects are compatible with FOIL’s unequivocal declaration that access to government records “should not be thwarted by shrouding [them] with the cloak of secrecy or confidentiality.” FOIL § 84; *see also Fink v. Lefkowitz*, 47 N.Y.2d 567, 571 (1979) (FOIL “proceeds under the premise that the public is vested with an inherent right to know and that official secrecy is anathematic to our form of government.”). *Amici* submit that the unbridled and unintended use of the Glomar doctrine at the federal level, and the resulting decrease in public awareness of activities of government, provide ample reason for this Court to reject its adoption in this state. *Amici* urge this Court to ensure that FOIL continues to fulfill its foundational role in the democratic structure of New York’s government and, for the reasons set forth herein and in Appellant’s brief, reverse the decision of the Appellate Division.

ARGUMENT

I. Use of the Glomar response, which was developed to protect the most sensitive national security secrets, has exploded across federal agencies.

The Glomar doctrine emerged during the Cold War in response to requests made under the federal FOIA for agency records related to covert actions of the United States government. *See Phillippi v. Central Intelligence Agency*, 546 F.2d 1009 (D.C. Cir. 1976) (“*Phillippi I*”). In *Phillippi I*, the D.C. Circuit implicitly upheld a refusal by the Central Intelligence Agency (“CIA”) to “neither confirm nor deny” the existence of records concerning its efforts to suppress reporting about the Hughes Glomar Explorer, a ship that was part of a U.S. government operation to recover a Soviet nuclear submarine that had sank in the Pacific Ocean in 1968. *See id*; *Phillippi v. CIA*, 655 F.2d 1325, 1326 (D.C. Cir. 1981) (“*Phillippi II*”); *Military Audit Project v. Casey*, 656 F.2d 724 (D.C. Cir. 1981); *see also* Norman Polmar & Michael White, *Project Azorian: the CIA and the Raising of the K-129* (2012). The “classified CIA program” of which the Hughes Glomar Explorer was a part aimed to “recover the missiles, codes, and communications equipment onboard [the Soviet submarine] for analysis by United States military and intelligence experts.” *Phillippi II*, 655 F.2d at 1327.

In both *Phillippi I* and *Military Audit Project*, the government argued that “(o)fficial acknowledgment of the involvement of specific” U.S. government

agencies in that operation “would disclose the nature and purpose of” the CIA’s classified program “and could . . . severely damage the foreign relations and the national defense of the United States.” *Phillippi I*, 546 F.2d at 1013–14. The D.C. Circuit’s opinion, while implicitly approving the CIA’s response, also made clear that the case before it presented unique and very sensitive circumstances. *See id.* at 1010–15. There is no indication that the court anticipated that what is now referred to as a “Glomar” response would become commonplace under FOIA. *See id.*

Yet since *Phillippi I* invocation of the Glomar doctrine has become “a staple of evasion” for federal agencies who wish to avoid public scrutiny. Paul H.B. Shin, *The CIA’s Secret History of the Phrase ‘Can Neither Confirm Nor Deny’*, ABC News (Jun. 6, 2014), <http://perma.cc/7Z65-HMNE>; *see also* Michael D. Becker, *Piercing Glomar: Using the Freedom of Information Act and the Official Acknowledgment Doctrine to Keep Government Secrecy in Check*, 64 Admin. L. Rev. 673, 688 (2012) (“[I]t was not the intent of the D.C. Circuit—nor Congress, for that matter—for the Glomar response to explode as it has.”). Federal agencies far removed from the national security considerations that gave rise to the Glomar doctrine in the first instance have seized upon the opportunity to “neither confirm nor deny” the existence of records requested under FOIA. For example, in 2002 the Securities and Exchange Commission (“SEC”) issued almost 100 Glomar responses to FOIA requests. *Securities and Exchange Commission Freedom of*

Information Act Annual Report for the Fiscal Year Ending September 30, 2003, <https://perma.cc/7WEZ-JN33>.¹ And the SEC is not alone; the Internal Revenue Service (“IRS”) and even the U.S. Postal Service have taken to issuing Glomar responses. Alex Richardson & Joshua Eaton, *Postal Service and the IRS join the CIA in handing out GLOMAR denials*, MuckRock (Mar. 17, 2015), <https://perma.cc/4RBN-B26K>.

One recent Glomar response from the U.S. Postal Service was issued in response to a reporter’s request for records that had already been released to another reporter and that had formed the basis of a story that ran in *The New York Times*. Alex Richardson & Joshua Eaton, *supra*. The Postal Service argued that confirming or denying the existence of such records would violate the reporter’s privacy. *Id.* The Postal Service is not the only federal agency to take this expansive view of what might justify issuing a Glomar response. Other federal agencies have similarly cited purported privacy interests under Exemptions 6 and 7(C) of FOIA as a basis for refusing to confirm or deny the existence of requested records. Nathan Freed Wessler, “[*We*] Can Neither Confirm nor Deny the Existence or Nonexistence of Records Responsive to Your Request”: *Reforming the Glomar Response Under FOIA*,” 85 N.Y.U. L. Rev. 1381, 1389 (2010). This same “privacy” rationale has also been asserted in cases where agencies “respond to a

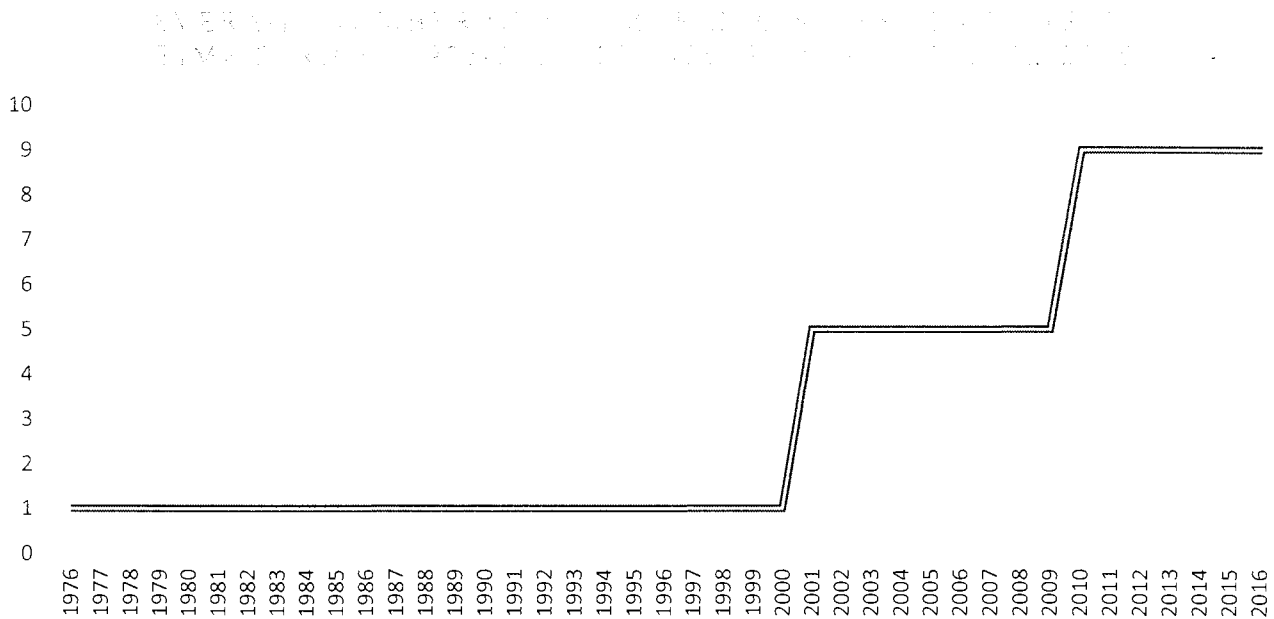
¹ That the SEC published the number of Glomar responses it issued that year is unusual; agencies do not generally divulge such numbers to the public.

FOIA request for information concerning wrongdoing by government employees” with a Glomar response. John Y. Gotanda, *Glomar Denials Under FOIA: A Problematic Privilege and A Proposed Alternative Procedure of Review*, 56 U. Pitt. L. Rev. 165, 166 (1994). In short, even though the Glomar doctrine was created by federal courts to address the most secret of national security operations, it is now being used to impede public access to government records for reasons that go far beyond the rationale underlying those early cases.

The sheer increase in the use of Glomar responses by federal agencies can be seen in the number of FOIA opinions issued by federal courts. According to the National Security Archive,² there were approximately 20 opinions involving a Glomar response between 1976 and 2001, an average of less than one a year. *See Amicus Curiae* Brief of Nat’l Sec. Archive in Support of Appellants to Vacate and Remand at 9, *Wilner v. Nat’l Sec. Agency*, 592 F.3d 60 (2d Cir. 2009), *archived at* <https://perma.cc/U2Q9-3VXQ>. Between September 11, 2001 and 2009, however, there were approximately 60 decisions involving a Glomar response, an average of five per year. *See id.* From 2010 to 2012 there were at least 28 judicial decisions involving the issuance of a Glomar response, an average of nine per year, *see Court Decisions*, United States Department of Justice, *archived at* <https://perma.cc/KKH9-7M3V>, and from 2013 to the end of 2016 there were at

² The National Security Archive is a non-profit research and journalism center based at The George Washington University.

least 35 more Glomar-related decisions. *See Court Decisions*, United States Department of Justice, *archived at* <https://perma.cc/VHQ8-H3H9>.



It is difficult to imagine that the D.C. Circuit, when it decided *Phillippi I*, could have foreseen such a massive spike in Glomar litigation given the unique circumstances of that case. Yet several decades later, the Glomar doctrine is now a regular feature of FOIA litigation.

Adoption of the Glomar doctrine can increase government secrecy in more subtle ways. At the federal level, for example, the Glomar doctrine frequently works hand-in-hand with the widespread problem of over-classification of government information to keep the public in the dark about government activities.

As one federal district court put it:

The danger of Glomar responses is that they encourage an unfortunate tendency of government officials to over-classify information,

frequently keeping secret that which the public already knows, or that which is more embarrassing than revelatory of intelligence sources or methods. [. . .] The practice of secrecy, to compartmentalize knowledge to those having a clear need to know, makes it difficult to hold executives accountable and compromises the basics of a free and open democratic society.

ACLU v. Dept. of Defense, 389 F. Supp. 2d 547, 561 (S.D.N.Y. 2005).

Classification of records and information at the federal level has become “rampant” in the last few decades. *See* Elizabeth Goitein and David M. Shapiro, *Reducing Overclassification Through Accountability*, Brennan Center for Justice (2011), *archived at* <https://perma.cc/43J6-JSRM>. This drive toward keeping ever-increasing amounts of government information secret, according to commenters, threatens to overtake the “singularly American” commitment to open government. *See* Daniel Patrick Moynihan, *Secrecy* 227 (1998) (quoted in *ACLU v. Dept. of Defense*, 389 F. Supp. 2d 547, 562 (S.D.N.Y. 2005)).

There is no reason to think that New York state and local agencies would avoid falling into a similar secrecy trap if use of the Glomar doctrine is judicially approved by courts in this state. This is particularly concerning with respect to agencies like the NYPD that have already demonstrated a penchant for excessive secrecy. For example, despite the fact that New York’s municipal governments do not have the authority to classify documents, *see Hashmi v. New York City Police Department*, 998 N.Y.S.2d 596, 604 (N.Y. Sup. Ct., 2016), the NYPD maintains an extensive system whereby it labels some internal documents “Secret.” Matt

Sledge, *NYPD 'Secret' Classification For Documents 'Means Diddly' In Eyes of Legal Experts*, The Huffington Post (Sep. 16, 2013), <https://perma.cc/TE4V-HVGE>. By doing so, the NYPD's "Intelligence Division appears to be operating its own in-house classification system, similar to those used at federal agencies like the CIA," where the Intelligence Division's former chief, David Cohen, "previously worked for 35 years." *Id.*

The NYPD has also adopted another feature of the trend toward increasing secrecy at the federal level: the so-called "mosaic theory," which "posits that '[e]ven disclosure of what appears to be the most innocuous information' may pose 'a threat to national security . . . because it might permit our adversaries to piece together sensitive information.'" Wessler, 85 N.Y.U. L. Rev. at 1397. The NYPD has cited the "mosaic theory" as a basis for denying FOIL requests for financial information relating to its Zone Assessment Unit, which until recently surveilled local Muslim communities. *See* Matt Sledge, *NYPD Cites Mosaic Theory, Favored by FBI and NSA, To Deny Access to Budget Records*, The Huffington Post (Dec. 30, 2013), <http://perma.cc/LCF3-PJRU>; Matt Apuzzo & Joseph Goldstein, *New York Drops Unit That Spied on Muslims*, N.Y. Times (Apr. 15, 2014), <http://nyti.ms/1evdnCO>.³ Permitting the NYPD and other state and

³ The NYPD's development of a surveillance program secretly targeting American Muslims has been widely reported. *See* Matt Apuzzo & Adam Goldman, *With CIA help, NYPD moves covertly in Muslim areas*, The Associated Press (Aug. 23, 2011), <http://perma.cc/TQP9-QWBW>.

local agencies in New York to issue Glomar responses to FOIL requests will only intensify what is already a growing and problematic trend toward secrecy at all levels of government.

The evolution of the federal Glomar doctrine is a cautionary tale with profound implications that were not addressed in any way by the Appellate Division's decision below. *See Abdur-Rashid v. N.Y. City Police Dep't*, 37 N.Y.S.3d 64 (N.Y. App. Div. 2016). The appellate court merely concluded that because FOIL is somewhat similar to FOIA, the 40-year history of the federal Glomar doctrine should be grafted wholesale onto New York law. *See id.*

There can be little doubt that there are many state and local government entities in New York that would prefer to operate in secrecy, avoiding public records requests entirely and answering only to their superiors. But that is not the type of government that exists in New York. The Legislature in enacting FOIL made expressly clear that

a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. . . . The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society.

See also Charlie Savage, *C.I.A. Report Finds Concern With Ties to New York Police*, N.Y. Times (Jun. 26, 2013), <http://nyti.ms/10WOAAB>. According to the Associated Press, NYPD officials have defended the surveillance, but admit that they have been “careful to keep information about some programs out of court, where a judge might take a different view. The NYPD considers even basic details, such as the intelligence division’s organization chart, to be too sensitive to reveal in court.” Apuzzo & Goldman, *supra*.

FOIL § 84. This declaration cannot and should not be dismissed as ornamental language; it represents a democratic commitment that will be threatened by judicial adoption of the Glomar doctrine—a doctrine not provided for by the Legislature.

The federal experience demonstrates why this Court should refuse to incorporate the Glomar doctrine into FOIL. If the door to Glomar responses is opened in this case, it may serve as an invitation to the NYPD and other state and local government entities to routinely refuse to confirm or deny the existence of records. A school district may wish to conceal the existence of records about an abusive teacher. An agency may find it convenient to neither confirm nor deny that it was warned about a health risk to the public. A police department may want to refuse to disclose whether it has body-worn camera or other video of a use-of-force incident that results in the death of a member of the public. Such potential outcomes were not contemplated nor sanctioned by the Legislature when it enacted FOIL.

II. Glomar responses will inhibit the ability of plaintiffs and courts to evaluate withholdings in FOIL cases and constitute a radical change to FOIL; such a change, if made at all, should be made by the Legislature.

Incorporating the federal Glomar doctrine wholesale into New York law, as the Appellate Division did below, will complicate matters for plaintiffs and judges seeking to evaluate the propriety of government refusals to provide information under FOIL. Glomar proceedings are unique in public records law because they

both (1) dramatically expand the already-existing “asymmetrical access to information between the requesting party and the responding agency[.]” Wessler, *supra* at 1391, and (2) shift power from the judiciary to the executive, inhibiting the former’s ability to function as an independent arbiter informed by the arguments of adversarial parties. As explained in more detail below, in the context of FOIL, these changes would be so profound that they would undermine well-settled precedent of this Court. Such a departure from the long-standing commitment to open government in this state, if it is to happen at all, is a decision best left to the Legislature.

At the federal level, the issuance of a Glomar response is usually a death knell for the public’s right to know. Generally, FOIA requesters have several options for redress if their request is denied, all of which require the agency to provide specific and particularized information to justify the denial. For example, in most FOIA litigation the agency is required to give a detailed accounting of the records being withheld and the reasons therefore (usually in the form of a so-called *Vaughn* index⁴). But that is not the case when it comes to a Glomar response. Instead, after a lawsuit is brought the agency will simply submit an affidavit to the court saying that the broad category of records sought “logically falls within the claimed exemptions.” *Wilner*, 592 F.3d at 68. The plaintiff and the court are then

⁴ *Vaughn v. Rosen (II)*, 523 F.2d 1136 (D.C. Cir. 1975).

left trying to evaluate hypotheticals, namely, whether the category of records the plaintiff requested might theoretically fall within the scope of an exemption, but without any concrete information to inform their deliberations. In sum, as the trial court in this case stated below: “A Glomar response virtually stifles an adversary proceeding.” *Hashmi*, 998 N.Y.S.2d at 603.

This is antithetical to this Court’s holding that “blanket exemptions for particular types of documents are inimical to FOIL’s policy of open government[.]” *Gould v. N.Y. City Police Dep’t*, 89 N.Y.2d 267, 275, (1996) (citations and quotations omitted). So too is it contrary to this Court’s long-standing precedent holding that agencies must articulate “particularized and specific justification” for withholding requested documents. *Fink v. Lefkowitz*, 47 N.Y.2d 567, 571 (1979); *cf. Hashmi*, 998 N.Y.S.2d at 601 (“When an agency asserts a Glomar response, the discussion of exemption is more abstract, and not anchored to any particular document.”).

Since *Phillippi I* was decided, federal agencies asserting Glomar responses have submitted “increasingly boilerplate” public declarations to justify invoking the Glomar doctrine. *Becker*, 64 Admin. L. Rev. at 689. Courts may review more detailed reasoning in support of a Glomar response *in camera*, but even that is atypical. Generally, “[c]ourts give tremendous deference to agency arguments, accepting them if they are ‘logical or plausible.’” *Wessler*, 85 N.Y.U. L. Rev. at

1393. In fact, judicial review of Glomar responses has typically been so deferential that commentators have called on courts to conduct more *in camera* review, despite the fact that such closed-door deliberations are themselves contrary to the goals of openness and government transparency. *See, e.g., id.* at 1409 (“Courts could also take advantage of their *in camera* review power to demand that agencies produce more evidence to justify their invocation of the Glomar response, including any underlying records (if they exist) or an admission that records do not exist if that is the case.”).

Glomar responses also effectively reverse the burden placed on the agency to justify its withholding of responsive records. *See, e.g., Gould*, 89 N.Y.2d at 275 (under FOIL “the burden rest[s] on the agency to demonstrate that the requested material indeed qualifies for exemption[.]” (citation omitted)). If a court decides that a federal agency used a Glomar response properly—*i.e.*, that the agency cleared the low bar of demonstrating that the response is “logical or plausible”—the burden shifts to the requester, who has only two ways to try to force an agency to confirm or deny the existence of a record. The requestor must either (1) show that the same agency has already officially acknowledged the existence of the record, or (2) that the agency is acting in bad faith, *Wessler*, 85 N.Y.U. L. Rev. at 1393—extremely demanding hurdles that requesters often cannot satisfy. Thus, if an agency wishes to evade a records request, and escape meaningful judicial

review of that conduct, a Glomar response is the first—and often final—weapon of choice.

The Appellate Division gave short-shrift to these concerns, dispensing with the complex procedural questions raised over 40 years of federal caselaw in a mere three paragraphs. *See Abdur-Rashid*, 37 N.Y.S.3d. at 66. Indeed, the Appellate Division showed far less concern with respect to the damage to the adversarial process wrought by Glomar than the D.C. Circuit in *Phillippi I*, which took great pains to explain the necessity of detailed public affidavits and the use of discovery “to clarify the Agency’s position or to identify the procedures by which that position was established.” *Phillippi I*, 546 F.2d at 1013. Given the radical ways in which the Glomar doctrine would alter FOIL, the question of whether it should be incorporated into state law and, if so, to what extent, is a decision best left to the Legislature. Indeed, if this Court sanctions the Glomar doctrine, it would be the first high court of any state or the District of Columbia to do so. *Amici* are aware of only one other state intermediate appellate court that has sanctioned a Glomar-like response, doing so, in part, by citing the Appellate Division’s decision in this case. *See North Jersey Media Grp. Inc. v. Bergen Cty. Prosecutor’s Office*, 146 A.3d 656, 666 (N.J. App. Div. 2016). If the Glomar doctrine is permitted here, New York will be leading the way into a new era of secrecy for state and local government agencies.

That the New York Legislature has not amended FOIL in the 40 years since the Glomar doctrine came into existence at the federal level should not be discounted. Many of FOIL's provisions were modeled after FOIA, and the Legislature has, in the past, amended FOIL to mirror changes in federal law. *See Leshner v. Hynes*, 19 N.Y.3d 57, 64 (2012) (noting FOIL's law enforcement exemption was amended in 1977 following a similar change to FOIA in 1974). That is not the case here. The Legislature has not taken steps to incorporate the Glomar doctrine into FOIL, despite the fact that it has existed for decades in federal courts and that Congress approved of a Glomar-like response in certain circumstances in its 1986 amendments to FOIA. *See* 132 Cong. Rec. 9467-68 (daily ed. Oct. 8, 1986) (statement of Rep. English). The absence of any such legislation counsels in favor of restraint by the judiciary.

Were the Legislature to choose to amend FOIL to permit a Glomar-like response, it is quite possible that it would not adopt the federal doctrine wholesale. That is precisely what the Indiana General Assembly did in 2013 when it amended its freedom of information law to permit agencies to “[r]efuse to confirm or deny the existence of [a] record” in certain circumstances. 2013 Ind. Acts 3413–14, *available at* https://iga.in.gov/static-documents/8/4/0/7/8407e19c/acts_2013.pdf. Indiana did not adopt the entirety of the federal Glomar doctrine, but instead limited its scope to certain types of records where disclosure of their existence or

non-existence would cause certain types of specified harm, such as compromising an ongoing law enforcement investigation or threatening public safety. *See* Ind. Code Ann. § 5-14-3-4.4(a)–(b). The General Assembly also set forth detailed procedures for such responses at both the administrative and judicial review stages. *See id.* at § 5-14-3-4.4(c)–(j). If the New York Legislature decided to authorize a Glomar-like response under FOIL it too might make changes that depart from the federal doctrine. *See, e.g., Encore Coll. Bookstores, Inc. v. Auxiliary Serv. Corp. of State Univ. of N.Y. at Farmingdale*, 87 N.Y.2d 410, 417 (1995) (noting that unlike FOIA, FOIL contains a detailed definition of “records” that are subject to the law). Ultimately, as the trial court in *Hashmi* noted below, “the decision to adopt the Glomar doctrine is one better left to the State Legislature, not to the Judiciary. 998 N.Y.S.2d at 603.

III. Adoption of the Glomar doctrine will hinder FOIL’s effectiveness as a tool for keeping the public informed, especially about the activities of New York law enforcement agencies.

Freedom of information laws are powerful and vital tools for government accountability. *See NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). Journalists across New York frequently use FOIL to help them gather news and keep the public informed. The importance of this constitutionally-recognized role of the press cannot and should not be understated:

[I]n a society in which each individual has but limited time and resources with which to observe at first hand the operations of his

government, he relies necessarily upon the press to bring to him in convenient form the facts of those operations. Great responsibility is accordingly placed upon the news media to report fully and accurately the proceedings of government, and official records and documents open to the public are the basic data of governmental operations. Without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally.

Cox Broad. Corp. v. Cohn, 420 U.S. 469, 491–92 (1975). *See also* FOIL § 84

(acknowledging that “government is the public’s business and [] the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article”).

Adopting the Glomar doctrine as a matter of state law would significantly hamper the ability of the press to perform its vital function; permitting state and local agencies like the NYPD to issue Glomar responses would only make it more difficult for journalists to utilize FOIL as a tool to keep citizens informed about the activities of their government, including their law enforcement agencies. *See Hashmi*, 998 N.Y.S.2d at 603.

Time and time again, FOIL has proven itself to be an invaluable tool for ensuring that the citizens of New York are informed, through the news media, about their government, including the actions of law enforcement agencies and their officers. Recently, records obtained through FOIL revealed that the NYPD deployed video teams to over 400 Black Lives Matter and Occupy Wall Street protests from 2011–2013 and in 2016. George Joseph, *NYPD sent video teams to*

record Occupy and BLM protests over 400 times, documents reveal, The Verge (Mar. 22, 2016), *archived at* <https://perma.cc/P8WN-LTGT>.⁵ In response to the FOIL request the NYPD also said there were no records showing approval of such filming of public activities, as is required by its internal rules. *Id.* According to a retired NYPD detective sergeant, the failure to produce those authorized request records “suggests top department officials are deciding either to not follow departmental rules or to not hand over sensitive records[.]” *Id.* The disclosures and response of the NYPD is already sparking widespread debate, including about the effect of the surveillance on individuals’ First Amendment rights. *See id.*

In recent years FOIL has consistently provided the public with information about policing practices that are of the utmost public concern. For example, in 2014 a reporter used FOIL requests to gain access to information about a disciplinary trial of a NYPD officer that shed light on the use of chokeholds and the role of the Civilian Complaint Review Board. Jon Campbell, *‘I was choked by the NYPD’: New York’s Chokehold Problem Isn’t Going Away*, The Village Voice (Sep. 23, 2014), *archived at* <https://perma.cc/JZ53-7FYH>. FOIL was also used to obtain records showing that New York City paid more than \$428,000,000 to settle more than 10,000 civil rights lawsuits brought against the NYPD since 2009.

⁵ Some of those protests arose, in part, over the death of Eric Garner, who died after being placed in a banned chokehold by an NYPD officer. *See* Joseph Goldstein & Nate Schweber, *Man’s Death After Chokehold Raises Old Issue for the Police*, N.Y. Times (Jul. 18, 2014), <https://nyti.ms/2lqV1uE>.

Caroline Bankoff, *The City Has Paid Almost Half a Billion Dollars in NYPD-Related Settlements Over the Past 5 years*, N.Y. Magazine (Oct. 12, 2014), archived at <http://perma.cc/B65G-G2NM>. And records released under FOIL showed that seven of the top ten most-sued officers were assigned to a Staten Island narcotics unit that covers the same area where Eric Garner died. Barry Baddock, Rocco Parascandola, Sarah Ryley, & Dareh Gregorian, *Staten Island, borough where Eric Garner died, has highest number of most-sued NYPD officers*, N.Y. Daily News (Jul. 28, 2014), archived at <http://perma.cc/223K-PURV>. Such information is invaluable for the citizens of New York, who can use it to knowledgeably participate in the democratic process. See, e.g., Marc Santora, *Mayor de Blasio Announces Retraining of New York Police*, N.Y. Times (Dec. 4, 2014), <http://nyti.ms/1FUsvDa> (noting that “[w]hen Mr. de Blasio was running for mayor, he promised sweeping reforms of the [NYPD] . . .”).

FOIL is also an important tool for obtaining information that allows the public to understand how the NYPD trains its officers and interacts with the public. For example, a FOIL request submitted by a reporter in 2012 revealed that the NYPD showed an anti-Muslim film to almost 1,500 police officers as part of their training. Michael Powell, *In Police Training, a Dark Film on U.S. Muslims*, N.Y. Times (Jan. 23, 2012), <http://nyti.ms/1mOC8IV>. When news first broke that the NYPD had been screening that film for trainees, a top official said it had been

“mistakenly screened ‘a couple of times’.” *Id.* But documents obtained under FOIL told a different story: The NYPD had run the film “on a continuous loop” for between three months and one year of training. *Id.*

Reporters have also used FOIL to report valuable information about the shift of military equipment from federal agencies to state and local police forces. FOIL requests revealed, for example, that New York law enforcement agencies have received nearly 300 assault rifles through the Pentagon’s 1033 program, as well as three tracked armored vehicles, two cargo planes, six helicopters, and more than 150 military trucks and Humvees. Shawn Musgrave, *New data provides first detailed look at military gear held by New York law enforcement agencies*, The N.Y. World (Oct. 14, 2014), *archived at* <http://perma.cc/2L97-6FHR>. The NYPD in particular obtained four armored trucks valued at \$65,000 each, and two “armored mortar carriers” valued at more than \$200,000 each. *Id.* As a result of public scrutiny of these kinds of military equipment transfers to local law enforcement agencies, then-President Obama announced that the Pentagon would limit the types of military equipment that can be obtained by local law enforcement. Radley Balko, *Obama moves to demilitarize America’s police*, The Wash. Post (May 18, 2015), *archived at* <http://perma.cc/9NJL-6BLS>.

These stories represent only a handful of examples from the countless pieces of important journalism about law enforcement and the criminal justice system in

New York that FOIL has made possible. From raising questions about the accuracy of criminal convictions,⁶ to showing the inefficiency of Cooper's Law,⁷ to revealing information about the NYPD's massive video surveillance network,⁸ to forcing the NYPD to release information about civilian shootings,⁹ the list of what FOIL has brought to light goes on¹⁰ and on.¹¹ *Amici* and the citizens of New York have a compelling interest in ensuring that this law is not amended by the judiciary to allow agencies like the NYPD to refuse to either confirm or deny whether they have public records responsive to a FOIL request.

CONCLUSION

For all the reasons stated herein and in Appellant's brief, this Court should reverse.

Respectfully submitted,

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⁶ Jeff Morganteen, *The NYPD's secrecy weapon*, The N.Y. World (Aug. 2, 2013), <http://perma.cc/R79B-BR3S>.

⁷ Daniel Fitzsimmons, *The Flaws in Cooper's Law*, StrausMedia (Jun. 10, 2015), <http://perma.cc/WC76-6WBL>.

⁸ Ali Winston, *Secrecy Shrouds NYPD's Anti-Terror Camera System*, CityLimits.org (Apr. 26, 2010), <http://perma.cc/SW5D-G4MK>.

⁹ Al Baker, *Judge Orders City to Release Reports on Shots Fired by Police at Civilians Since 1997*, N.Y. Times (Feb. 22, 2011), <http://www.nytimes.com/2011/02/23/nyregion/23shootings.html>.

¹⁰ Shawn Musgrave, *NYPD Social Media Policy Allows Catfishing—With the Proper Paperwork*, The Daily Beast (Feb. 5, 2015), <http://perma.cc/YVL6-PC7A>.

¹¹ Patience Haggin, *Law School Study Alleges NYPD Overstepped its Power during Occupy Protests*, Time (Jul. 30, 2012), <http://perma.cc/9B3Z-Z93T>.

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CERTIFICATION

I certify pursuant to 500.13(c)(1) that the total word count for all printed text in the body of the brief, exclusive of the statement of the status of related litigation; the corporate disclosure statement; the table of contents, the table of cases and authorities and the statement of questions presented required by subsection (a) of this section; and any addendum containing material required by subsection 500.1(h) of this Part is 6064 words.

Dated: April 14, 2017
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APPENDIX A

Descriptions of *amici*:

The Reporters Committee for Freedom of the Press is an unincorporated association of reporters and editors that works to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee has provided assistance and research in First Amendment and Freedom of Information Act litigation since 1970.

Advance Publications, Inc., directly and through its subsidiaries, publishes more than 20 print and digital magazines with nationwide circulation, local news in print and online in 10 states, and leading business journals in over 40 cities throughout the United States. Through its subsidiaries, Advance also owns numerous digital video channels and internet sites and has interests in cable systems serving over 2.3 million subscribers.

With some 500 members, **American Society of News Editors** (“ASNE”) is an organization that includes directing editors of daily newspapers throughout the Americas. ASNE changed its name in April 2009 to American Society of News Editors and approved broadening its membership to editors of online news providers and academic leaders. Founded in 1922 as American Society of Newspaper Editors, ASNE is active in a number of areas of interest to top editors

with priorities on improving freedom of information, diversity, readership and the credibility of newspapers.

Association of Alternative Newsmedia (“AAN”) is a not-for-profit trade association for 130 alternative newspapers in North America, including weekly papers like The Village Voice and Washington City Paper. AAN newspapers and their websites provide an editorial alternative to the mainstream press. AAN members have a total weekly circulation of seven million and a reach of over 25 million readers.

The Association of American Publishers, Inc. (“AAP”) is the national trade association of the U.S. book publishing industry. AAP’s members include most of the major commercial book publishers in the United States, as well as smaller and nonprofit publishers, university presses and scholarly societies. AAP members publish hardcover and paperback books in every field, educational materials for the elementary, secondary, postsecondary and professional markets, scholarly journals, computer software and electronic products and services. The Association represents an industry whose very existence depends upon the free exercise of rights guaranteed by the First Amendment.

Bloomberg L.P. operates Bloomberg News, a 24-hour global news service based in New York with more than 2,400 journalists in more than 150 bureaus around the

world. Bloomberg supplies real-time business, financial, and legal news to the more than 319,000 subscribers to the Bloomberg Professional service world-wide and is syndicated to more than 1000 media outlets across more than 60 countries. Bloomberg television is available in more than 340 million homes worldwide and Bloomberg radio is syndicated to 200 radio affiliates nationally. In addition, Bloomberg publishes Bloomberg Businessweek, Bloomberg Markets and Bloomberg Pursuits magazines with a combined circulation of 1.4 million readers and Bloomberg.com and Businessweek.com receive more than 24 million visitors each month. In total, Bloomberg distributes news, information, and commentary to millions of readers and listeners each day, and has published more than one hundred million stories.

BuzzFeed is a social news and entertainment company that provides shareable breaking news, original reporting, entertainment, and video across the social web to its global audience of more than 200 million.

Daily News, LP publishes the New York Daily News, a daily newspaper that serves primarily the New York City metropolitan area and is the ninth-largest paper in the country by circulation. The Daily News' website, NYDailyNews.com, receives approximately 26 million unique visitors each month.

The E.W. Scripps Company serves audiences and businesses through television, radio and digital media brands, with 33 television stations in 24 markets. Scripps also owns 34 radio stations in eight markets, as well as local and national digital journalism and information businesses, including mobile video news service Newsy and weather app developer WeatherSphere. Scripps owns and operates an award-winning investigative reporting newsroom in Washington, D.C. and serves as the long-time steward of the nation's largest, most successful and longest-running educational program, the Scripps National Spelling Bee.

First Amendment Coalition is a nonprofit public interest organization dedicated to defending free speech, free press and open government rights in order to make government, at all levels, more accountable to the people. The Coalition's mission assumes that government transparency and an informed electorate are essential to a self-governing democracy. To that end, we resist excessive government secrecy (while recognizing the need to protect legitimate state secrets) and censorship of all kinds.

Forbes Media LLC is the publisher of Forbes Magazine and Forbes Asia, as well as an array of investment newsletters and the leading business website, Forbes.com. Forbes has been covering American and global business since 1917.

Freedom of the Press Foundation is a non-profit organization that supports and defends public-interest journalism focused on transparency and accountability. The organization works to preserve and strengthen First and Fourth Amendment rights guaranteed to the press through a variety of avenues, including public advocacy, legal advocacy, the promotion of digital security tools, and crowd-funding.

Gannett Co., Inc. is an international news and information company that publishes 109 daily newspapers in the United States and Guam, including USA TODAY. Each weekday, Gannett's newspapers are distributed to an audience of more than 8 million readers and the digital and mobile products associated with the company's publications serve online content to more than 100 million unique visitors each month.

Gizmodo Media Group, LLC is the publisher of some of the web's best-loved digital media brands and communities, including Gizmodo, Jezebel and Deadspin. Collectively, the sites reach over 50 million readers in the United States a month.

Hearst is one of the nation's largest diversified media, information and services companies with more than 360 businesses. Its major interests include ownership in cable television networks such as A&E, HISTORY, Lifetime and ESPN; majority ownership of global ratings agency Fitch Group; Hearst Health, a group of medical information and services businesses; 30 television stations such as WCVB-TV in

Boston and KCRA-TV in Sacramento, Calif., which reach a combined 19 percent of U.S. viewers; newspapers such as the Houston Chronicle, San Francisco Chronicle and Albany Times Union, more than 300 magazines around the world including Cosmopolitan, ELLE, Harper's BAZAAR and Car and Driver; digital services businesses such as iCrossing and KUBRA; and investments in emerging digital and video companies such as Complex, BuzzFeed, VICE and AwesomenessTV.

The International Documentary Association (IDA) is dedicated to building and serving the needs of a thriving documentary culture. Through its programs, the IDA provides resources, creates community, and defends rights and freedoms for documentary artists, activists, and journalists.

The Investigative Reporting Program (IRP) at U.C. Berkeley's Graduate School of Journalism is dedicated to promoting and protecting the practice of investigative reporting. Evolving from a single seminar, the IRP now encompasses a nonprofit newsroom, a seminar for undergraduate reporters and a post-graduate fellowship program, among other initiatives. Through its various projects, students have opportunities to gain mentorship and practical experience in breaking major stories for some of the nation's foremost print and broadcast outlets. The IRP also works closely with students to develop and publish their own investigative pieces. The IRP's work has appeared on PBS Frontline, Univision, Frontline/WORLD, NPR

and PBS NewsHour and in publications such as Mother Jones, The New York Times, Los Angeles Times, Time magazine and the San Francisco Chronicle, among others.

The Investigative Reporting Workshop, a project of the School of Communication (SOC) at American University, is a nonprofit, professional newsroom. The Workshop publishes in-depth stories at investigativereportingworkshop.org about government and corporate accountability, ranging widely from the environment and health to national security and the economy.

MPA – The Association of Magazine Media, (“MPA”) is the largest industry association for magazine publishers. The MPA, established in 1919, represents over 175 domestic magazine media companies with more than 900 magazine titles. The MPA represents the interests of weekly, monthly and quarterly publications that produce titles on topics that cover politics, religion, sports, industry, and virtually every other interest, avocation or pastime enjoyed by Americans. The MPA has a long history of advocating on First Amendment issues.

The National Press Club is the world’s leading professional organization for journalists. Founded in 1908, the Club has 3,100 members representing most major news organizations. The Club defends a free press worldwide. Each year, the Club

holds over 2,000 events, including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

The National Press Photographers Association (“NPPA”) is a 501(c)(6) non-profit organization dedicated to the advancement of visual journalism in its creation, editing and distribution. NPPA’s approximately 7,000 members include television and still photographers, editors, students and representatives of businesses that serve the visual journalism industry. Since its founding in 1946, the NPPA has vigorously promoted the constitutional rights of journalists as well as freedom of the press in all its forms, especially as it relates to visual journalism. The submission of this brief was duly authorized by Mickey H. Osterreicher, its General Counsel.

National Public Radio, Inc. (NPR) is an award-winning producer and distributor of noncommercial news, information, and cultural programming. A privately supported, not-for-profit membership organization, NPR serves an audience of more than 26 million listeners each week via more than 1000 noncommercial, independently operated radio stations, licensed to more than 260 NPR Members and numerous other NPR-affiliated entities. In addition, NPR is reaching an expanding audience via its digital properties, including NPR.org and NPR’s applications, which see more than 30 million unique visitors each month. National Public Radio, Inc. has no parent company and issues no stock.

The New York Times Company is the publisher of *The New York Times* and *The International Times*, and operates the news website nytimes.com.

Newsday LLC (“Newsday”) is the publisher of the daily newspaper, Newsday, and related news websites. Newsday is one of the nation’s largest daily newspapers, serving Long Island through its portfolio of print and digital products. Newsday has received 19 Pulitzer Prizes and other esteemed awards for outstanding journalism.

The News Guild – CWA is a labor organization representing more than 30,000 employees of newspapers, newsmagazines, news services and related media enterprises. Guild representation comprises, in the main, the advertising, business, circulation, editorial, maintenance and related departments of these media outlets. The News Guild is a sector of the Communications Workers of America. CWA is America’s largest communications and media union, representing over 700,000 men and women in both private and public sectors.

Online News Association (“ONA”) is the world’s largest association of online journalists. ONA’s mission is to inspire innovation and excellence among journalists to better serve the public. ONA’s more than 2,000 members include news writers, producers, designers, editors, bloggers, technologists, photographers, academics, students and others who produce news for the Internet or other digital

delivery systems. ONA hosts the annual Online News Association conference and administers the Online Journalism Awards. ONA is dedicated to advancing the interests of digital journalists and the public generally by encouraging editorial integrity and independence, journalistic excellence and freedom of expression and access.

PEN America stands at the intersection of literature and human rights to protect open expression at home and abroad. Our mission is to unite writers and their allies to celebrate creative expression and defend the liberties that make it possible. PEN America has over 4,400 members, a nationwide community of novelists, journalists, editors, poets, essayists, playwrights, publishers, translators, agents, and other professionals, and an even larger network of devoted readers and supporters.

Radio Television Digital News Association (“RTDNA”) is the world’s largest and only professional organization devoted exclusively to electronic journalism. RTDNA is made up of news directors, news associates, educators and students in radio, television, cable and electronic media in more than 30 countries. RTDNA is committed to encouraging excellence in the electronic journalism industry and upholding First Amendment freedoms.

The Seattle Times Company, locally owned since 1896, publishes the daily newspaper The Seattle Times, together with The Issaquah Press, Yakima Herald-Republic, Walla Walla Union-Bulletin, Sammamish Review and Newcastle-News, all in Washington state.

Society of Professional Journalists (“SPJ”) is dedicated to improving and protecting journalism. It is the nation’s largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists and protects First Amendment guarantees of freedom of speech and press.

The Tully Center for Free Speech began in Fall, 2006, at Syracuse University’s S.I. Newhouse School of Public Communications, one of the nation’s premier schools of mass communications.

APPENDIX B

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Nabiha Syed
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Counsel
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Deputy General Counsel
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Bruce E. H. Johnson
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Bruce W. Sanford
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*Counsel for Society of Professional
Journalists*

APPENDIX C

Corporate Disclosure Statements of *Amici*

STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

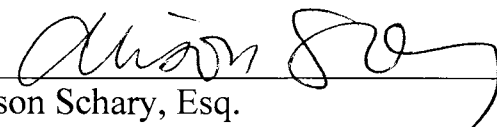
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Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
REPORTERS COMMITTEE OF FREEDOM OF PRESS**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Reporters Committee for the Freedom of Press certifies that it is an unincorporated association of reporters and editors with no parent or subsidiary companies.

Dated: April 14, 2017

Respectfully submitted,

By: 
Alison Schary, Esq.
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202.795.9300

STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

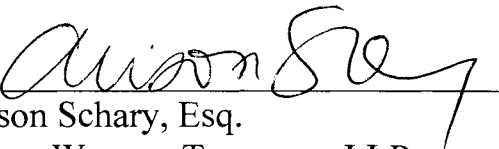
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**CORPORATE DISCLOSURE STATEMENT OF
ADVANCE PUBLICATIONS, INC.**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Advanced Publications, Inc. ("Advance") certifies that it has no parent corporation, no publicly held corporation owns any of its stock, and its subsidiaries and affiliates are listed on the annexed Exhibit A.

Dated: April 14, 2017

Respectfully submitted,

By: 
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202.795.9300

EXHIBIT A
Parent, Subsidiaries and Affiliates
of
Advance Publications, Inc.

| | |
|--|---|
| A/NP Holdings Sub LLC | Advance/Newhouse Programming Partnership |
| A/NPC Holdings LLC | American City Business Journals, Inc. |
| A/NPC Data Holdings Corp. | The Business Journals Division |
| 1010data Holdings Corp. | New Media Division |
| A/NPP Holdings LLC | Sporting News Division |
| A/NPP Holdings Sub LLC | Street & Smith Sports Group Division |
| ACBJ (UK) Limited | AMPI Journal Properties LLC |
| Advance Alabama Media LLC | API Network LLC |
| Alabama Media Group | Australian Pacific (001) Projects Pty. Limited |
| Advance Central Services Alabama | Beijing Condé Nast Digital Co., Ltd. |
| Advance BCI, Inc. | Beijing Condéworld Distribution Co., Ltd. [PRC] |
| Advance Central Services Inc. | Birmingham Business Journal, Inc. |
| Advance Communication Company LLC | Biz Books LLC |
| Advance Digital Inc. | Bizjournals.Com LLC |
| Advance Executive Payroll, LLC | Blogpayer, Inc. |
| Advance Finance Group LLC | Boston Business Journal, Inc. |
| Advance Local LLC | Business Journal Publications, Inc. |
| Advance Magazine Publishers Inc. | Business Journals of Ohio Inc. |
| Condé Nast Division | Business People Publications Limited |
| Condé Nast Digital Division | City Business Journals Network, Inc. |
| Golf Digest Division | CityBusiness/Twin Cities, Inc. |
| Advance New Jersey LLC | CityBusiness/USA LLC |
| Advance Programming Holdings, LLC | CN Commerce Ltd. |
| Advance Publications of Perry & Juniata Counties, Inc. | CNE Productions LLC |
| Advance Publications Private Payroll LLC | CNI Ediciones Holdings Inc. |
| Advance.net LLC | ComCorp, Inc. d/b/a Sun Media |
| Advance/Newhouse Investment Partnership | Condé Nast & National Magazine Distributors Limited |
| Advance/Newhouse Partnership | Condé Nast (CNI) Limited |
| | Condé Nast (India) Private Ltd. |
| | Condé Nast Advertising (Shanghai) Co., Ltd. |

Condé Nast Americas Holdings, Inc.
 Condé Nast Americas L.C.
 Condé Nast Asia/Pacific, Inc.
 Condé Nast Brasil Holding Ltda.
 Condé Nast Cultural Enterprise
 Consulting (Shanghai) Co., Ltd.
 [PRC]
 Condé Nast de Colombia, S.A.
 Condé Nast de Mexico S.A. de C.V.
 Condé Nast Digital Germany GmbH
 Condé Nast Digital Limited
 Condé Nast Entertainment LLC
 Condé Nast Holdings (HK) Ltd.
 Condé Nast International Inc.
 Condé Nast International Ltd.
 Condé Nast Japan LLC
 Condé Nast Johansens Limited
 Condé Nast New Markets
 Europe/Africa, Inc.
 Condé Nast Publications Limited
 [Hong Kong]
 Condé Nast Russia LLC
 Condé Nast Taiwan Publications
 Limited
 Condé Nast Treasury Services Ltd.
 Condé Nast Verlag GmbH [Germany]
 Condé Nast ZAO
 Condénet Iberica, S.L.
 Condénet.au Pty Limited
 CondéNet.tw Limited
 CV of Viera LLP
 Easton Publishing Company a/k/a
 Lehigh Valley Media Group
 Ediciones Condé Nast S.A. [Spain]
 Ediciones Conelpa, S.L.
 Edizioni Condé Nast GmbH
 Edizioni Condé Nast S.p.A. [Italy]
 Executive Sports Limited
 Fashion Networks International, LLC
 FTI Ventures LLC

G.K. Condé Nast Japan
 Glamour Magazines (Publishers)
 Limited
 Grupo de Publicaciones Ideas de
 Argentina, S.A.
 Hemmings Motor News, Inc.
 Interculture Communications, Inc.
 [Taiwan]
 Interculture Magazine Co., Ltd.
 Interculture Publicist Co. Ltd.
 IPG International LLC
 La Cucina Italiana S.r.l
 Leaders in Performance Limited
 Les Publications Condé Nast S.A.
 [France]
 Lower Broadway Productions LLC
 Magazine Holdings Limited
 Magazine Special Projects LLC
 MassLive LLC
 MatchCraft LLC
 Media Consortium LLC
 Media Edition International SNC
 Media Group Services LLC
 MGS Holdings LLC
 Mid-South Communications, Inc.
 Montrose GmbH
 Nashville Business Journal, Inc.
 New Jersey Local News Service LLC
 New Jersey On-Line LLC
 New Jersey Press Equipment LLC
 Newark Morning Ledger Co.
 Newspaper Special Projects LLC
 Newsprint Purchasing, LLC
 NJ Advance Media LLC
 NJN Publishing Company
 Northeast Ohio Marketing Network
 LLC
 Pacman Insurance Inc.
 Parade Media Group LLC
 Penn Jersey Advance Inc.

Penn Jersey Advance Central Services
 Perform Sporting News Ltd.
 Pharos Publications Limited
 PF Festivals LLC
 Plain Dealer Publishing Co.
 POP, Inc.
 Quadratum Publishing USA, Inc.
 reddit, Inc.
 Regie 56A SNC
 Rhinebeck Properties LLC
 Servicios Profesionales y
 Administrativos Editoriales S.A. de
 C.V.
 Shanghai Condé Nast Advertising
 Co., Ltd. [PRC]
 South Jersey Newspapers Company
 a/k/a South Jersey Media Group
 Special Project Services, LLC
 St. Louis Business Journal Corp.
 Staten Island Live LLC
 Streetwise Media, Inc.
 Tatler Publishing Company Limited
 Televogue Limited
 The Birmingham News Company
 The Birmingham News LLC
 The Condé Nast Publications Limited
 The Evening Journal Association
 The Grand Rapids Press Publishing
 Company LLC
 The Herald Publishing Company,
 LLC
 Advance Central Services Michigan
 Advance Central Services Syracuse
 MLive Media Group
 Syracuse Media Group
 The Hillsboro Argus Inc.
 The Huntsville Times Co. Inc.
 The Jersey Journal LLC

The Mobile Press Register, Inc.
 The Mobile Press Register, LLC
 The Muskegon Chronicle Publishing
 Company LLC
 The Northeast Ohio Media Group
 LLC
 The Oregonian Publishing Company
 LLC
 Advance Central Services Oregon
 Oregonian Media Group
 The Oregonian Publishing Properties
 LLC
 The Patriot-News Co.
 Advance Central Services
 Pennsylvania
 PA Media Group
 The Patriot-News LLC
 The Plain Dealer LLC
 The Post-Standard LLC
 The Republican Company
 The Star-Ledger LLC
 The Times of Trenton LLC
 The Times of Trenton Publishing
 Corporation
 The Times-Picayune, L.L.C.
 NOLA Media Group
 Advance Central Services Louisiana
 Two Coasts Productions LLC
 Valley Publishing
 Videovogue Limited
 Vogue Design Limited
 Vogue Model Agency Limited
 Vogue Studio Limited
 Wine & Food Publications Ltd.
 Woodthorn Economic Consultants
 LLC
 Ziplist, Inc.

STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
AMERICAN SOCIETY OF NEWS EDITORS**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* American Society of News Editors certifies that it has no parents, subsidiaries, or affiliates and it does not issue any stock.

Dated: April 14, 2017

Respectfully submitted,

By: 

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STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
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Petitioners-Appellants,

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APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
ASSOCIATION OF ALTERNATIVE NEWSMEDIA**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Association of Alternative Newsmedia certifies that it does not have any parents, subsidiaries, or affiliates.

Dated: April 14, 2017

Respectfully submitted,

By: 

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STATE OF NEW YORK
COURT OF APPEALS

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SAMIR HASHMI

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NEW YORK CITY POLICE
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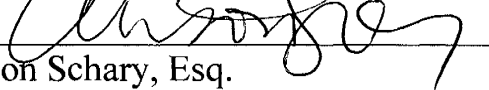
APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
ASSOCIATION OF AMERICAN PUBLISHERS, INC.**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Association of American Publishers, Inc. certifies that it has no parents, subsidiaries, or affiliates.

Dated: April 14, 2017

Respectfully submitted,

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STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
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SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

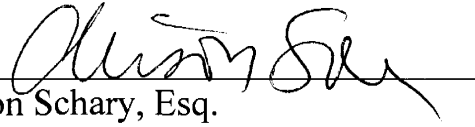
APL-2016-00219
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Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
BLOOMBERG L.P.**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Bloomberg L.P. certifies that it states that it is a limited partnership; that its general partner is Bloomberg Inc.; and that no publicly held corporation owns ten percent or more of Bloomberg L.P.'s limited partnership interests, of Bloomberg Inc., or of any parent, subsidiary or affiliate of Bloomberg L.P.

Dated: April 14, 2017

Respectfully submitted,

By: 
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202.795.9300

STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI
Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*
Respondents-Appellees.

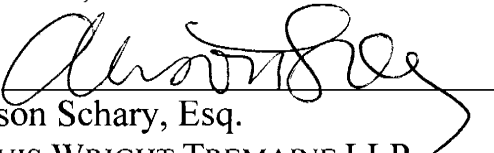
APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
BUZZFEED INC.**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Buzzfeed Inc. certifies that it is a privately owned company, and National Broadcasting Company (NBC) owns 10% or more of its stock.

Dated: April 14, 2017

Respectfully submitted,

By: 
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Washington, DC 20005
202.795.9300

STATE OF NEW YORK
COURT OF APPEALS

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In the Matter of :
TALIB W. ABDUR-RASHID and :
SAMIR HASHMI :
Petitioners-Appellants, :

APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

-against- :
:

NEW YORK CITY POLICE :
DEPARTMENT, *et al.* : x
Respondents-Appellees.

CORPORATE DISCLOSURE STATEMENT OF
DAILY NEWS, LP

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Daily News, L.P. certifies that it is a limited partnership, the general partner of which is New DN Company, a privately-held corporation. Daily News, L.P. has no parent, subsidiary, or affiliate companies.

Dated: April 14, 2017

Respectfully submitted,

By: 

Alison Schary, Esq.

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STATE OF NEW YORK
COURT OF APPEALS

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SAMIR HASHMI

Petitioners-Appellants,

-against-

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DEPARTMENT, *et al.*

Respondents-Appellees.

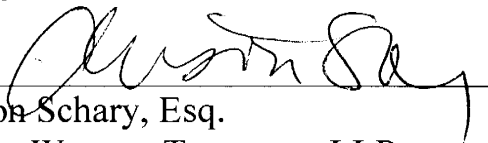
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Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
THE E.W. SCRIPPS COMPANY**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* The E.W. Scripps Company (“Scripps”) certifies that it has no parent company. Its affiliates are Scripps Media, Inc., which is the FCC licensee of WKBW-TV in Buffalo, along with 32 other local broadcast stations and their affiliated websites, as well as 34 radio stations in 8 markets and video news channel Newsy. Additionally, Scripps owns the following podcasting companies: 90028 Media, LLC; The Midroll LLC; Subscription on Demand Audio LLC and Earwolf Media LLC. Scripps also owns the Scripps National Spelling Bee, Inc., United Feature Syndicate, Inc., and Journal Holdings, Inc.

Dated: April 14, 2017

Respectfully submitted,

By: 
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STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
FIRST AMENDMENT COALITION**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* First Amendment Coalition certifies that it is a nonprofit organization with no parent company, subsidiaries, or affiliates. It issues no stock and does not own any of the party's or amicus' stock.

Dated: April 14, 2017

Respectfully submitted,

By: 

Alison Schary, Esq.

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STATE OF NEW YORK
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NEW YORK CITY POLICE
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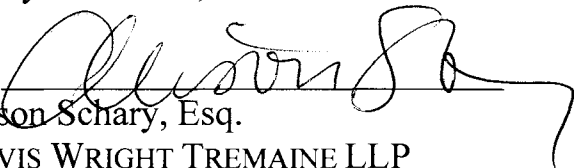
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New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
FREEDOM OF THE PRESS FOUNDATION**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Freedom of the Press Foundation certifies that it does not have a parent corporation, and no publicly held corporation owns 10% or more of the stock of the organization.

Dated: April 14, 2017

Respectfully submitted,

By: 
Alison Schary, Esq.
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1919 Pennsylvania Avenue NW
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REPORTERS COMMITTEE FOR
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In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI
Petitioners-Appellants,

-against-

CORPORATE DISCLOSURE STATEMENT OF GANNETT CO., INC.

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Gannett Co., Inc. certifies that it is a publicly traded company and has no parent corporation. BlackRock, Inc., a publicly traded company, owns 10 percent or more of Gannett stock. A list of the subsidiaries and affiliates of Gannett Co., Inc. are listed on the annexed Exhibit B.

Dated: April 14, 2017

Respectfully submitted,

By: Alison Schary
Alison Schary, Esq.
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue NW
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202.795.9300

EXHIBIT B

Subsidiaries and Affiliates of Gannett Co., Inc.

ACTION ADVERTISING, INC.
THE ADVERTISER COMPANY
ALEXANDRIA NEWSPAPERS, INC.
BAXTER COUNTY NEWSPAPERS, INC.
BIZZY, INC.
BOAT SPINCO, INC.
CITIZEN PUBLISHING COMPANY
THE COURIER-JOURNAL, INC.
DEALON, LLC
DES MOINES PRESS CITIZEN LLC
DES MOINES REGISTER AND TRIBUNE COMPANY
THE DESERT SUN PUBLISHING COMPANY
DESERT SUN PUBLISHING LLC
DESK SPINCO, INC.
DETROIT FREE PRESS, INC.
DETROIT NEWSPAPER PARTNERSHIP, LP
DIGICOL, INC.
EVANSVILLE COURIER COMPANY, INC.
FEDERATED PUBLICATIONS, INC.
GANNETT GP MEDIA, INC.
GANNETT INTERNATIONAL COMMUNICATIONS, INC.
GANNETT INTERNATIONAL FINANCE, LLC
GANNETT MEDIA SERVICES, LLC
GANNETT MHC MEDIA, INC.
GANNETT MISSOURI PUBLISHING, INC.
GANNETT PUBLISHING SERVICES, LLC
GANNETT RETAIL ADVERTISING GROUP, INC.
GANNETT RIVER STATES PUBLISHING CORPORATION
GANNETT SATELLITE INFORMATION NETWORK, LLC
GANNETT SUPPLY CORPORATION
GANNETT UK MEDIA, LLC
GANNETT VERMONT INSURANCE, INC.
GANNETT VERMONT PUBLISHING, INC.
GCCC, LLC

GCOE, LLC
GFHC, LLC
GNSS LLC
GUAM PUBLICATIONS, INCORPORATED
INDIANA NEWSPAPERS, LLC
JOURNAL COMMUNITY PUBLISHING GROUP, INC.
JOURNAL MEDIA GROUP, INC.
JOURNAL SENTINEL, INC.
KICKSERV, INC.
MEMPHIS PUBLISHING COMPANY
MULTIMEDIA, INC.
PACIFIC MEDIA, INC.
PHOENIX NEWSPAPERS, INC.
PRESS-CITIZEN COMPANY INC.
REACHLOCAL, INC.
REACHLOCAL CANADA, INC.
REACHLOCAL DP, INC.
REACHLOCAL INTERNATIONAL, INC.
REACHLOCAL INTERNATIONAL GP LLC
RENO NEWSPAPERS, INC.
SALINAS NEWSPAPERS LLC
SCRIPPS NP OPERATING, LLC
SEDONA PUBLISHING COMPANY, INC.
THE SUN COMPANY OF SAN BERNARDINO, CALIFORNIA, LLC
TEXAS-NEW MEXICO NEWSPAPERS, LLC
THE TIMES HERALD COMPANY
TNI PARTNERS
US PRESSWIRE, LLC
USA TODAY SPORTS MEDIA GROUP, LLC
VISALIA NEWSPAPERS LLC
X.COM, INC.
YORK DAILY RECORD-YORK SUNDAY NEWS LLC
YORK DISPATCH LLC
YORK NEWSPAPER COMPANY
YORK NEWSPAPERS HOLDINGS, L.P.
YORK NEWSPAPERS HOLDINGS, LLC
YORK PARTNERSHIP HOLDINGS, LLC
GANNETT U.K. LIMITED
NEWSQUEST LIMITED
NEWSQUEST CAPITAL LIMITED

NEWSQUEST MEDIA GROUP LTD
ADVERTISER SERIES LIMITED
ADVERTISING DISTRIBUTION SERVICES LIMITED
ASHERCLOSE LIMITED
THE AVON ADVERTISER LIMITED
BAILEY NEWSPAPER GROUP LIMITED
BAILEY PRINT LIMITED
BAILEY WEB LIMITED
BARRY PRINTING & PUBLISHING CO. LIMITED
BECK & PARTRIDGE LIMITED
THE BEDFORDSHIRE TIMES PUBLISHING COMPANY LIMITED
BIRD BROTHERS LIMITED
THE BRADFORD AND DISTRICT NEWSPAPER COMPANY LIMITED
BRIGHTON & DISTRICT PROPERTY NEWS LIMITED
BURY TIMES LIMITED
C.H. PEACOCK LIMITED
CAMPAIGN FREE NEWSPAPERS LIMITED
CLEADON PRESS LIMITED
THE CRAVEN HERALD LIMITED
CSONCO LIMITED
DAILY NEWS GROUP LIMITED
DEVOBROOK LIMITED
EXCHANGE ENTERPRISES LIMITED
EXTONBASE LIMITED
FOREST MACHINE JOURNAL LIMITED
FOSSILCOVE LIMITED
GLOUCESTERSHIRE INDEPENDENT LIMITED
H DAWSON & CO (PRINTERS) LIMITED
HAMPSHIRE NEWSPAPERS LIMITED
HELSTON PRINTERS LIMITED
HENRY PEASE & COMPANY LIMITED
INDEPENDENT MEDIA LIMITED
J H LAKE & CO LIMITED
JAXMAN LIMITED
JOHN H BURROWS & SONS LIMITED
KINSMAN REEDS LIMITED
LETTERCATCH LIMITED
MSOMN LIMITED
THE NATIONAL PRESS AGENCY LIMITED
NEW FOREST POST LIMITED

NEWSQUEST (ESSEX) LIMITED
NEWSQUEST (HERTS & BUCKS) LIMITED.
NEWSQUEST (INVESTMENTS) LIMITED
NEWSQUEST (LEEDS) LIMITED
NEWSQUEST (LONDON & ESSEX) LIMITED
NEWSQUEST (MIDLANDS SOUTH) LIMITED
NEWSQUEST (NORTH EAST) LIMITED
NEWSQUEST (NORTH WEST) LIMITED
NEWSQUEST (OXFORDSHIRE & WILTSHIRE) LIMITED
NEWSQUEST (SUSSEX) LIMITED
NEWSQUEST (YORK) LIMITED
NEWSQUEST (YORKSHIRE & NORTH EAST) LIMITED
NEWSQUEST FINANCIAL MEDIA LIMITED
NEWSQUEST MEDIA (MIDLAND) LTD.
NEWSQUEST MEDIA (SOUTHERN) LIMITED
NEWSQUEST PENSION TRUSTEE LIMITED
NEWSQUEST PRINTING (COLCHESTER) LIMITED
NEWSQUEST PRINTING (LANCASHIRE) LIMITED
NEWSQUEST SPECIALIST MEDIA LIMITED
NORTH OF ENGLAND NEWSPAPER COMPANY LIMITED
NURSING SPECTRUM UK LIMITED
THE OXFORD MAIL AND TIMES LIMITED
PACKET NEWSPAPERS (CORNWALL) LIMITED
PARTRIDGE PRINTERS LIMITED
PROPERTY WEEKLY LIMITED
PYTHONDECK LIMITED
RAWLINGS AND WALSH LIMITED
RUSHOLMES PRINTERS LIMITED
SALISBURY JOURNAL NEWSPAPERS LIMITED
SAWP LIMITED
SELLIX LIMITED
SLOUGH NEWSPAPER PRINTERS LIMITED
SOPRESS INVESTMENTS LIMITED
SOUTH WALES ARGUS LIMITED
SOUTH WEST COUNTIES NEWSPAPERS LIMITED
SOUTH WEST WALES NEWSPAPERS LIMITED
SOUTHERN NEWSPAPERS LIMITED
SPICEFORD LIMITED
STELERT LIMITED
STONE SQUARE NEWSAGENCY LIMITED

STOUR VALLEY NEWS LIMITED
SURFIELD LIMITED
SWALLOWDOVE LIMITED
TEDDINGTON & HAMPTON TIMES LIMITED
THIS IS ESSEX LIMITED
TWO'S COMPANY (DATING) LIMITED
WARDEN AND COMPANY LIMITED
WEST COUNTRY MAGAZINES LIMITED
WEST OF ENGLAND NEWSPAPERS LIMITED
WESTMINSTER PRESS LIMITED
WESTMORLAND GAZETTE LIMITED
WILTSHIRE NEWSPAPERS LIMITED
WM DRESSER AND SONS LIMITED
WP PUBLISHING
WROUGHTON PRESS LIMITED
WXAN LIMITED
YEOMAN DEVELOPMENTS (WINTON) LIMITED
THE YORKSHIRE HERALD NEWSPAPER COMPANY LIMITED
NEWSQUEST (BERKSHIRE) LIMITED
NEWSQUEST (CLYDE & FORTH PRESS) LIMITED
FIRTH FM HOLDINGS LIMITED
NEWSQUEST (HERALD & TIMES) LIMITED
NEWSQUEST (SUNDAY HERALD) LIMITED
NEWSQUEST MAGAZINES LIMITED
NEWSQUEST PRINTING (GLASGOW) LIMITED
ROMANES MEDIA LIMITED
ROMANES MEDIA GROUP LIMITED
ROMANES MEDIA GROUP EBT LIMITED
S1NOW LIMITED
YOUR RADIO FM LIMITED
WILLIAM TRIMBLE LIMITED

STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

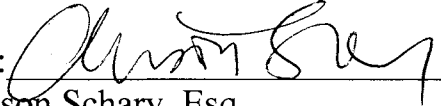
**CORPORATE DISCLOSURE STATEMENT OF
GIZMODO MEDIA GROUP, LLC**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Gizmodo Media Group, LLC certifies that it is a subsidiary of Univision Interactive Media, Inc. d/b/a/ Fusion Media Group, which is itself a subsidiary of Univision Communications Inc. Gizmodo Media Group has one subsidiary, GMG Hungary Kft., and the following affiliates (also owned by Univision Interactive Media, Inc.): La Fabrica, LLC; Story House Entertainment, LLC, Flama Media, LLC; Univision Digital Music, LLC; Uni-Labs, LLC; Univision Fantasy Sports, LLC; D2C, LLC; and Uni-Leek, LLC..

Dated: April 14, 2017

Respectfully submitted,

By:


Alison Schary, Esq.

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STATE OF NEW YORK
COURT OF APPEALS

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Respondents-Appellees.

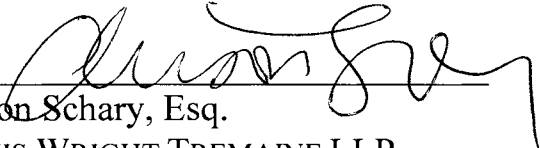
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**CORPORATE DISCLOSURE STATEMENT OF
HEARST CORPORATION**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Hearst Corporation ("Hearst") certifies that it is privately held by the Hearst Family Trust and has no other parent. Hearst has no publicly-traded subsidiaries or affiliates.

Dated: April 14, 2017

Respectfully submitted,

By: 
Alison Schary, Esq.
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STATE OF NEW YORK
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Respondents-Appellees.

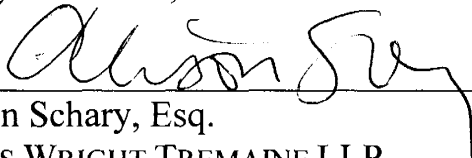
APL-2016-00219
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**CORPORATE DISCLOSURE STATEMENT OF
INTERNATIONAL DOCUMENTARY ASSN.**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* International Documentary Assn. certifies that it is a non-for-profit organization with no parent corporation and does not issue stock.

Dated: April 14, 2017

Respectfully submitted,

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STATE OF NEW YORK
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In the Matter of
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SAMIR HASHMI

Petitioners-Appellants,

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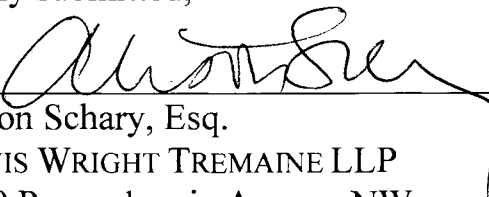
APL-2016-00219
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**CORPORATE DISCLOSURE STATEMENT OF
INVESTIGATIVE REPORTING PROGRAM**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Investigative Reporting Program certifies that it is a nonprofit affiliated with the University of California, Berkeley. It issues no stock.

Dated: April 14, 2017

Respectfully submitted,

By: 
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STATE OF NEW YORK
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CORPORATE DISCLOSURE STATEMENT OF
INVESTIGATIVE REPORTING WORKSHOP AT AMERICAN
UNIVERSITY

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Investigative Reporting Workshop at American University certifies that is a privately funded, non-profit news organization affiliated with the American University School of Communication in Washington. It issues no stock.

Dated: April 14, 2017

Respectfully submitted,

By:


Alison Schary, Esq.

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STATE OF NEW YORK
COURT OF APPEALS

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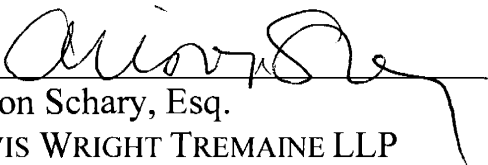
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Nos.13/101559 and 13/101560

CORPORATE DISCLOSURE STATEMENT OF
MPA – THE ASSOCIATION OF MAGAZINE MEDIA

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* MPA – The Association of Magazine Media certifies that it has no parent companies, and no publicly held company owns more than 10% of its stock.

Dated: April 14, 2017

Respectfully submitted,

By: 
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STATE OF NEW YORK
COURT OF APPEALS

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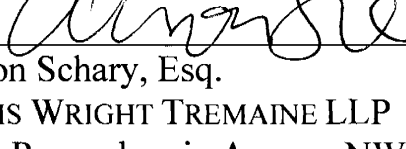
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**CORPORATE DISCLOSURE STATEMENT OF
THE NATIONAL PRESS CLUB**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* The National Press Club certifies that it is a not-for-profit corporation that has no parent company and issues no stock.

Dated: April 14, 2017

Respectfully submitted,

By: 
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STATE OF NEW YORK
COURT OF APPEALS

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SAMIR HASHMI

Petitioners-Appellants,

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NEW YORK CITY POLICE
DEPARTMENT, *et al.*

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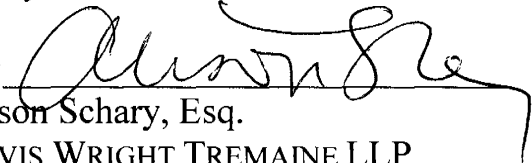
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**CORPORATE DISCLOSURE STATEMENT OF
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* National Press Photographers Association certifies that it is a 501(c)(6) nonprofit organization with no parent company and does not issue any stock.

Dated: April 14, 2017

Respectfully submitted,

By: 
Alison Schary, Esq.
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STATE OF NEW YORK
COURT OF APPEALS

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SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
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APL-2016-00219
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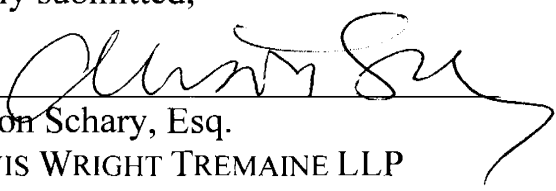
**CORPORATE DISCLOSURE STATEMENT OF
NATIONAL PUBLIC RADIO, INC.**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* National Public Radio, Inc. certifies that it is a privately supported, not-for-profit membership organization that has no parent company and issues no stock. National Public Radio, Inc.'s subsidiaries are National Public Media, LLC, a majority-owned subsidiary, and NPR Media Berlin gGmbH, a wholly-owned German subsidiary. The NPR Foundation is an affiliate of National Public Radio, Inc. National Public Radio, Inc. and American Coalition for Public Radio may be considered related entities. Public Media Platform, Inc. and Broadcaster Traffic Consortium, LLC are companies in which National Public Radio, Inc. participates as a member.

Dated: April 14, 2017

Respectfully submitted,

By:


Alison Schary, Esq.

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STATE OF NEW YORK
COURT OF APPEALS

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In the Matter of :
TALIB W. ABDUR-RASHID and :
SAMIR HASHMI :
Petitioners-Appellants, :

APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

-against-

NEW YORK CITY POLICE :
DEPARTMENT, *et al.* : x
Respondents-Appellees.

CORPORATE DISCLOSURE STATEMENT OF
THE NEW YORK TIMES COMPANY

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* The New York Times Company certifies that The New York Times Company no parent company. One publicly held corporation, Grupo Financiero Inbursa, S.A.B. de C.V., owns more than 10 percent of its stock through affiliated entities. The Times's subsidiaries and affiliates are listed on the annexed Exhibit C.

Dated: April 14, 2017

Respectfully submitted,

By: 

Alison Schary, Esq.
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EXHIBIT C

Subsidiaries and Affiliates of The New York Times Company

The New York Times Company

Hello Society, LLC

IHT LLC

International Herald Tribune S.A.S.

International Business Development (IBD)

International Herald Tribune (Hong Kong) LTD.

International Herald Tribune (Singapore) PTE. LTD.

Beijing Shixun Zhihua Consulting Co. LTD.

International Herald Tribune B.V.

International Herald Tribune GmbH

International Herald Tribune (Zurich) GmbH

International Herald Tribune Japan GK

International Herald Tribune Ltd. (U.K.)

International Herald Tribune U.S. Inc.

International Herald Tribune-Kathimerini Commercial S.A. (50%)

The Herald Tribune - Ha'aretz Partnership (50%)

London Bureau Limited

Madison Paper Industries (partnership) (40%)

New York Times Digital LLC

Northern SC Paper Corporation (80%)

NYT Administradora de Bens e Servicos Ltda.

NYT Building Leasing Company LLC

NYT Group Services, LLC

NYT News Bureau (India) Private Limited

NYT Real Estate Company LLC

The New York Times Building LLC (58%)

Rome Bureau S.r.l.

Women in the World Media, LLC (30%)

NYT Capital, LLC

Donohue Malbaie Inc. (49%)

Midtown Insurance Company

NEMG T&G, Inc. (formerly Worcester Telegram & Gazette Corporation)

NYT Shared Service Center, Inc.

International Media Concepts, Inc.

The New York Times Distribution Corporation
The New York Times Sales Company
The New York Times Syndication Sales Corporation

100% owned unless otherwise indicated.

STATE OF NEW YORK
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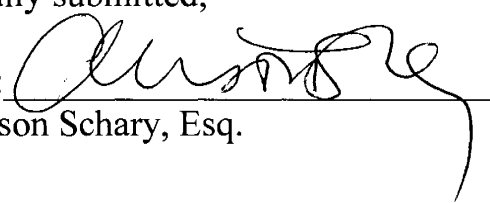
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**CORPORATE DISCLOSURE STATEMENT OF
NEWSDAY LLC**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Newsday LLC certifies that it is a Delaware limited liability company whose members are Tillandsia Media Holdings LLC and Newsday Holdings LLC. Newsday Holdings LLC is an indirect subsidiary of Cablevision Systems Corporation, which is indirectly owned by Altice N.V., a Netherlands public company (which holds a majority interest); Canada Pension Plan Investment Board, a Canadian Crown corporation; and BC Partners, a U.K. private equity firm.

Dated: April 14, 2017

Respectfully submitted,

By: 
Alison Schary, Esq.

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**CORPORATE DISCLOSURE STATEMENT OF
THE NEWSGUILD-CWA**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* The Newsguild-CWA (TNG-CWA) certifies that it is an unincorporated association. It is affiliated with its parent union, the Communications Workers of America (CWA). Neither TNG-CWA nor CWA issues stock.

Dated: April 14, 2017

Respectfully submitted,

By: 

Alison Schary, Esq.

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STATE OF NEW YORK
COURT OF APPEALS

In the Matter of
TALIB W. ABDUR-RASHID and
SAMIR HASHMI

Petitioners-Appellants,

-against-

NEW YORK CITY POLICE
DEPARTMENT, *et al.*

Respondents-Appellees.

APL-2016-00219
New York County Clerk's Index
Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
ONLINE NEWS ASSOCIATION**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Online News Association certifies that it is a non-profit corporation and has no parent companies, subsidiaries, or affiliates.

Dated: April 14, 2017

Respectfully submitted,

By: 

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**CORPORATE DISCLOSURE STATEMENT OF
PEN AMERICA**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* PEN America certifies that it is a 501(c)(3) non-profit association of writers, editors, and translators with no parent, subsidiary, or affiliate companies.

Dated: April 14, 2017

Respectfully submitted,

By: 

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-against-

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DEPARTMENT, *et al.*
Respondents-Appellees.

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Radio Television Digital News Association (“RTDNA”) certifies that RTDNA is a nonprofit organization that has no parent company and issues no stock.

Dated: April 14, 2017

Respectfully submitted,

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**CORPORATE DISCLOSURE STATEMENT OF
THE SEATTLE TIMES COMPANY**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* The Seattle Times Company certifies that The McClatchy Company owns 49.5% of the voting common stock and 70.6% of the nonvoting common stock of The Seattle Times Company.

Dated: April 14, 2017

Respectfully submitted,

By: 

Alison Schary, Esq.

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SAMIR HASHMI

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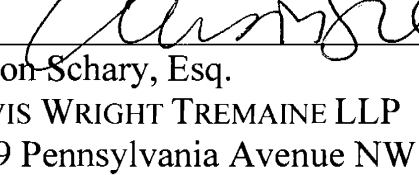
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Nos.13/101559 and 13/101560

**CORPORATE DISCLOSURE STATEMENT OF
SOCIETY OF PROFESSIONAL JOURNALISTS**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Society of Professional Journalists certifies that it is a non-profit corporation and has no parent company or subsidiaries.

Dated: April 14, 2017

Respectfully submitted,

By: 
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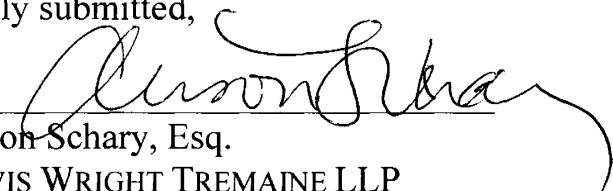
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**CORPORATE DISCLOSURE STATEMENT OF
TULLY CENTER FOR FREE SPEECH**

Pursuant to Section 500.1(f) of the Rules of Practice for this Court, the undersigned counsel for *Amicus Curiae* Tully Center for Free Speech certifies that it is a subsidiary of Syracuse University.

Dated: April 14, 2017

Respectfully submitted,

By: 
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