

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SEANPAUL REYES,

Plaintiff,

**DECLARATION OF MARK  
D. ZUCKERMAN**

-against-

CITY OF NEW YORK,

**23 CV 6369 (JGLC)**

Defendant.

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**MARK D. ZUCKERMAN**, an attorney duly admitted to practice in the State of New York and the Southern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendant City of New York herein. As such, I am familiar with the facts stated below and submit this declaration to place the relevant information and documents on the record in support of defendant City of New York's motion to dismiss plaintiff's amended complaint pursuant to Rules 12(b)(1) and 12(b)(6), Fed. R. Civ. P.

2. Annexed hereto as Exhibit A is a true and exact copy of plaintiff's video taken at the NYPD's 61<sup>st</sup> Precinct on the subject date of incident.

3. Annexed hereto as Exhibit B is a true and exact copy of S3253A Introducer's Memorandum In Support.

4. Annexed hereto as Exhibit C is a true and exact copy of the transcript of the 6/8/20 N.Y. Assembly Debate.

5. Annexed hereto as Exhibit D is a true and exact copy of the transcript of the 6/9/20 N.Y.C. Council Committee on Public Safety hearing.

6. Annexed hereto as Exhibit E is a true and exact copy of the 6/9/20 N.Y.C. Council, Committee on Public Safety, Committee Report of the Justice Division.

7. Annexed hereto as Exhibit F is a true and exact copy of plaintiff's motion to dismiss in People v. Reyes, CR 19322-23KN.

8. On or about January 30, 2024, in People v. Reyes, CR 19322-23KN, upon information and belief, Judge Germaine A. Auguste issued a decision and order granting plaintiff's motion to dismiss.

Dated: New York, New York  
February 5, 2024

/s/ Mark D. Zuckerman  
Mark D. Zuckerman

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