

**In the United States District Court  
For the Southern District of New York**

SeanPaul Reyes  
*Plaintiff*

v.

The City of New York,  
*Defendant*

Case No. 23-cv-6369

**PLAINTIFF’S FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO DEFENDANT THE CITY OF NEW YORK**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff, through undersigned counsel, propounds Plaintiff’s First Set of Requests for Production of Documents to Defendant The City of New York (the “Requests”) upon Defendant and requests that the Defendant provide all requested documents for inspection and copying by Plaintiff’s counsel. Defendant’s response is to be made by electronic mail to all counsel of record for Plaintiff and by mail to Andrew Case at LatinoJustice PRLDEF, 475 Riverside Drive, New York, NY 10115, within 30 days of the service of this document pursuant to Rule 34 of the Federal Rules of Civil Procedure.

**Instructions**

1. These Requests shall be deemed to seek documents in existence as of the date of service thereof and to the full extent of the Federal Rules of Civil Procedure. These Requests are of a continuing nature and you are required to file and serve supplemental responses promptly if you obtain further or different information after the date of your initial answer and before this case is completed.

2. The following Requests seek production of all documents described, including all drafts, of whatever date, and all non-identical copies of such documents. These Requests shall apply to all documents in your possession, custody or control at the present time or that come into your possession, custody or control. If you at any time had possession, custody, or control of a document called for under these Requests and if such document has been lost, destroyed, purged, or is not presently in your possession, custody, or control, you shall describe the document; the date of its loss, destruction, purge, or separation from possession, custody, or control; the circumstances surrounding its loss, destruction, purge, or separation from possession, custody or control; and identify the person or persons, if any, who have possession, custody and control of the document.

3. If you assert that any document called for by any request contained herein is protected against disclosure as, on the grounds that said document constitutes or contains attorney work product and/or attorney-client privileged information, or is protected by any privilege of any kind whatsoever, you shall provide the following information with respect to such document:

- i) The name and capacity of the person or persons who prepared the document;
- ii) The name and capacity of all addressees or recipients of the original or copies thereof;
- iii) The date, if any, borne by the document;
- iv) A brief description of its subject matter and length;
- v) The source of the factual information from which such document was prepared; and
- vi) The nature of the privilege claimed.

4. All documents produced pursuant hereto are to be produced as they are kept in the usual course of business or shall be organized and labeled (without permanently marking the item

produced) so as to correspond with the categories of each numbered request hereof.

5. No part of a request contained herein may be left unanswered merely because you assert an objection to another part of that request.

6. When appropriate, the singular form of a word should be interpreted in the plural as may be necessary to bring within the scope hereof any documents which might otherwise be construed to be outside the scope hereof.

7. Unless otherwise stated in a specific request, the Requests apply from July 6, 2016 (the date of the filing of the Complaint in *An v. City of New York*) and are ongoing (the “Relevant Period”).

### **Definitions**

1. All terms used in these requests shall have the broadest meaning accorded to them under the Federal Rules of Civil Procedure.

2. The terms “communication,” “document,” “identify,” “parties,” “person,” and “concerning” shall use the definitions set forth in Local Rule 26.3(c).

3. The rules of construction for singular and plural forms and for the terms “all,” “any,” “each,” “and,” and “or,” shall comply with Local Rule 26.3(d).

4. The term “including,” as used herein, shall mean “including without limitation” and “including, but not limited to.”

5. “NYPD” means the New York City Police Department.

6. The “061” or “061 Precinct” refers to the NYPD’s Sixty-First Precinct located at 2575 Coney Island Avenue, Brooklyn, NY. The “061 Incident” refers to Plaintiff’s arrest for recording at the 061 Precinct on April 4, 2023.

7. The “075” or “075 Precinct” refers to the NYPD’s Seventy-Fifth Precinct located at 1000 Sutter Avenue, Brooklyn, NY. The “075 Incident” refers to Plaintiff’s arrest for recording at the 075 Precinct on June 1, 2023.

8. “Sgt. Korchimet” means NYPD Sergeant Tosares Korchimet (Badge No. 256) from the 061 Precinct.

9. “PO Cucuzza” means Police Officer Giovanni Cucuzza (Badge No. 259) from the 061 Precinct.

10. The “075 Arresting Officer” means the police officer who carried out the arrest of Plaintiff during the 075 incident.

11. The term “*An v. City of New York*” refers to the case *Ruben An v. City of New York*, 16-cv-5381 (S.D.N.Y.)

12. The term “Trespass Policy” refers to the NYPD’s policy of arresting individuals for trespassing when they record police officers within the publicly accessible areas of NYPD facilities, first set forth in the settlement agreement in *An v. City of New York*, then codified in the NYPD Patrol Guide 203-29 in June 2018, and subsequently in the NYPD Administrative Guide Procedures 304-21 issued in June 2021.

13. The term “August 2018 Memo” refers to the memo circulated on or about August 15, 2018 regarding recording in precincts that member of the NYPD discussed with the press prior to the publication of an August 21, 2018 article entitled “Video of Man Berating Officer Opens Debate Over Recording in Police Stations,” in the New York Times, available here: <https://www.nytimes.com/2018/08/21/nyregion/recording-in-police-stations-new-york.html>.

14. The term “No Recording Signs” refers to the signs posted by NYPD in nearly every precinct, which read: MEMBERS OF THE PUBLIC ARE PROHIBITED FROM AUDIO

OR VIDEO RECORDING OR PHOTOGRAPHING THIS FACILITY.

15. “First Amendment Right to Record” refers to the constitutional right under the First Amendment to film, photograph, videotape, or otherwise record officers performing their official duties in public places.

16. The “NYC Right to Record Act” refers to the New York City law, passed on June 18, 2020 codified at § 14-189 of the New York City Administrative Code.

17. The “NYS Right to Record Act” refers to the New York State Right to Record Act, codified at New York Civil Rights Law § 79-P.

18. The term “Public Window” refers to any portion of a precinct where a member of the public may interact with a member of the NYPD without passing through a security barrier, whether that location is a desk, window, opening, or other location.

19. The term “Mayor’s Press Office” means the communications department for New York City Hall, including any person responsible for reviewing press coverage, responding to press coverage, reaching out to reporters, responding to reporters, or otherwise working on communications issues.

**Requests for Production of Documents**

**Request for Production No. 1:** Produce any documents, communications, emails, directives, reports and/or notes within the possession, custody, or control of Defendant City of New York that relate to Plaintiff SeanPaul Reyes. This request includes but is not limited to, any communications from or to any member of the NYPD, specifically but not limited to communications from or to any individuals who work in any numbered precinct, any individuals who work in NYPD Headquarters at One Police Plaza, and any individuals who work at the NYPD Police Academy. This request also specifically includes but is not limited to

any documents or communications regarding Plaintiff SeanPaul Reyes in the possession, custody, and control of Defendant generally, including any executive agency of the City of New York and specifically but not limited to the Mayor's Press Office.

**Request for Production No. 2:** Produce any documents, communications, emails, directives, reports and/or notes within the possession, custody, or control of the NYPD concerning the 061 Incident, including reports made by any officer regarding the arrest of Plaintiff or the disposal of Plaintiff's equipment. This Request applies to the period of April 4, 2023 to the present.

**Request for Production No. 3:** Produce any video footage within the possession, custody, or control of the 061 Precinct, concerning the 061 Incident, including videos from the body-worn cameras of the officers involved, and videos from the fixed interior video cameras of the precinct lobby. This Request applies to the period of April 4, 2023 to the present.

**Request for Production No. 4:** Produce any documents, communications, emails, directives, reports and/or notes within the possession, custody, or control of the 075 Precinct, concerning the 075 Incident, including reports made by any officer regarding the arrest of Plaintiff. This Request applies to the period of June 1, 2023 to the present.

**Request for Production No. 5:** Produce any video footage within the possession, custody, or control of the 075 Precinct, concerning the 075 Incident, including videos from the body-worn cameras of the officer(s) involved, and videos from the fixed interior video cameras of the precinct lobby. This Request applies to the period of June 1, 2023 to the present.

**Request for Production No. 6:** Produce any documents, communications, emails, directives, reports, notes, guidance, memoranda, policies, or protocols, and/or other sources provided to NYPD officers regarding the Trespass Policy, the First Amendment right to record, the NYC Right to Record Act, and/or the NYS Right to Record Act, including but not limited to

any training or instructional materials.

**Request for Production No. 7:** Produce all documents concerning each NYPD Civilian Complaint Review Board (“CCRB”) complaint or investigation concerning the 061 Incident, including, but not limited to, all such documents within the CCRB’s care, custody, or control, including, but not limited to, the CCRB Complaint Report; CTS+ Logs; Closing Report; and all underlying documents and communications, including e-mails, related to each such complaint or investigation.

**Request for Production No. 8:** Produce all documents concerning any other complaint received, or investigation or prosecution, whether actual or potential, concerning Plaintiff or the Incident undertaken by the City of New York or any of its agencies, including, but not limited to, all such documents related to Sgt. Korchimet and/or PO Cucuzza.

**Request for Production No. 9:** Produce Sgt. Korchimet and PO Cucuzza’s current NYPD Central Personnel Index (“CPI”) report.

**Request for Production No. 10:** Produce Sgt. Korchimet and PO Cucuzza’s current NYPD IAB resume and all related NYPD documents, including communications and documents reflecting the ultimate disposition of each IAB complaint or investigation, whether created within the NYPD’s IAB or otherwise.

**Request for Production No. 11:** Produce all documents concerning internal police disciplinary action, letters in the personnel file, command discipline A or B, charges and specifications, transfers, and/or warnings and admonishment against Sgt. Korchimet and PO Cucuzza including, but not limited to, any GO-15 statements.

**Request for Production No. 12:** Produce all documents reflecting any early intervention monitoring or force monitoring or NYPD or external monitoring Sgt. Korchimet or PO Cucuzza has been subjected to during their time as a NYPD member.

**Request for Production No. 13:** Produce all Risk Assessment Information Liability System (“RAILS”) documents related to Sgt. Korchimet and PO Cucuzza.

**Request for Production No. 14:** Produce Sgt. Korchimet and PO Cucuzza’s complete NYPD personnel file.

**Request for Production No. 15:** Produce any NYPD documents, communications, emails, directives, guidance, memoranda, policies, or protocols that relate to the First Amendment Right to Record.

**Request for Production No. 16:** Produce any NYPD documents, communications, emails, directives, guidance, memoranda, policies, or protocols that relate to the proper procedure for dealing with a civilian who is recording police activity.

**Request for Production No. 17:** Produce any NYPD documents, communications, emails, directives, guidance, memoranda, policies, or protocols that relate to the proper procedure for dealing with a civilian who is recording inside a publicly accessible area of the NYPD precincts.

**Request for Production No. 18:** Produce any NYPD documents, communications, emails, directives, guidance, memoranda, policies, or protocols that relate to the purpose of the Trespass Policy.

**Request for Production No. 19:** Produce any NYPD documents, communications, emails, directives, reports, notes, and/or other sources concerning NYPD policy regarding members of the public recording police activity as it existed prior to the filing of *An v. City of New York*.

**Request for Production No. 20:** Produce any NYPD documents, communications, emails, directives, reports, notes, and/or other sources related to the creation for the first time of the Trespass Policy in or around June 2018, including any drafts of PG203-29.



**Request for Production No. 21:** Produce any NYPD documents, communications, emails, directives, reports and/or notes related to the review and approval for the first time of the Trespass Policy on or around June 2018.

**Request for Production No. 22:** Produce any NYPD documents, communications, emails, directives, and/or notes related to the development, changes and revisions of the Trespass Policy from June 2018 to the present, including any instructions, drafts, and review notes.

**Request for Production No. 23:** Produce any NYPD documents, communications, emails, directives, guidance, memoranda, policies, and/or notes regarding the implementation of the Trespass Policy, including any training or instructional materials, from June 2018 to the present.

**Request for Production No. 24:** Produce copies of any NYPD announcements, whether circulated internally in the NYPD or distributed to the public, of the Trespass Policy, including but not limited to the August 2018 Memo.

**Request for Production No. 25:** Produce any NYPD documents, communications, emails, directives, reports, notes, and/or other sources related to the drafting, review and circulation of the August 2018 Memo further codifying the Trespass Policy, including any instructions, drafts, and review notes.

**Request for Production No. 26:** Produce any NYPD documents, communications, emails, directives, reports, notes, and/or other sources related to the drafting, review and circulation of the NYPD Administrative Guide Procedures 304-21, including any instructions, drafts, and review notes.

**Request for Production No. 27:** Produce any NYPD documents, communications, emails, directives, reports, notes, and/or other sources related to the decision to create and post

the No Recording Signs, including but not limited to instructions to vendors, drafts of the language of the signs, invoice from vendors and instructions on posting the signs.

**Request for Production No. 28:** Produce any NYPD documents, communications, emails, directives, guidance, memoranda, policies, and/or notes regarding installing any other signs notifying people that they cannot trespass aside from the No Recording Signs.

**Request for Production No. 29:** Produce any documents, communications, emails, directives, guidance, memoranda, policies, or protocols, or other sources concerning any receipt, review, dissemination, response, and/or investigation of the CCRB Report entitled “New York City Civilian Complaint Review Board, Worth a Thousand Words, Examining Officer Interference with Civilian Recording” published in June 2017.

**Request for Production No. 30:** Produce any documents, communications, emails, directives, guidance, memoranda, policies, or protocols, or other sources concerning any actions taken in response to the CCRB Report entitled “New York City Civilian Complaint Review Board, Worth a Thousand Words, Examining Officer Interference with Civilian Recording” published in June 2017.

**Request for Production No. 31:** Produce any documents, communications, emails, directives, guidance, memoranda, policies, or protocols, or other sources concerning any receipt, review, dissemination, and/or response regarding the passing of the NYC Right to Record Act. This request applies for the period of June 2020 to the present.

**Request for Production No. 32:** Produce any documents, communications, emails, directives, guidance, memoranda, policies, or protocols, or other sources concerning any documentation, recordings, investigations, measures, recommendations, and actions taken in response to the passing of the NYC Right to Record Act. This request applies for the period of June 2020 to the present.

**Request for Production No. 33:** Produce any documents, communications, emails, directives, guidance, memoranda, policies, or protocols, or other sources concerning any receipt, review, dissemination, and/or response regarding the passing of the NYS Right to Record Act. This request applies for the period of June 2020 to the present.

**Request for Production No. 34:** Produce any documents, communications, emails, directives, guidance, memoranda, policies, or protocols, or other sources concerning any documentation, recordings, investigations, measures, recommendations, and actions taken in response to the passing of the NYS Right to Record Act. This request applies for the period of June 2020 to the present.

**Request for Production No. 35:** Produce all documents or communications generated as a result of any encounter between a member of the public and a member of the NYPD at the Public Window of the 061 Precinct from January 1, 2023 through December 31, 2023, including but not limited to criminal complaints, reports of loss or damage, aided reports, visitor logs, medical reports, reports of referrals to other agencies, memo book entries, or any other documentation whatsoever. This request includes a request to redact any personally identifiable information contained in any responsive document.

**Request for Production No. 36:** Produce all documents or communications generated as a result of any encounter between a member of the public and a member of the NYPD at the Public Window of the 075 Precinct from January 1, 2023 through December 31, 2023, including but not limited to criminal complaints, reports of loss or damage, aided reports, visitor logs, medical reports, reports of referrals to other agencies, memo book entries, or any other documentation whatsoever. This request includes a request to redact any personally identifiable information contained in any responsive document.

**Request for Production No. 37:** Produce all records of arrests in the possession,

custody and control of the 061 Precinct of arrests made for recording police activity, including reports of summons, arrest reports, logs, notes and other documents prepared by officers in relation to the arrests, for the period of June 2018 to the present.

**Request for Production No. 38:** Produce all records of arrests in the possession, custody and control of the 061 Precinct of arrests made for any trespassing offence within the confines of the precinct, including reports of summons, arrest reports, logs, notes and other documents prepared by officers in relation to the arrests, for the period of June 2018 to the present.

**Request for Production No. 39:** Produce all records of arrests in the possession, custody and control of the 075 Precinct of arrests made for recording police activity, including reports of summons, arrest reports, logs, notes and other documents prepared by officers in relation to the arrests, for the period of June 2018 to the present.

**Request for Production No. 40:** Produce all records of arrests in the possession, custody and control of the 075 Precinct of arrests made for any trespassing offence within the confines of the precinct, including reports of summons, arrest reports, logs, notes and other documents prepared by officers in relation to the arrests, for the period of June 2018 to the present.

**Request for Production No. 41:** Produce any documents, communications, emails, directives, reports, and/or notes, concerning any investigation or disciplinary action, or lack thereof, taken against any officer for interfering with the First Amendment Right to Record, for the period of June 2018 to the present. This request includes documents from the NYPD, the CCRB, the Commission to Combat Police Corruption, and any other division, department or unit of the City of New York.

**Request for Production No. 42:** Produce any documents, communications, emails,

directives, reports, and/or notes, concerning any investigation or disciplinary action, or lack thereof, taken against any officer for violating the NYC Right to Record Act, for the period of June 2018 to the present. This request includes documents from the NYPD, the CCRB, the Commission to Combat Police Corruption, and any other division, department or unit of the City of New York.

**Request for Production No. 43:** Produce any documents, communications, emails, directives, reports, and/or notes, concerning any investigation or disciplinary action, or lack thereof, taken against any officer for violating the NYS Right to Record Act, for the period of June 2018 to the present. This request includes documents from the NYPD, the CCRB, the Commission to Combat Police Corruption, and any other division, department or unit of the City of New York.

**Request for Production No. 44:** Produce any documents or communications concerning the incident that took place on or about August 13, 2018, in which a civilian recorded his interaction with Sergeant Freddy Lopez inside the 28<sup>th</sup> Precinct, including but not limited to communications regarding the subsequent posting of the video of that incident on the internet. This request includes documents in the custody, possession, or control of any department, unit, or subdivision of Defendant City of New York, including specifically the NYPD and the Mayor's Press Office.

**Request for Production No. 45:** Produce all documents and communications concerning media coverage of the incident described in RFP 45, including but not limited to documents and communications concerning the article by Tina Moore and Amanda Woods, [NYPD bans civilians from recording video inside precincts](#), New York Post, Aug. 18, 2018, and the article by Ashley Southall, [Video of Man Berating Officer Opens Debate Over Recording in Police Stations](#), New York Times, Aug. 21, 2018 including, but not limited to all communications

concerning the subject of the article from any police source including the unnamed source mentioned in the New York Post article.

Dated: February 15, 2024

PLAINTIFF SEANPAUL REYES

By: /s/ Andrew Case

Andrew Case

Meena Roldán Oberdick

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**CERTIFICATE OF DELIVERY**

I hereby certify that on February 15, 2024, a copy of the above Plaintiffs' First Set of Requests for Production to Defendant The City of New York was sent by electronic mail to all counsel of record for the Defendant.

/s/ Meena Roldan Oberdick  
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