

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DAVID FLOYD, *et al.*,

Plaintiffs,

08 Civ. 1034 (AT)

-against-

ORDER TO SHOW CAUSE

THE CITY OF NEW YORK, *et al.*,

Defendants.

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Upon the declaration of Dominique Day, signed May 26, 2020, exhibits accompanying said declaration, and Plaintiffs' memorandum of law annexed hereto, it is hereby:

ORDERED that the above-named Defendants show cause before this Court, at Room ____, United States Courthouse, 500 Pearl Street, in Manhattan, in New York County in the State of New York, or via videoconference as determined by the Court, on _____ at _____ o'clock, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 37 of the Federal Rules of Civil Procedure and this Court's inherent equitable powers to enforce its own orders and judgments:

- (1) Finding Defendant City of New York to be in violation of the Court's August 12, 2013 Opinion and Order (Dkt # 372) and Findings and Fact and Conclusions of Law (Dkt # 373), and the Court's August 24, 2015 Order approving the New York Police Department's (NYPD) Policy Prohibiting Racial Profiling and Bias-Based Policing (Dkt # 517);

- (2) Compelling the City of New York to produce all materials and information responsive to Plaintiffs' April 22, 2020 discovery requests concerning the NYPD's efforts to enforce the social distancing directives issued by the City and State of New York in response to the ongoing COVID-19 public health crisis;
- (3) Directing the Court-appointed Independent Monitor to, within thirty (30) days, (i) conduct an investigation and evaluation of the legality and consistency with the requirements of the Court's orders of the NYPD's social distancing enforcement efforts, including, but not limited to, a review of all NYPD social distancing-related investigative encounter, arrest and summons activity thus far, all written and verbal guidance on social distancing enforcement provided to NYPD rank-and-file officers by NYPD senior management and command-level supervisors, and all data on NYPD efforts to investigate and discipline officers involved in allegedly improper social distancing enforcement activity; (ii) share all information, data, documents, and conclusions pursuant to this investigation with the Plaintiffs for consultation in advance of reporting; and (iii) present all of his investigative findings in a report shared with the parties and filed publicly with the Court; and
- (4) Temporarily enjoining any further social distancing enforcement actions by the NYPD pending further order of this Court, following its review and consideration of the Monitor's report and the parties' responses and upon its determination that the NYPD is able to enforce social distancing requirements without violating the Court's prior orders.

ORDERED that that service by electronic mail of a copy of this order and annexed documents upon the Defendants' counsel on or before ____ o'clock on _____ shall be deemed good and sufficient service thereof.

Dated: New York, NY
May _____, 2020

U.S.D.J.