

**MEMO ENDORSED**

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October 2, 2007

The Honorable Kenneth M. Karas  
United States District Court Judge  
Southern District of New York  
300 Quarropas Street (Chambers 533)  
White Plains, NY 10601-4150

by fax: (914) 390-4152

Re: West 20<sup>th</sup> Enterprises Corp. v. City of New York  
07 Civ. 8052 (KMK)(LMS)

Your Honor:

I am the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, who was assigned yesterday to handle the above-referenced case. I was given permission to fax this letter by Dawn of your chambers.

The City was served with the summons and complaint in the above-referenced case, which indicate that this case is assigned to Your Honor in the White Plains courthouse. The City requests that the case be reassigned to a judge sitting at Foley Square.

Southern District Division of Business Rule 21(a) states as follows:

(a) **Civil.** At the time of filing, the plaintiff's attorney shall designate on the civil cover sheet whether the case should be assigned to White Plains or Foley Square.

A civil case shall be designated for assignment to White Plains if:

(i) The claim arose in whole or in major part in the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester (the "Northern Counties") and at least one of the parties resides in the Northern Counties; or

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(ii) The claim arose in whole or in major part in the Northern Counties and none of the parties resides in this District.

A civil case may also be designated for assignment to White Plains if:

(iii) the claim arose outside this district and at least some of the parties reside in the Northern Counties; or

(iv) At least half of the parties reside in the Northern Counties.

All civil cases other than those specified in the foregoing paragraphs (i), (ii), (iii), and (iv) shall be designated for assignment to Foley Square.

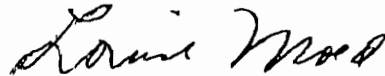
In their complaint, plaintiffs allege that regulatory action taken by the New York City Police Department has had, and continues to have, a negative impact on their club, which is located at 20 West 20<sup>th</sup> Street in Manhattan. Plaintiffs seek, inter alia, injunctive relief against the City. The New York City Police Department has taken no action in any northern county. The events challenged in the complaint took place, and allegedly continue to take place, solely in Manhattan.

Accordingly, this case should be reassigned to a judge sitting in the Foley Square courthouse, as the claims arose in New York County.

I left a message last evening for plaintiffs' counsel, Jonathan Lovett, seeking his position on the City's application. He did not return my call and I was told by his office this morning that he is not expected back until the end of the day.

Thank you for your consideration of this application.

Respectfully submitted,

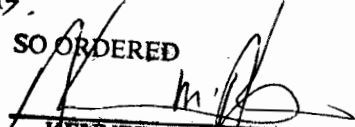


Louise A. Moed (LM 7442)  
Assistant Corporation Counsel

cc: Jonathan Lovett, attorney for plaintiffs, by fax: (914) 428-8916

The case is staying in White Plains,  
as both plaintiffs are residents of the  
Northern Counties.

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SO ORDERED  
  
KENNETH M. KARAS U.S.D.J.  
10/4/07