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**Court Rules in Favor of Chinatown Residents**

**New York, August 16, 2007** – Justice Walter B. Tolub of the New York Supreme Court yesterday ruled in favor of Chinatown residents and residential associations challenging New York City agencies' withholding of documents that the residents allege should have been disclosed in connection with their requests under the Freedom of Information Law.

Justice Tolub found that the city failed to provide the information required to justify its refusal to disclose the documents. Justice Tolub ordered the city to deliver copies of most of the withheld documents to his chambers for an "expedited *in camera* review" to determine if they should be disclosed. The residents, represented by the Asian-American Legal Defense and Education Fund (AALDEF) and Dewey Ballantine LLP, have challenged New York City's street closures around One Police Plaza at Park Row for six years. Two and a half years ago, they obtained a court order requiring the city to conduct an environmental review of the street closures.

In an effort to ensure the city's compliance with the court-ordered environmental review, the residents had submitted requests for documents related to the review process under the Freedom of Information Law to the New York Police Department (NYPD), Department of Transportation, Department of City Planning, and the Mayor's Office in August of 2006. The city withheld numerous documents on the ground that they were exempt from disclosure. The residents believe that these documents are significant in showing whether the city, which has consistently resisted public review of the street closures around One Police Plaza, has fully complied with its environmental review obligations.

The Dewey Ballantine legal team includes Partner Aldo A. Badini, associate Roy Taub, and lawyer Adam Spease. Ken Kimerling and Margaret Fung of the Asian-American Legal Defense and Education Fund also represent the residents.

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### **Notes to the Editors**

- On September 11, 2001, the NYPD closed several streets in Chinatown, including Park Row, a major north-south thoroughfare.
- By 2004, when other streets in the city had long been reopened and the city's most sensitive sites had implemented security measures that both protected building inhabitants and respected the needs of surrounding communities, Park Row and other streets surrounding One Police Plaza remained closed.
- As a result of the barricaded streets cutting through their neighborhood, Chinatown residents faced serious delays in accessing emergency healthcare at NYU Downtown Hospital.
- In 2004, the AALDEF and Dewey Ballantine filed an action in New York State Supreme Court to require the NYPD to comply with city and state environmental quality review and land use laws in connection with the street closures.
- Dewey Ballantine argued that the NYPD should have examined the harm to residents and other factors in the Environmental Assessment Statement (EAS) which the NYPD issued as part of the street closing process.
- Dewey Ballantine argued that the failure to fully and adequately evaluate the impact of the street closures on residents violated state law.
- In October 2004, the court agreed and ruled that the environmental assessment was wholly inadequate, ordering the NYPD to produce a full Environmental Impact Statement to ascertain the environmental effects of the city's street closures around One Police Plaza upon the adjoining Chinatown community.
- After two and a half years, the city issued the final Environmental Impact Statement only days before a hearing on a motion brought by residents for a court order expediting the publication of the final Environmental Impact Statement. It was published in August 2007.

**About Dewey Ballantine**

Dewey Ballantine LLP, an international law firm with 550 lawyers located in New York, Washington, D.C., Los Angeles, East Palo Alto, Austin, Charlotte, London, Warsaw, Frankfurt, Milan, Rome and Beijing, was founded in 1909. Through its network of offices, the firm handles some of the largest, most complex corporate transactions, litigation and tax matters in areas such as M&A, private equity, project finance, corporate finance, corporate reorganization and bankruptcy, antitrust, intellectual property, sports law, structured finance and international trade. Industry specializations include energy and utilities, health care, insurance, financial services, media, consumer and industrial goods, consumer electronics, technology, telecommunications and transportation.