

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA BOUFERGUEN,	:
	:
Plaintiff,	:
	: 20-cv-3975
-versus-	:
	:
ANDREW CUOMO, as the Governor of New York;	:
and the CITY OF NEW YORK,	:
	:
Defendants.	:
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DECLARATION OF CHRISTOPHER DUNN

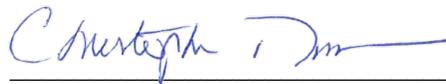
I, Christopher Dunn, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the legal director of the New York Civil Liberties Union and counsel in this case. I submit this declaration in support of the plaintiff’s Motion for a Temporary Restraining Order.
2. On Friday, May 15, 2020, I contacted the New York City Law Department on behalf of the plaintiff Linda Bouferguen to inform it of her planned May 23, 2020 protest and to request that New York City confirm that it could take place without threat of enforcement on the basis of the state or city bans on public gatherings. In making this request, I pointed to the fact that the NYPD had on at least two occasions allowed other protests to take place, most notably a May 11, 2020 rally and march led by New York City Public Advocate Jumaane Williams.
3. On Monday, May 18, 2020, I informed the New York City Law Department of a protest the NYPD had allowed to take place the prior day in midtown Manhattan at the Democratic Party headquarters.

4. On Tuesday, May 19, 2020, the New York City Law Department informed me that New York City would not grant permission for Ms. Bouferguen's protest to take place in light of the state executive order barring non-essential public gatherings and that it could not make any representations that the NYPD would not take enforcement action if Ms. Bouferguen went forward with her planned protest.
5. Later on May 19, 2020, Governor Cuomo announced he would permit gatherings to take place over the Memorial Day weekend involving up to ten people observing social distancing if the gatherings were for the purpose of commemorating veterans. Upon learning of this, I contacted the New York State Attorney General's Office to object to the granting of this exception while continuing the bar on other gathering protected by the First Amendment, including protests like Ms. Bouferguen's. I also contacted the New York City Law Department to express the same objection and to request that New York City formally consent to Ms. Bouferguen being allowed to conduct her protest.
6. On May 20, 2020, Governor Cuomo announced a second exception to the public-gatherings ban, this time for "religious" gatherings of up to ten people observing social distancing. I again promptly contacted the Attorney General's Office and the Law Department, further objected to the exceptions being made for certain First Amendment events but not others. With respect to New York City, I again requested formal recognition that Ms. Bouferguen be allowed to hold her protest without threat of arrest of other enforcement.
7. Late on May 20, 2020, I communicated to a senior member of Governor's Cuomo's office the NYCLU's concerns about the excepting of events commemorating

Memorial Day and of religious events from the ban on public gatherings. I urged the office to amend the ban on gatherings to allow all First Amendment events of ten or fewer people observing social distancing.

8. As of the filing of this declaration, New York City has declined to approve of Ms. Bouferguen's planned demonstration and has declined to make any representations that she will not face the risk of arrest if she proceeds with her protest.



Christopher Dunn

Dated: May 22, 2020
New York, N.Y.