

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of,

NEW YORK CIVIL LIBERTIES UNION,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF  
CORRECTION,

Respondent.

Index No.: \_\_\_\_\_

For a Judgement Pursuant to Article 78 of the Civil  
Practice Law and Rules.

**AFFIRMATION OF GUADALUPE V. AGUIRRE IN SUPPORT OF THE  
VERIFIED PETITION**

GUADALUPE V. AGUIRRE, a member of the bar of New York, affirms the following to  
be true under the penalties of perjury:

1. I am a Staff Attorney at the New York Civil Liberties Union (“NYCLU”) Foundation and represent the petitioner in this action. I make this Affirmation upon personal knowledge and in support of the Verified Petition dated October 29, 2021 (“Verified Petition”), in the above-captioned case.
2. As one of the attorneys who corresponded with the New York City Department of Correction (“NYC DOC”) on behalf of the petitioner in the course of this Freedom of Information Law proceeding, I affirm that paragraphs 26–33 in the Verified Petition, which set forth the procedural history of the request, are true to my personal knowledge.

I affirm that:

- a. Attached hereto as **Exhibit A** is a true and correct copy of the petitioner's FOIL Request dated April 30, 2021.
- b. Attached hereto as **Exhibit B** is a true and correct copy of the NYC DOC's Acknowledgment dated May 5, 2021.
- c. Attached hereto as **Exhibit C** are true and correct copies of the petitioner's emails, dated May 5, 2021, in which the petitioner responded to the respondent's request for clarification of the request.
- d. Attached hereto as **Exhibit D** is a true and correct copy of the NYC DOC Interim Response, dated June 3, 2021, seeking two additional months to respond to the request.
- e. Attached hereto as **Exhibit E** is a true and correct copy of the NYCLU's Administrative Appeal letter, dated June 10, 2021.
- f. Attached hereto as **Exhibit F** is a true and correct copy of the NYCLU's follow up email to the NYC DOC, seeking acknowledgment of the receipt of the appeal and the NYC DOC email, requesting the NYCLU contact Adjuwa Thomas with the appeal, both dated June 22, 2021.
- g. Attached hereto as **Exhibit G** is a true and correct copy of the NYCLU's email submitting the appeal, as directed, to Ms. Thomas, dated June 22, 2021.
- h. Attached hereto as **Exhibit H** is a true and correct copy of the NYCLU's follow up email to Adjuwa Thomas, dated June 29, 2021.
- i. Attached hereto as **Exhibit I** is a true and correct copy of an article by Jan Ransom, Jonah E. Bromwich, and Rebecca Davis O'Brien of the New York Times titled, "Inside Rikers: Dysfunction, Lawlessness and Detainees in

Control” that I downloaded and saved in PDF format on October 28, 2021 at 9:03am from <https://www.nytimes.com/2021/10/11/nyregion/rikers-detainees-correction-officers.html>.

Respectfully Submitted,



\_\_\_\_\_  
GUADALUPE VICTORIA AGUIRRE


*Counsel for Petitioner*

Date: October 29, 2021  
New York, New York

**CERTIFICATION PURSUANT TO 22 NYCRR § 202.8-b**

I, Guadalupe V. Aguirre, an attorney duly admitted to practice law before the courts of the State of New York, hereby certify that this Affirmation complies with the word count limit set forth in 22 NYCRR § 202.8-b because it contains 425 words, excluding the parts exempted by § 202.8-b(b). In preparing this certification, I have relied on the word count of the word-processing system used to prepare this affidavit.

Dated: October 29, 2021  
New York, New York

  
\_\_\_\_\_  
Guadalupe V. Aguirre