

EXHIBIT 7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, LALIT CLARKSON,
DEON DENNIS, and DAVID OURLICHT,
on behalf of themselves and all others
similarly situated,

08 Civ. 1034 (SAS)

Plaintiffs,

-against-

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

Defendants.

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**DECLARATION OF IAN PROVOST
IN SUPPORT OF CLASS CERTIFICATION**

IAN PROVOST declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a 41-year-old man of Jamaican and East Indian descent, and I submit this declaration in support of class certification in the above captioned action.
2. I reside on 130th Avenue, in Queens County, State of New York.
3. On November 24, 2009, I was visiting my girlfriend at the Seth Low Houses at 365 Sackman Street in Brooklyn, New York. While there, I was helping her to clean her stove and I had been using a pocket knife to do so.
4. At or about 2:00 p.m., I left my girlfriend's apartment in order to pick up food from a nearby restaurant and bring it back to eat.
5. I exited the building and crossed the street. As I walked toward the restaurant, I noticed two New York Police Department ("NYPD") officers, one of whom I later learned was

Officer Jonathan Rothenberg, standing on the corner of Belmont and Sackman streets. I said hello to the officers.

6. Without any basis or reason, Officer Rothenberg stopped me and asked me if I was from the area. I responded that I did not live in the area and that I lived in Queens.

7. Officer Rothenberg then asked me where I was going and where I was coming from, and I responded that I believed that I didn't have to respond to the questioning of the officer, but that I was a visiting a friend.

8. Officer Rothenberg told me that as a housing officer he was allowed to stop and question anyone who walked out of public housing.

9. I then took out my cell phone in order to call a friend who worked for the NYPD. Officer Rothenberg instructed me to close my phone and I complied.

10. I then asked Officer Rothenberg why I was being stopped and questioned and why I was not allowed to use my phone. Officer Rothenberg replied that he did not like it when people used their phones while he was questioning them.

11. I then attempted to use my cell phone again, this time with the intention of calling my sister who is an attorney.

12. With no reason to believe that I was armed or dangerous, and without any cause, Officer Rothenberg said "that's it," grabbed my hands, took my cell phone, placed me in handcuffs, and pushed me against a nearby fence.

13. Officer Rothenberg then began to frisk me.

14. When he began the frisk, I remembered that I had put my knife into my back pocket before I left my girlfriend's apartment. I then told Officer Rothenberg about the knife. He went immediately into my back pocket, retrieved it, and then arrested me.

15. I was wrongly and falsely charged with Disorderly Conduct and Possession of a knife with a blade of four inches or more. I defended the charges, and they were entirely dismissed.

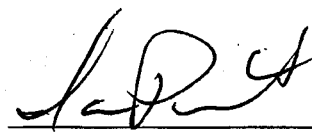
16. At no time prior to being stopped and frisked was I engaging in any unlawful, wrongful or disorderly conduct, nor had I been engaging in any conduct that would have objectively created a reasonable suspicion sufficient to justify my stop and frisk.

17. I believe that Officer Rothenberg stopped and frisked me without reasonable suspicion and because I am a Black person. I believe this because the officers had no reason to stop me. I cooperated with them and had done nothing wrong. I was just walking down the street. I have also heard my friends and family in New York tell of similar incidents—when they too were stopped and frisked by the NYPD when they were not doing anything wrong or anything suspicious.

18. I was humiliated by this stop, and I am afraid that I will again be stopped and frisked and searched for no reason other than my race.

19. I believe it is important for the NYPD to stop conducting suspicionless and race-based stops and frisks.

I declare under penalty of perjury on the third day of November, 2011, that the foregoing is true and correct.



IAN PROVOST