

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X

BLACK LOVE RESISTS IN THE RUST :
by and through MARIELLE SHAVONNE :
SMITH and CHARIS HUMPHREY on :
behalf of its members; SHAKETA :
REDDEN; DORETHEA FRANKLIN; :
TANIQUA SIMMONS; DE'JON HALL; :
JOSEPH BONDS; CHARLES PALMER; :
SHIRLEY SARMIENTO; EBONY :
YELDON; and JASMINE EVANS, :
individually and on behalf of a class of all :
others similarly situated, :

Plaintiffs, :

v. :

CITY OF BUFFALO, NY; BYRON B. :
BROWN, Mayor of the City of Buffalo, in :
his individual and official capacities; :
BYRON C. LOCKWOOD, Commissioner :
of the Buffalo Police Department, in his :
individual and official capacities; DANIEL :
DERENDA, former Commissioner of the :
Buffalo Police Department, in his individual :
capacity; AARON YOUNG, KEVIN :
BRINKWORTH, PHILIP SERAFINI, :
ROBBIN THOMAS, UNKNOWN :
SUPERVISORY PERSONNEL 1-10, :
UNKNOWN OFFICERS 1-20, each :
officers of the Buffalo Police Department, in :
their individual capacities, :

Defendants. :

-----X

**NOTICE OF MOTION FOR
PARTIAL SUMMARY JUDGMENT
AGAINST THE CITY OF BUFFALO**

Case No.: 1:18-cv-00719-CCR

ECF Case

PLEASE TAKE NOTICE that Plaintiffs Black Love Resists in the Rust, Shaketa Redden, Dorothea Franklin, Taniqua Simmons, De'Jon Hall, Joseph Bonds, Charles Palmer, Shirley Sarmiento, Ebony Yeldon, and Jasmine Evans, by and through their undersigned attorneys, will move before the Honorable Christina Reiss, United States District Judge, at a date

and time to be determined by the Court, for an Order granting Plaintiffs' Motion for Partial Summary Judgment Against the City of Buffalo pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56 of the Local Rules of Civil Procedure for the United States District Court of the Western District of New York.

Plaintiffs file their Motion for Partial Summary Judgment based on the undisputed factual evidence and applicable law, which demonstrate that Plaintiffs are entitled to judgment on their Fourth Amendment claim (Plaintiffs' First Claim for Relief) as a matter of law. The reasons for granting the motion are set forth in the accompanying Memorandum of Law in support of Plaintiffs' motion dated February 7, 2025; Plaintiffs' Local Rule 56 Statement of Material Facts dated February 7, 2025; Plaintiffs' Appendix to Local Rule 56 Statement of Material Facts dated February 7, 2025; Declaration of Philip Irwin dated February 7, 2025, with annexed exhibits thereto; Declaration of Edward P. Krugman dated May 29, 2024; Declaration of Joseph Bonds dated May 31, 2024; Declaration of Jasmine Evans dated May 21, 2024; Declaration of Dorethea Franklin dated May 13, 2024; Declaration of De'Jon Hall dated May 13, 2024; Declaration of Charles Palmer dated May 24, 2024; Declaration of Shaketa Redden dated May 13, 2024; Declaration of Shirley Sarmiento dated May 16, 2024; Declaration of Taniqua Simmons dated May 13, 2024; and Declaration of Ebony Yeldon dated May 28, 2024.

Plaintiffs state that pursuant to Local Rule 7(b)(2)(B), they intend to serve reply papers. Plaintiffs request oral argument of this motion.

Dated: February 7, 2025

s/ Philip Irwin

Philip Irwin (*pro hac vice*)
Jordan S. Joachim (*pro hac vice*)
Christine Nelson (*pro hac vice*)
Andrew Timmick (*pro hac vice*)
COVINGTON & BURLING, LLP
620 Eighth Ave., Suite 4029
New York, NY 10018
212-841-1000
pirwin@cov.com
jjoachim@cov.com
cnelson@cov.com
atimmick@cov.com

Matthew A. Parham
WESTERN NEW YORK LAW CENTER
37 Franklin Street, 2nd Floor
Buffalo, NY 14202
(716) 828-8422
mparham@wnylc.net

Baher Azmy
A. Chinyere Ezie
CENTER FOR CONSTITUTIONAL
RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
(212) 614-6464
bazmy@ccrjustice.org
cezie@ccrjustice.org

Claudia Wilner
Anjana Malhotra
Edward Krugman
NATIONAL CENTER FOR LAW AND
ECONOMIC JUSTICE
50 Broadway, Suite 1500
New York, NY 10004
(212) 633-6967
wilner@nclej.net
malhotra@nclej.net
krugman@nclej.net

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2025, the foregoing document and accompanying motion papers were filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

s/ Philip Irwin