

48. At the time of this intrusion, plaintiff and her two (2) houseguests were sleeping peacefully. No crime or offense had been committed or was subsequently committed within the apartment in the presence of the officers.

49. Plaintiff and her houseguests were arrested and removed in handcuffs from the apartment.

50. The aforementioned defendants, ie, Daly, Rose, Donnelly, Murray, Tanchak and other unknown law enforcement officers at Albany City Police Department Headquarters, did agree to prepare an invalid search warrant for plaintiff's apartment, and did agree and conspire to gain illegal entry to said apartment under color of State law, and all agreed and conspired to search and seize the inhabitants of said apartment so that plaintiff and her guests would be detained and thereby prevented from peacefully protesting the Springbok rugby game.

51. The conduct of the defendants, acting individually, and together, and in conspiracy with each other deprived plaintiff of the right to be secure in her person and effects against unreasonable searches and seizures under the Fourth and Fourteenth Amendments to the United States Constitution, and deprived her of liberty without due process of law under the Fourth, Fifth and Fourteenth Amendments of the United States Constitution and further deprived plaintiff of equal protection of the law under the Fourteenth Amendment of the United States Constitution.

*unreasonable search + seizure - person + effects
due process*

SECOND CAUSE OF ACTION
OF PLAINTIFF MICHELSON

52. Paragraphs 1 to 51 are hereby incorporated into this Second Cause of Action, as if fully set forth herein.

53. Various items of personal property were seized in Plaintiff's apartment.

54. The mandatory search inventory prepared and signed by Defendant Tanchak states:

"I swear that the following is a true and detailed inventory of all property taken by me on the Search Warrant filed herewith:

- Eight firecrackers
- Five plastic containers, each containing a quantity of marijuana
- One box of Remington 38 Special containing 35 live rounds of 38 special ammo
- One speed loader containing five live 38 Special +P hollow points
- One leather purse with shotgun shell holders attached.

55. None of the "smoke bombs, sticks, knives, rifles, shotguns, handguns" and other "weapons" allegedly in Plaintiff's apartment were found there.

56. In addition to the items listed above as having allegedly been found in the apartment, defendants confiscated and illegally seized the items listed on Schedule 1 attached hereto as Exhibit B, which includes Plaintiff's personal papers, other property, and papers and documents belonging to the Coalition. None of these items were mentioned in the search warrant and none are criminal contraband.

57. All of the items in Schedule 1, except keys to Plaintiff's apartment, telephone bills, personal telephone books and newsclippings, were returned to Plaintiff on October 1, 1981.

58. The balance of the items have been demanded, but have not been returned.

59. The confiscation and scrutiny of Plaintiff's personal papers and the permanent deprivation of some of her personal property violate her right of privacy and association, and her right to be free from unreasonable searches and seizures in violation of the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

THIRD CAUSE OF ACTION
OF PLAINTIFF MICHELSON

60. Paragraphs 1 to 59 are hereby incorporated into this Third Cause of Action as if fully set forth herein.

61. Pursuant to the unlawful search of Plaintiff's apartment, she was arrested by Defendants and charged with two (2) criminal violation charges, i.e., possession of marijuana and possession of firecrackers.

62. Plaintiff was removed from her apartment in handcuffs, she was booked, photographed, fingerprinted, given gun powder tests, handcuffed to a table, and interrogated about her political activities and the plans for the demonstration. Plaintiff was not read her Miranda rights.

63. Plaintiff was held in custody at the Albany City Police Division II lock-up, denied access to an attorney, not permitted to make a phone call, and arraigned the next morning before

Judge Thomas W. Keegan in Albany Police Court.

64. Upon the morning of plaintiff's arraignment at Albany City Police Court, on information and belief, a discussion was had between Judge Keegan, and certain of the defendants out of the presence of plaintiff or her counsel, at which time it was agreed not to fix bail for plaintiff.

65. Plaintiff was arraigned before Judge Keegan on September 22, 1981 on charges of possession of fireworks in violation of New York State Penal Law 270.00(2)(b)(i) and possession of marijuana in violation of New York State Penal Law 221.05, both charges being classified as violations under the laws of New York State.

66. At the arraignment, defendant Albany County Assistant District Attorney John Dorfman requested that bail not be set for seventy two (72) hours and such request was granted by Judge Keegan. Under New York State Criminal Procedure Law 170.10(7) and 530.20(1), plaintiff was entitled to immediate bail as a matter of right.

67. Judge Keegan remanded plaintiff to the Albany County Jail where she was confined in a cell continually for approximately the first thirty-six (36) hours of her imprisonment.

68. Plaintiff was held at the jail until September 24, 1982, when she was released on her own recognizance pursuant to a writ of habeas corpus despite the recommendation of defendant Assistant District Attorney Joseph Donnelly that a high bail be set for these petty offenses.

69. On December 8, 1981, the charges were dismissed.

70. The arrest and confinement of Plaintiff prevented her from continuing to organize the September 22nd demonstration and prevented her from participating in and leading the September 22 march and demonstration as well as preventing plaintiff from planning another Springbok protest scheduled for September 26, 1981.

71. The defendants individually, together, and in conspiracy with each other and Judge Keegan deprived plaintiff of her right to counsel in violation of the Sixth and Fourteenth Amendments of the United States Constitution, her right to reasonable bail as guaranteed by the Eighth Amendment to said Constitution, her right not to be deprived of her liberty without due process of law guaranteed by the Fifth and Fourteenth Amendments of said Constitution, her right to freedom of speech and association protected under the First and Fourteenth Amendments to said Constitution, and her right to equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution.

FOURTH CAUSE OF ACTION
OF PLAINTIFF MICHELSON

72. Paragraphs 1 to 71 are hereby incorporated into this Fourth Cause of Action as if fully set forth herein.

73. The participation in the aforementioned conspiracy and illegal activity by high ranking Albany City officials, such as Deputy Chief Jon Reid, Police Chief Thomas Burke, Lieutenant

TAKE Activists off the streets

William Murray, and Judge Thomas W. Keegan, and unknown others demonstrates the existence of a policy of the City of Albany during September 1981 that certain political activists were to be removed from the streets at all costs prior to the Springbok game and plaintiff was either considered such a political activist, or fell victim to such a policy.

74. The participation in the aforementioned conspiracy and illegal activity by high ranking Albany County officials such as District Attorney Sol Greenberg, Assistant District Attorney Joseph Donnelly, Assistant District Attorney John Dorfman, and unknown others demonstrates the existence of a policy of the County of Albany during September 1981 that certain political activists were to be removed from the streets of Albany at all costs prior to the Springbok game and plaintiff was either considered such a political activist, or fell victim to such a policy.

75. The City of Albany and the County of Albany shared in the policy to remove certain political activists from the Albany streets prior to the Springbok game and conspired to enforce said policy, and New York State law enforcement officers participated in carrying out said policy and by so doing joined in the conspiracy and each and every defendant is liable for the acts and omissions of each and every other defendant.

76. Defendants Rose and Daly also participated in carrying out said policy and by so doing joined in the conspiracy and each

*Remove
Political
Activists*

and every defendant is liable for the acts and omissions of each and every other defendant.

77. Pursuant to said policy of the City and County of Albany the aforementioned constitutional rights of plaintiff were violated.

FIFTH CAUSE OF ACTION
OF PLAINTIFF MICHELSON

78. Paragraphs 1 to 77 are hereby incorporated into this Fifth Cause of Action as if fully set forth herein.

79. The defendants, City of Albany, County of Albany, Sol Greenberg, Thomas Burke, Paul Daly, and James J. Rose were in official positions to prevent the acts and things complained of herein and by reasonable diligence could have prevented said acts and things, and they were grossly negligent in failing to prevent said acts and things.

80. The City of Albany, County of Albany, Sol Greenberg, Paul Daly and Thomas Burke were each grossly negligent in not providing more adequate supervision for its employees, agents and officers during September 1981 when the Springbok team was to play in Albany and more adequate supervision could have prevented the acts and things complained of herein.

81. By failing to exercise reasonable diligence, and by being grossly negligent in not properly supervising their subordinates said defendants are responsible for the violation of the aforementioned constitutional rights of plaintiff.

SIXTH CAUSE OF ACTION
OF PLAINTIFF MICHELSON

82. Paragraphs 1 to 81 are hereby incorporated into this Sixth Cause of Action as if fully set forth herein.

83. The number and quality of illegal acts and omissions heretofore complained of constitutes illegality so egregious as to demonstrate malice, or deliberate disregard of, and gross indifference to the constitutional rights of the plaintiff as referred to herein on the part of each and every defendant and each and every defendant knew or should have known that the acts hereinabove complained of were carried out with malice or reckless disregard of plaintiff's rights.

SEVENTH CAUSE OF ACTION
BY PLAINTIFF MICHELSON

84. Paragraphs 1 to 83 are hereby incorporated into this Seventh Cause of Action as if fully set forth herein.

85. On December 8, 1981, the violation charges against Plaintiff were dismissed.

86. Plaintiff's arrest, detention and criminal prosecution were done in malice and without probable cause in order to prevent her from participating in the demonstration, and were done without cause to believe the prosecution would succeed.

87. Defendants individually and in concert with each other committed the tort of malicious prosecution under the common law of the State of New York.

EIGHTH CAUSE OF ACTION
OF PLAINTIFF MICHELSON

88. Paragraphs 1 to 87 are hereby incorporated into this Eighth Cause of Action, as if fully set forth herein.

89. By confiscating Plaintiff's personal papers and documents relating to the Coalition and planned demonstration pursuant to the search warrant issued by Judge Keegan without cause to believe they were related to any criminal enterprise, defendants, individually and in concert with each other, committed the common law tort of abuse of process.

NINTH CAUSE OF ACTION
OF PLAINTIFF MICHELSON

90. Paragraphs 1 to 89 are hereby incorporated into this Ninth Cause of Action as if fully set forth herein.

91. Plaintiff was unlawfully arrested and detained against her will by Defendants.

92. Defendants, individually and in concert with each other, thereby committed the common law tort of false arrest and false imprisonment.

FIRST CAUSE OF ACTION
OF PLAINTIFF COALITION

93. Paragraphs 1 to 92 are hereby incorporated into this First Cause of Action of Plaintiff Coalition as if fully set forth herein.

94. The Coalition was first organized in July of 1981 for the specific purpose of opposing by lawful means the South Africa Springbok's planned exhibition game in Albany and by organizing a broad and diverse lawful protest of the September 22, 1981

rugby game to be played in Albany's municipal stadium.

95. The Coalition's purposes and actions are and were grounded in political and moral abhorrence for the institution of apartheid and were in accordance with the United Nations approved international boycott of South African sporting and other events.

96. At the time of the planned demonstration, the Coalition had affiliated with it, approximately forty (40) civil rights, civic, student, labor, community and neighborhood organizations.

97. The Coalition was one of nearly two hundred (200) organizations that were members of the national Stop Apartheid Rugby Team (S.A.R.T.) coalition.

98. The Coalition arranged for the proper permission of City, and State authorities for the September 22, 1981 demonstration.

99. On the days immediately preceding the demonstration, Coalition leaders met with and fully cooperated with defendant city, county and state law enforcement officers and other local officers.

100. Prior to September 22nd, the Coalition was in the process of organizing a massive demonstration which had attracted national attention, since Albany was slated to be the only American municipality that was permitting the South African team to use a public facility, or play a public game.

101. Concerned by the size of the planned demonstration and the unprecedented political clout of the Coalition, defendants

devised a strategy to discourage participators in the anti-apartheid rally. This strategy succeeded in reducing the size and effectiveness of the protest rally.

102. Defendants deliberately and with gross disregard for the truth, fabricated and/or distributed to public officials, the press, the Coalition, and the public at large, untrue information that the demonstration planned by the Coalition would be violent and against the law.

103. On information and belief, defendants Daly, Rose, Burke, Reid, and Murray and others disseminated information that there would be a confrontation between the Communist Worker Party and the Connecticut Klu Klux Klan.

104. Such plans were denied by both the Klu Klux Klan and the Communist Workers Party and no such clash took place.

105. Defendants, or other unknown members of their respective police agencies, advised owners of commercial establishments in the vicinity of the planned demonstration that violence was expected and they should close on September 22, 1981.

106. On information and belief, defendants Daly and Rose and other unknown defendants and others provided information to State Superintendent of Police John Connellie and New York State Governor Hugh Cary, which caused them to conclude that there was a danger of imminent riot.

107. As discussed supra, defendants also acted to discourage participation in the demonstration by arresting and keeping in jail, plaintiff Michelson, and her houseguests, so as to give

the impression that the rally organizers were criminals and proponents of violence.

108. In addition, on information and belief, the Coalition and its members were harassed, followed, subject to surveillance, and records and files made of their lawful first amendment activities by the defendants or other unknown members of defendants' police agencies.

109. The defendants acted individually, together and in conspiracy with each other in the above activities.

110. By these acts, defendants intimidated people, interfered with the demonstration planned by the Coalition, and damaged the reputation of the Coalition and its members as peaceful, law-abiding citizens, thus depriving the Coalition and its members of equal protection of the law, equal privileges, and immunities under the law and the right to freedom of speech and freedom of association under the First and Fourteenth Amendments to the United States Constitution.

SECOND CAUSE OF ACTION
OF PLAINTIFF COALITION

111. Paragraphs 1 to 110 are hereby incorporated into this Second Cause of Action as if fully set forth herein.

112. The unlawful seizure of Coalition documents and the scrutiny thereof by the defendants of a Coalition telephone list and other documents on September 22, 1981 from the apartment of plaintiff Michelson further interfered with the lawful exercise

of First Amendment Rights by the Coalition and its member and invaded the privacy of Coalition members.

113. This activity of the defendants has deprived the Coalition and its members of their rights to freedom of association, and privacy under the First, Fourth and Fourteenth Amendment to the United States Constitution.

DAMAGES

114. As a result of the violation of Plaintiff Michelson's constitutional and common law rights, she was incarcerated in jail and deprived of liberty for three (3) days, deprived of personal papers and effects, suffered mental and emotional distress, anxiety, stigmatization, damage to reputation as a peaceable person, invasion of privacy, interference with right to speak, assemble and associate freely, fright, embarrassment, legal expenses, and other actual and exemplary damages.

115. As a result of the violation of Plaintiff Coalition's constitutional rights, the Coalition and its members suffered interference with their right to speak, assemble, and associate freely, damage to reputation, invasion of privacy, seizure of Coalition documents, legal expenses, and other actual and exemplary damages.

WHEREFORE, Plaintiff Michelson requests compensatory damages against defendants individually and jointly in the sum of One Million (\$1,000,000.00) Dollars, and exemplary punitive damages

in the sum of Two Million (\$2,000,000.00) Dollars, together with reasonable costs and expenses and attorney fees; and

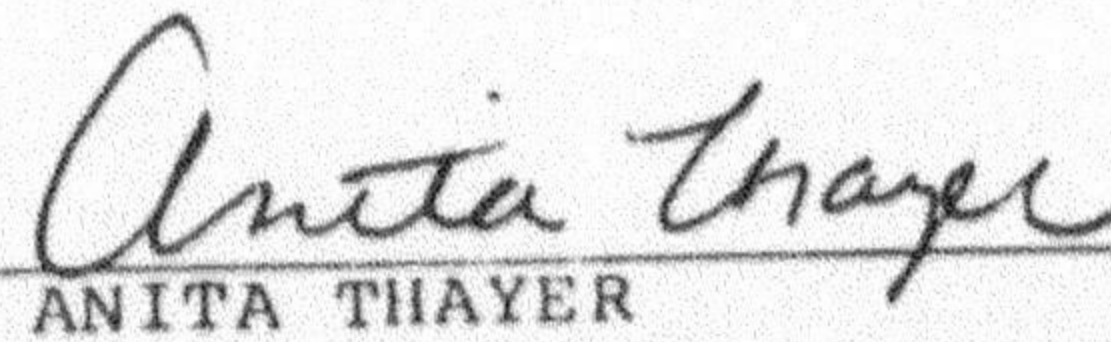
Plaintiff Coalition requests compensatory damages against defendants individually and jointly in the sum of One Million (\$1,000,000.00) Dollars and exemplary punitive damages against the defendants individually and jointly in the sum of Two Million (\$2,000,000.00) Dollars together with reasonable costs and expenses and attorney fees, and

Plaintiff Coalition requests a permanent injunction enjoining the defendants their agents, officers and employees to cease and desist from unlawful surveillance of the first amendment activities of the Coalition and its members.

Plaintiff Coalition seeks a permanent injunction enjoining defendants, their agents, officers and employees from engaging in any activity, conspiracy or plan which interferes with the lawful activities of the Coalition, or discourages or prevents any member of the Coalition from participating in any lawful activity of the Coalition; and

Plaintiffs ask for such other and further relief as the Court deems just and proper.

DATED: December 14, 1982
Albany, New York


ANITA THAYER

ANITA THAYER
LANNY E. WALTER
WALTER & THAYER
69 Columbia Street
Albany, New York 12207
(518) 462-6753

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VERA MICHELSON and CAPITAL
DISTRICT COALITION AGAINST APARTHEID
AND RACISM, by its Chairman
MICHAEL DOLLARD,

Plaintiffs,

against

PAUL DALY, AGENT IN CHARGE,
FEDERAL BUREAU OF INVESTIGATION:
ET AL,

Defendants

AMENDED COMPLAINT

No. 82-CV-1413

(Honorable Roger J. Min

Plaintiffs, for their Amended Complaint, hereby allege:

1. This Amended Complaint is filed and served with per mission of the Court pursuant to an Order dated July 11, 1983.

2. The purpose of this Amended Complaint is to set forth a claim pursuant to 42 U.S.C. §1986 and a claim for injunctive relief.

3. All allegations in the Complaint are incorporated into this Amended Complaint.

4. The conspiracy of the defendants is ongoing beyond the events of September 21 and 22, 1981. ?? how

5. The criminal prosecution of plaintiff Michelson was continued until December 8, 1981 when all charges were dismissed.

6. Defendants sought to consolidate plaintiff Michelson's hearing to suppress the evidence seized in the illegal search of her apartment with suppression hearings scheduled in County Court for felony charges pending against John Spearman

and Michael Young.

7. The Appellate Division: Third Judicial Department prohibited this consolidation on the ground that County Court lacked jurisdiction to entertain the violation charges pending against plaintiff Michelson.

8. On information and belief, the decision by defendants to seek the consolidation of these criminal proceedings was part of a continuing effort to brand plaintiff Michelson as a criminal and to depict the Coalition as favoring unlawful and violent means.

9. Once the consolidation of the cases failed, the charges against plaintiff Michelson were dismissed rather than affording her the opportunity to challenge the legality of her arrest and the search of her apartment, and to establish her innocence.

10. Furthermore, on information and belief, the lists of names and telephone numbers set forth in Exhibit B attached to the Complaint which were seized in that search were copied and remain in the possession of the defendants.

11. Plaintiff Michelson's telephone bills, and personal telephone books have still not been returned by defendants and remain in their custody.

12. Defendants continue to encroach upon plaintiff Michelson's personal and associational privacy and continue to interfere with the associational privacy and freedom of the Coalition.

13. Friends and associates of plaintiff Michelson continue to shun her and her apartment as a direct result of defendants' conduct.

*do we
officially
ask for
them?*

how?

(?)

14. Coalition members remain apprehensive about the consequences they may suffer as a result of defendants' continued custody of membership lists.

15. The Coalition Against Apartheid and Racism has continued to exist and has organized protests against the Ku Klux Klan, against American entertainers who have performed in South Africa, and against stores that sell South African goods.

16. The aura of violence which defendants have wrongfully attributed to the Coalition and the unwarranted police interference which has occurred discourages people from participating in these and other Coalition activities. *attorneys*

17. Fear of government retribution exists among Coalition members and they continue to be chilled into not fully and freely exercising their First Amendment rights.

WHEREFORE, plaintiffs request the injunctive relief asked for in their Complaint.

DATED: August 1, 1983.

Lanny E. Walter
LANNY E. WALTER
WALTER & THAYER
69 Columbia Street
Albany, New York 12207
(518) 462-6753

Proof?

true?

LIST OF PEOPLE SERVED BY MAIL

William A. Fanciullo, Esq., Assistant U. S. Attorney
United States Attorney for the Northern District of
New York
United States Courthouse and Post Office Building
Broadway,
Albany, New York 12207

John L. Shea, Esq.
Assistant Corporation Counsel
City of Albany
100 State Street
Albany, New York 12207

Carter Conboy Bardwell Case & Blackmore
74 Chapel Street
Albany, New York 12207

Robert Abrams, Attorney General
Capitol Building
Albany, New York

Oliver & Oliver
31 Barclay Street
Albany, New York 12209

CLAIM FOR DAMAGE, INJURY, OR DEATH			INSTRUCTIONS: Prepare in ink or typewriter. Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheets if necessary.		FORM APPROVED OMB NO. 43-R0397
1. SUBMIT TO:			2. NAME AND ADDRESS OF CLAIMANT (Number, street, city, State, and Zip Code) Vera Michelson 400 K Central Avenue Albany, New York 12206		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. AGE 38	5. MARITAL STATUS single	6. NAME AND ADDRESS OF SPOUSE, IF ANY (Number, street, city, State, and Zip Code) not applicable		
7. PLACE OF ACCIDENT (Give city or town and State; if outside city limits, indicate mileage or distance to nearest city or town) Albany, New York			8. DATE AND DAY OF ACCIDENT Sept. 21, '81 to the present	9. TIME (A.M. OR P.M.)	
10. AMOUNT OF CLAIM (in dollars)					
A. PROPERTY DAMAGE	B. PERSONAL INJURY \$3,000,000.00	C. WRONGFUL DEATH	D. TOTAL \$3,000,000.00		
11. DESCRIPTION OF ACCIDENT (State below, in detail, all known facts and circumstances attending the damage, injury, or death, identifying persons and property involved and the cause thereof) Please see attached complaint and Amended Complaint which are hereby incorporated into and made a part of this form.					
12. PROPERTY DAMAGE NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code) Not applicable					
BRIEFLY DESCRIBE KIND AND LOCATION OF PROPERTY AND NATURE AND EXTENT OF DAMAGE (See instructions on reverse side for method of substantiating claim)					
13. PERSONAL INJURY STATE NATURE AND EXTENT OF INJURY WHICH FORMS THE BASIS OF THIS CLAIM Please see attached complaint, specifically #114					
14. WITNESSES					
NAME			ADDRESS (Number, street, city, State, and Zip Code)		
Please see attached complaints					
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
15. SIGNATURE OF CLAIMANT (This signature should be used in all future correspondence) Vera Michelson			16. DATE OF CLAIM August 29, 1983		
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of \$2,000, plus double the amount of damages sustained by the United States. (See R.S. §3490, 5438; 31 U.S.C. 231.)			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine of not more than \$10,000 or imprisonment for not more than 5 years or both. (See 62 Stat. 698, 749; 18 U.S.C. 287, 1001.)		

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 *et seq.*, 28 U.S.C. 2671 *et seq.*, 28 C.F.R. 14.3.

B. *Principal Purpose:* The information requested is to be used in evaluating claims.

C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

INSTRUCTIONS

Complete all items—insert the word NONE where applicable

Claims for damage to or for loss or destruction of property, or for personal injury, must be signed by the owner of the property damaged or lost or the injured person. If, by reason of death, other disability or for reasons deemed satisfactory by the Government, the foregoing requirement cannot be fulfilled, the claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing authority to act.

If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item 10 of this form. Separate claims for personal injury and property damage are not acceptable.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

Any further instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated in item #1 on the reverse side.

(d) Failure to completely execute this form or to supply the requested material within two years from the date the allegations accrued may render your claim "invalid".

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

17. DO YOU CARRY ACCIDENT INSURANCE? YES, IF YES, GIVE NAME AND ADDRESS OF INSURANCE COMPANY (Number, street, city, State and Zip Code) AND POLICY NUMBER. NO

Not applicable

18. HAVE YOU FILED CLAIM ON YOUR INSURANCE CARRIER IN THIS INSTANCE, AND IF SO, IS IT FULL COVERAGE OR DEDUCTIBLE?

19. IF DEDUCTIBLE, STATE AMOUNT

20. IF CLAIM HAS BEEN FILED WITH YOUR CARRIER, WHAT ACTION HAS YOUR INSURER TAKEN OR PROPOSES TO TAKE WITH REFERENCE TO YOUR CLAIM? (It is necessary that you ascertain these facts)

21. DO YOU CARRY PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE? YES, IF YES, GIVE NAME AND ADDRESS OF INSURANCE CARRIER (Number, street, city, State, and Zip Code) NO

STATEMENT

WALTER & THAYER
69 COLUMBIA ST.
ALBANY, N.Y. 12207

Coalition Defense Committee
c/o Mike Kozak
22 Miller Avenue
Albany, New York

PLEASE RETURN THIS STUB WITH YOUR REMITTANCE. YOUR CANCELLED CHECK IS YOUR RECEIPT.

SEPTEMBER 7, 1983

1. Copy of Testimony of Reid & Tanchak in
Matter of People vs. Young & Spearman

Balance Due \$13.50

2. RE: Answers to Albany County
Defendants

Secretarial Services 11 1/2 hr. 80.50
at \$7.00 per hour 74.80
Xerox Charges 748 copies 4.00
Operator Charges

TOTAL DUE \$ 172.80

PAID BY CHECK NO.

(REFORM), 85 884
POLY PAK (50 SETS) 8P884

STIPULATIONS

It is hereby stipulated and agreed by and between the attorneys for the respective parties hereto that the signing and filing of the Referee's Oath be waived; that the filing of the transcript of testimony in the County Clerk's Office be waived upon condition; that the examining party will furnish the party examined a copy of the transcript of testimony free of charge; that all objections to questions, except as to the form thereof, be reserved until the time of trial; and that the transcript of testimony may be signed before any Notary Public or other officer authorized to administer oaths.

MR. SHEA: The usual stipulations, original and one.

VERA MICHELSON,
called as a witness, after first having been duly sworn, was examined and testified as follows:

EXAMINATION BY MR. SHEA:

Q Could you please state your full name and address for the record, please?

A Vera Paula Michelson, 400 Central Avenue, Apartment 7-K.

Q Is that in Albany?

A In Albany, yes.

Q What do you do for a living, Mrs. Michelson?

A I work for the Office of Mental Retardation.

Q Is that the State of New York?

A Yes.

Q Okay. Is it Ms., Miss, Mrs.?

A Miss.

Q Miss. Okay. Miss Michelson, my name is John Shea, and I'm an assistant corporation counsel for the City of Albany. I'm going to be asking you a series of questions having to do with a claim that you have made

against the City of Albany. If you don't understand the question for whatever reason, just tell me and I'll rephrase it for you, okay?

A (Nodding.)

Q Miss Michelson, where did you reside on the 22nd day of September, 1981?

A 400 Central Avenue, 7-K.

Q Okay. Are you the same Vera Michelson that has caused this Notice of Claim to be served upon the City of Albany as a result of an arrest that occurred on or about September 22, 1981?

A Yes.

Q Okay. Approximately what time did this incident occur?

A About 3:15 in the morning.

Q This would have been the morning of the 22nd?

A Right.

Q Okay. Were you awake at the time when the incident occurred?

A No, I was sleeping.

Q Okay. Could you tell me what caused you to be awakened that morning?

A Incredibly loud noise, men's voices, shouting.

Q Okay. Where were these noises coming from?

A From the front of the apartment.

Q Okay. Could you describe your apartment for me as you would enter the main door, what would be the front door to your apartment?

A There's a short hallway, and to the left of the hallway is the kitchen area, which is a small kitchen area; it's not big enough for a table; and then, as you go further is the dining room area to the left, and the living room area is to the right; and in order to get to the bedroom, you go through the living room area, and then there's another short hallway, and then you take a left, is the bedroom, on the right is the bathroom.

Q Okay. Now, on the morning of September 22, 1981, when this incident arose, where were you originally?

A In the bedroom.

Q Okay. This is a one-bedroom apartment?

A Right.

Q Okay. And what happened once you heard the noise that you previously described to me?

A Well, the next thing that happened is that a man shouted, "Is there anyone in the bedroom?"

Q You're still in the bedroom at this point?

A. Right.

Q. Okay. Do you know what room the noise is coming from?

A. From the front area.

Q. Okay. Did there come a time when you left the bedroom?

A. Yes.

Q. What happened once you did?

A. Well, the man said, "Come out on your hands and knees," and I did.

Q. Okay. No one came in to get you; you came out on your own.

A. Uh-huh.

Q. Okay. What happened once you came out of your room?

A. There were - - I saw a lot of men in plain clothes and suits and what not, and a lot of weapons; and there was a shotgun pointing at my head. It was about a foot and a half away from my head.

Q. Where would you be at this point? Would you be in the hallway?

A. In the short hallway area leading to the bedroom and the bathroom on either side.

Q. Okay. Now, who had the possession of this shotgun that you just told me about?

A. I don't know who it was.

Q Someone was holding it though?

A Right.

Q Was it someone who was with you in the apartment?

A No, it's no one I knew.

Q Okay. Were you the only one staying in the apartment that evening?

A No.

Q Who else was staying there?

A Mike Young and Aaron Estis.

Q Where were they when the incident first arose?

A They were in - - Where were they when the police came in?

Q Right.

A They were sleeping in the living room.

Q So they would both be in the living room together?

A Right.

Q When you came out of the hallway, how many people were in your sight at that point?

A I would say about 15.

Q They were all in the hallway or all - -

A No, like in the living room area and just in the general area.

Q When you come out of your bedroom and you're in the

hallway, can you see into the living room at that point?

A. Yes.

Q. Okay. What happened once you were out in the hallway per se?

A. The man that was pointing the shotgun at me told me to lay down on my stomach, which I did.

Q. And what happened after that?

A. Then somebody else came over and -- The shotgun was still pointed at me; and he started waving a -- what he said was a search warrant in front of my face; and he said, "Do you see this? Do you see this? This is a search warrant, and we have the right to search your house," something like that.

Q. All right. Could you describe to me the gentleman who was handling the gun?

A. No.

Q. Was he a uniformed police officer?

A. He did not have a uniform on, as I remember.

Q. Could you tell me how he was dressed?

A. No.

Q. You earlier described there were some people in plain clothes. Would he be one of the people in plain clothes?

A. I don't remember seeing a lot of officers' uniforms