

AS AND FOR A SIXTH DEFENSE

49. That inasmuch as the complaint of the plaintiffs', alleges that this defendant is being sued in his individual capacity, said complaint of the plaintiffs' fails to state a claim upon which relief may be granted, as there are no allegations contained in the complaint, that any act or omission, was performed by said defendant in any capacity other than his official capacity.

AS AND FOR A SEVENTH DEFENSE

50. That upon information and belief, the plaintiff Coalition, lacks the requisite standing to bring this action, and thus those portions of the plaintiff's complaint, fail to state a claim upon which relief may be granted.

AS AND FOR AN EIGHTH DEFENSE

51. Inasmuch as the plaintiff, Michelson's complaint is directed towards the acts of this defendant in his individual capacity, the SIXTH, SEVENTH, EIGHTH and NINTH causes of action are barred by the applicable statute of limitations.

WHEREFORE, the defendant, William Murray, demands judgment dismissing the plaintiffs' complaint, together with

the costs and disbursements of this action, reasonable attorneys fees, and such other and further relief as to this Court may seem just and proper.

DATED: January 21, 1983

John J. Shea

VINCENT J. McARDLE, JR.
Corporation Counsel - City of Albany
Attorney for Defendant William Murray
JOHN L. SHEA, Of Counsel
100 State Street
Albany, New York 12207
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TO: WALTER & THAYER, ESQS.
Attorneys for Plaintiffs
69 Columbia Street
Albany, New York 12207

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-

82-CV-1413

(Hon. Roger J. Miner)

PAUL DALY, AGENT IN CHARGE, FEDERAL BUREAU
OF INVESTIGATION, JAMES J. ROSE, SPECIAL
AGENT, FEDERAL BUREAU OF INVESTIGATION;
AND UNKNOWN OTHER AGENTS OF THE FEDERAL BUREAU
OF INVESTIGATION; UNKNOWN NEW YORK STATE POLICE
OFFICERS; ALBANY COUNTY DISTRICT ATTORNEY SOL
GREENBERG, ALBANY COUNTY ASSISTANT DISTRICT
ATTORNEY JOSEPH DONNELLY; ALBANY COUNTY ASSIS-
TANT DISTRICT ATTORNEY JOHN DORFMAN; UNKNOWN
OTHER ALBANY COUNTY DISTRICT ATTORNEYS; THE
COUNTY OF ALBANY; THE CITY OF ALBANY POLICE
CHIEF THOMAS BURKE; CITY OF ALBANY ASSISTANT
POLICE CHIEF JON REIS; CITY OF ALBANY POLICE
LIEUTENANT WILLIAM MURRAY; CITY OF ALBANY
DETECTIVE JOHN TARCHAK, UNKNOWN OTHER CITY OF
ALBANY POLICE OFFICERS, and THE CITY OF ALBANY,

Answering defendants demand a jury trial.

Defendants.

The defendants, Albany County District Attorney Sol Greenberg,
Albany County Assistant District Attorney Joseph Donnelly, Albany County
Assistant District Attorney John Dorfman, unknown other Albany County District
attorneys and the County of Albany, (hereinafter referred to as Albany County
defendants), for an answer to the plaintiffs' complaint as amended by
order of the Hon. Roger J. Miner dated February 4, 1983, herein:

FIRST: Admit paragraphs "69" of the Third, Fourth, Fifth, Sixth,
Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First
and Second Causes of Action of plaintiff Coalition and the Albany County
defendants state that the charges referred to in paragraph "69" of the
plaintiffs' complaint were dismissed in the interest of justice; and

"85" of the Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition and the Albany County defendants state that the charges referred to in paragraph "85" of the plaintiffs' complaint were dismissed in the interest of justice.

SECOND: Denies any knowledge or information sufficient to form a belief thereof as to the allegations, claims and statements contained in the paragraphs of the complaint herein numbered "4", "5", "17", "20", "21", "23", "24" and "25" of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition, except that the Albany County defendants admit that at all times mentioned and described in the plaintiffs' complaint they were acting in their official capacities and in a lawful, proper and justified manner; "57" and "58" of the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Cause of Action of plaintiff Coalition; "94", "95", "96", "97", "98", "100", "103", "104" and "106" of the First and Second Causes of Action of plaintiff Coalition.

THIRD: Denies those portions of paragraphs "99", "105" and "107" of the First and Second Causes of Action of plaintiff Coalition which pertain to the Albany County defendants; as to those portions of said paragraphs which pertain to the co-defendants, the Albany County defendants lack knowledge or information sufficient to form a belief.

FOURTH: Denies each and every allegation, claim and statement contained in the paragraphs of the complaint herein numbered "1", "2", "3", "7", "10", "18", "19", "22", "26", "27", "28", "29", "30", "31", "32", "33", "34",

"35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "46", "47", "48",
"50" and "51" of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth
and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes
of Action of plaintiff Coalition, except that the Albany County defendants
refer all questions of law to the Court and admit that at those times
mentioned and described in the plaintiffs' complaint, the defendant,
James J. Rose was a Special Agent of the Federal Bureau of Investigation
and at those times mentioned and described in the plaintiffs' complaint,
the defendant, John Sorfiano, was an Assistant District Attorney of the County
of Albany and an employee, officer and agent of the County of Albany and
the Albany County defendants refer to the search warrant referred to in
the plaintiffs' complaint and the application therefor for the sum and
substance of same and the Albany County defendants admit that the application
for said search warrant referred to in the plaintiffs' complaint was
typed by the defendant, Albany County Assistant District Attorney,
Joseph Donnelly, on or about September 21, 1981, from information provided
by the defendants, Paul Daly, James Rose, Deputy Chief Jon Reid and Lt.
William Murray and the Albany County defendants state that at those
times mentioned and described in paragraph "26" of the plaintiffs'
complaint, the defendant, Albany County Assistant District Attorney,
Joseph Donnelly, was acting in a prosecutorial capacity and the Albany County
admit that while said search warrant application was being typed, the
defendants, Paul Daly, James Rose, Deputy Chief Jon Reid, Lt. William
Murray and other City of Albany Police Officers were present; "53",
"54", "55", "56" and "59" of the Second, Third, Fourth, Fifth, Sixth,
Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and
the First and Second Causes of Action of plaintiff Coalition, except

that the Albany County defendants refer to the search inventory referred to in paragraph "54" of the plaintiffs' complaint for the sum and substance of same; "61", "62", "63", "64", "65", "66", "67", "68", "70" and "71" of the Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition, except that the Albany County defendants admit that following the arrest of the plaintiff, she was held in custody at the Albany County Jail, and on the following morning, she was arraigned before Hon. Thomas W. Feegan, Albany County Police Court Judge on the charges referred to in paragraph "65" of the plaintiffs' complaint and the Albany County defendants refer all questions of law to the Court; "73", "74", "75", "76" and "77" of the Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition; "79", "80" and "81" of the Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition; "82" of the Sixth, Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition; "83" and "84" of the Seventh, Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition; "85" of the Eighth and Ninth Causes of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition; "86" and "87" of the Ninth Cause of Action of plaintiff Michelson and the First and Second Causes of Action of plaintiff Coalition; "88", "89", "90", "91" and "92" of the First and Second Causes of Action of plaintiff Coalition; "93", "94", "95", "96", "97", "98", "99" and "100" of the First and Second Causes of Action of plaintiff Coalition; "101", "102", "103", "104", "105", "106", "107", "108", "109" and "110" of the First and Second Causes of Action of plaintiff Coalition; "111" and "112" of the Second Cause of Action of plaintiff Coalition; and "113" and "114" of All Causes of Action.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE
IN DIMINUTION OF DAMAGES AS TO ALL CAUSES
OF ACTION SET FORTH IN THE PLAINTIFFS'
COMPLAINT, THE ALBANY COUNTY DEFENDANTS,
ALLEGES:

FIFTH: That the injuries and damages mentioned and described in the plaintiffs' complaint were caused in whole or in part by the contributory negligence, lack of ordinary care, assumption of risk and/or culpable conduct of the plaintiffs and without any negligence or carelessness on the part of the Albany County defendants, contributing thereto.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE
AS TO ALL CAUSES OF ACTION SET FORTH IN
THE PLAINTIFFS' COMPLAINT, THE ALBANY
COUNTY DEFENDANTS, ALLEGES:

SIXTH: That at those times mentioned and described in the plaintiffs' complaint, the defendants, Albany County District Attorney Sol Greenberg, Albany County Assistant District Attorney Joseph Donnelly, Albany County Assistant District Attorney John Dorfman, unknown other Albany County District Attorneys and The County of Albany, acted in a reasonable manner, with probable cause, in good faith, without malice and their actions were justified.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE
AS TO ALL CAUSES OF ACTION SET FORTH IN
THE PLAINTIFFS' COMPLAINT, THE ALBANY
COUNTY DEFENDANTS, ALLEGES:

SEVENTH: That at those times mentioned and described in the plaintiffs' complaint, the defendants, Albany County District Attorney Sol Greenberg, Albany County Assistant District Attorney Joseph Donnelly, Albany County Assistant District Attorney John Dorfman and unknown other other Albany County District Attorneys were quasi-judicial officials acting in their official capacity and, therefore, they and the County of Albany, are immune from any and all liability in this action.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE
AS TO ALL CAUSES OF ACTION SET FORTH IN
THE PLAINTIFFS' COMPLAINT, THE ALBANY
COUNTY DEFENDANTS, ALLEGE:

EIGHTH: That the plaintiffs' complaint fails to state a claim upon
which relief can be granted.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE
AS TO ALL CAUSES OF ACTION SET FORTH IN
THE PLAINTIFFS' COMPLAINT, THE DEFENDANTS,
THE COUNTY OF ALBANY AND ALBANY COUNTY
DISTRICT ATTORNEY SOL GREENBERG, ALLEGE:

THE COUNTY OF ALBANY AND ALBANY COUNTY
District Attorney Sol Greenberg, may not be held liable for the conduct of their
employees under the doctrine of Respondeat Superior.

WHEREFORE, the defendants, Albany County District Attorney Sol
Greenberg, Albany County Assistant District Attorney Joseph Donnelly, Albany
County Assistant District Attorney John Dorfman, unknown other Albany County
District Attorneys and The County of Albany demand judgment dismissing the
complaint as amended by Order of the Hon. Roger J. Miner dated February 4, 1983,
herein with costs.

CARTER, CONBOY, BARDWELL,
CASE & BLACKMORE

By s/ James C. Blackmore
James C. Blackmore
Attorneys for Defendants, Albany
Greenberg, Albany County
Assistant District Attorney
Joseph Donnelly, Albany County
Assistant District Attorney
John Dorfman, unknown other
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK CIVIL DIVISION

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; JAMES J. ROSE, SPECIAL
AGENT, FEDERAL BUREAU OF INVESTIGATION; AND
UNKNOWN OTHER AGENTS OF THE FEDERAL BUREAU
OF INVESTIGATION; UNKNOWN NEW YORK STATE
POLICE OFFICERS; ALBANY COUNTY DISTRICT
ATTORNEY SOL GREENBERG; ALBANY COUNTY
ASSISTANT DISTRICT ATTORNEY JOSEPH DONNELLY;
ALBANY COUNTY ASSISTANT DISTRICT ATTORNEY
JOHN DORFMAN; UNKNOWN OTHER ALBANY COUNTY
DISTRICT ATTORNEYS; THE COUNTY OF ALBANY;
THE CITY OF ALBANY POLICE CHIEF THOMAS BURKE;
CITY OF ALBANY ASSISTANT POLICE CHIEF JON
REID; CITY OF ALBANY POLICE LIEUTENANT
WILLIAM MURRAY; CITY OF ALBANY DETECTIVE
JOHN TANCHAK, UNKNOWN OTHER CITY OF ALBANY
POLICE OFFICERS, and THE CITY OF ALBANY,

Defendants.

The defendant, Jon (John) Reid, by his attorney,
Vincent J. McArdle, Jr., Corporation Counsel for the City of
Albany, as and for an answer to the plaintiffs' complaint,
does hereby state and allege:

1. As to paragraph "1" of the plaintiffs' complaint,
said defendant admits that the apartment was searched, that
various individuals entered with weapons drawn, that certain
items of property were seized, that arrests were made, including
the arrest of the plaintiff, and that the charges against the

ANSWER

Civil File No.
82-CV-1413

Hon. Roger J.
Miner

plaintiff were dismissed at a later time. Said defendant denies that the apartment in question was unlawfully raided and invaded, and that the apartment was ransacked. As to the balance of the allegations of said paragraph, the defendant denies knowledge or information sufficient to form a belief with respect to same.

2. As to paragraph "2" of the plaintiffs' complaint, said defendant denies knowledge or information sufficient to form a belief with respect to the first sentence of said paragraph. As to the balance of said paragraph, the defendant denies each and every allegation of same.

3. Denies knowledge or information sufficient to form a belief, as to paragraphs "3", "4", "5", "17", "18", "19" and "20".

4. Denies the allegations contained in paragraphs "6" and "7".

AS TO THE FIRST CAUSE OF ACTION

5. Denies knowledge or information sufficient to form a belief as to paragraphs "21", "23", "32", "39", "42" and "43".

6. Denies the allegations contained in paragraphs "22", "30", "31", "34", "40", "41", "44", "48", "50" and "51".

7. As to paragraph "24" of the complaint, the defendant admits there was a discussion had between certain named defendants, regarding information from an F.B.I. informant.

some of which related to the plaintiff's apartment. The defendant denies the balance of the allegations of said paragraph.

8. As to paragraph "25" of the complaint, the defendant admits the first sentence thereof and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

9. As to paragraph "26" of the complaint, the defendant admits that it was agreed to obtain a search warrant for the plaintiff's apartment, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

10. As to paragraph "29" of the complaint, admits that the defendant, Rose, assisted in preparing the warrant by providing information from a confidential informant, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

11. As to paragraph "46" of the plaintiffs' complaint, admits that law enforcement officers possessed a warrant to search and did in fact search the subject apartment, and denies the allegations contained in the balance of said paragraph.

AS TO THE SECOND CAUSE OF ACTION

12. Denies the allegations contained in paragraph "52" of the complaint, except as hereinbefore otherwise specifically pleaded.

13. Denies the allegations contained in paragraphs "55" and "59".

14. Denies knowledge or information sufficient to form a belief, as to the allegations contained in paragraphs "56", "57" and "58".

AS TO THE THIRD CAUSE OF ACTION

15. Denies the allegations contained in paragraph "60" of the plaintiffs' complaint, except as hereinbefore otherwise specifically pleaded.

16. As to paragraph "61" of the complaint, admits that the plaintiff was arrested and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

17. As to the first sentence of paragraph "62" of the complaint, the defendant admits that the plaintiff was removed from her apartment in handcuffs, but denies knowledge or information sufficient to form a belief as to the balance of the allegations contained in said sentence. The defendant denies the allegation contained in the second sentence of said paragraph.

18. Denies knowledge or information sufficient to form a belief as to paragraphs "63", "64", "65", "66", "67", "68" and "70".

19. As to paragraph "69" of the complaint, the defendant admits that charges were dismissed, but denies

knowledge or information sufficient to form a belief as to the balance of said paragraph.

20. Defendant denies the allegations contained in paragraph "71".

AS TO THE FOURTH CAUSE OF ACTION

21. Denies the allegations contained in paragraph "72" of the complaint, except as hereinbefore otherwise specifically pleaded.

22. Denies the allegations contained in paragraphs "73", "75", "76" and "77".

23. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "74".

AS TO THE FIFTH CAUSE OF ACTION

24. Denies the allegations contained in paragraph "78" of the complaint, except as hereinbefore otherwise specifically pleaded.

25. Denies the allegations contained in paragraphs "79", "80" and "81".

AS TO THE SIXTH CAUSE OF ACTION

26. Denies the allegations contained in paragraph "82" of the complaint, except as hereinbefore otherwise specifically pleaded.

27. Denies the allegations contained in paragraph "83".

AS TO THE SEVENTH CAUSE OF ACTION

28. Denies the allegations contained in paragraph "84" of the complaint, except as hereinbefore otherwise specifically pleaded.

29. As to paragraph "85" of the complaint, admits that charges against the plaintiff were dismissed, but denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

30. Denies the allegations contained in paragraphs "86" and "87".

AS TO THE EIGHTH CAUSE OF ACTION

31. Denies the allegations contained in paragraph "88", except as hereinbefore otherwise specifically pleaded.

32. Denies the allegations contained in paragraph "89".

AS TO THE NINTH CAUSE OF ACTION

33. Denies the allegations contained in paragraph "90" of the complaint, except as hereinbefore otherwise specifically pleaded.

34. Denies the allegations contained in paragraphs "91" and "92".

AS TO THE FIRST CAUSE OF ACTION
OF PLAINTIFF COALITION

35. Denies the allegations contained in paragraph "93" of the complaint, except as hereinbefore otherwise specifically

pleaded.

36. Denies knowledge or information sufficient to form a belief as to paragraphs "94", "95", "96", "97", "103", "104" and "106".

37. Denies the allegations contained in paragraphs "101", "102", "105", "107", "108", "109" and "110".

AS TO THE SECOND CAUSE OF ACTION
OF PLAINTIFF COALITION

38. Denies the allegations contained in paragraph "111", except as hereinbefore otherwise specifically pleaded.

39. Denies the allegations contained in paragraphs "112", "113", "114" and "115".

AS AND FOR A FIRST DEFENSE

40. The arrest, detention and prosecution of the plaintiff, Michelson, were effectuated, if they were effectuated at all, with good and legal justification, based upon reasonable and probable cause.

AS AND FOR A SECOND DEFENSE

41. That the arrest, detention and prosecution of the plaintiff, Michelson, were effectuated, if they were effectuated at all, in good faith, without malice and with good and legal justification, based on reasonable and probable cause.

AS AND FOR A THIRD DEFENSE

42. That upon information and belief, no item of injury or damage, which plaintiffs claim to have sustained, was caused or in any way contributed to, by any culpable conduct on the part of the defendant, Jon (John) Reid, but if any such injury or damage was sustained, it was caused solely by the culpable conduct of the plaintiffs and/or some third party over whom this defendant has no control.

AS AND FOR A FOURTH DEFENSE

43. That the cause of action enumerated as, SIXTH CAUSE OF ACTION OF THE PLAINTIFF MICHELSON, fails to state a claim upon which relief may be granted.

AS AND FOR A FIFTH DEFENSE

44. That the complaint of the plaintiff Michelson, with respect to the FIFTH and EIGHTH CAUSE OF ACTION, cannot be sustained, as said plaintiff has failed to comply with the requirements of Section 50-e of the General Municipal Law of the State of New York.

AS AND FOR A SIXTH DEFENSE

45. That inasmuch as the complaint of the plaintiffs', alleges that this defendant is being sued in his individual capacity, said complaint of the plaintiffs' fails to state a claim upon which relief may be granted, as there are no

allegations contained in the complaint, that any act or omission, was performed by said defendant in any capacity other than his official capacity.

AS AND FOR A SEVENTH DEFENSE

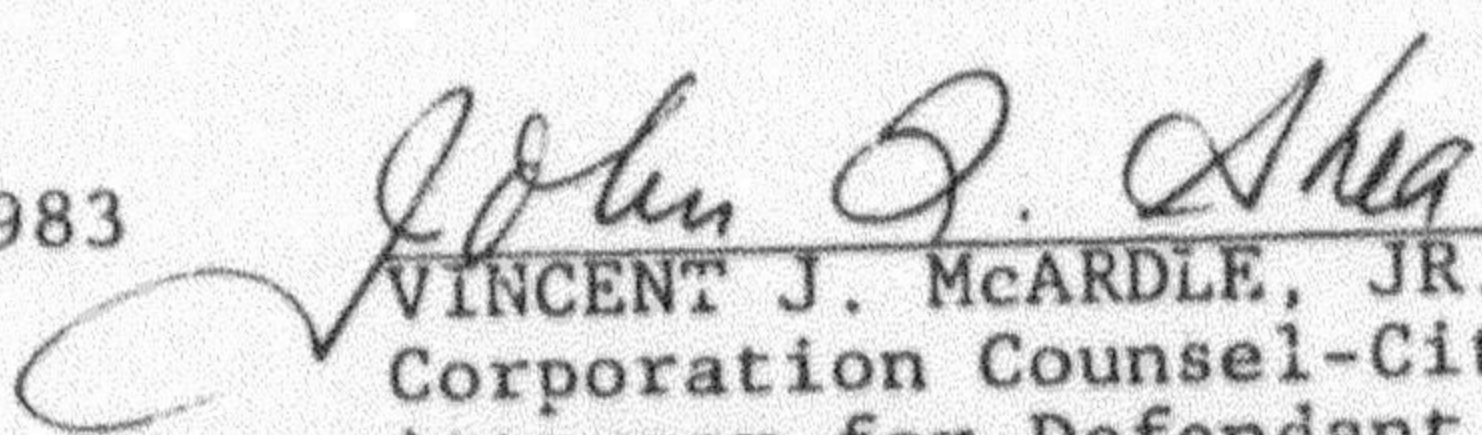
46. That upon information and belief, the plaintiff Coalition, lacks the requisite standing to bring this action, and thus those portions of the plaintiff's complaint, fail to state a claim upon which relief may be granted.

AS AND FOR AN EIGHTH DEFENSE

47. Inasmuch as the plaintiff, Michelson's complaint is directed towards the acts of this defendant in his individual capacity, the SIXTH, SEVENTH, EIGHTH and NINTH causes of action are barred by the applicable statute of limitations.

WHEREFORE, the defendant, Jon (John) Reid, demands judgment dismissing the plaintiffs' complaint, together with the costs and disbursements of this action, reasonable attorneys fees, and such other and further relief as to this Court may seem just and proper.

DATED: January 21, 1983


VINCENT J. McARDLE, JR.
Corporation Counsel-City of Albany
Attorney for Defendant
Jon (John) Reid
JOHN L. SHEA, Of Counsel
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TO: WALTER & THAYER, ESQS.
Attorneys for Plaintiffs (518) 462-8673
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK CIVIL DIVISION

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; JAMES J. ROSE, SPECIAL
AGENT, FEDERAL BUREAU OF INVESTIGATION; AND
UNKNOWN OTHER AGENTS OF THE FEDERAL BUREAU
OF INVESTIGATION; UNKNOWN NEW YORK STATE
POLICE OFFICERS; ALBANY COUNTY DISTRICT
ATTORNEY SOL GREENBERG; ALBANY COUNTY
ASSISTANT DISTRICT ATTORNEY JOSEPH DONNELLY;
ALBANY COUNTY ASSISTANT DISTRICT ATTORNEY
JOHN DORFMAN; UNKNOWN OTHER ALBANY COUNTY
DISTRICT ATTORNEYS; THE COUNTY OF ALBANY;
THE CITY OF ALBANY POLICE CHIEF THOMAS BURKE;
CITY OF ALBANY ASSISTANT POLICE CHIEF JON
REID; CITY OF ALBANY POLICE LIEUTENANT
WILLIAM MURRAY; CITY OF ALBANY DETECTIVE
JOHN TANCHAK, UNKNOWN OTHER CITY OF ALBANY
POLICE OFFICERS, and THE CITY OF ALBANY,

Defendants.

The defendant, Thomas Burke, by his attorney,
Vincent J. McArdle, Jr., Corporation Counsel for the City of
Albany, as and for an answer to the plaintiffs' complaint,
does hereby state and allege:

1. As to paragraph "1" of the complaint, the
defendant admits, that the plaintiff's residence was the
subject of a search, that the plaintiff was arrested and
that the charges against the plaintiff were subsequently
dismissed. As to the balance of said paragraph, the defendant

ANSWER

Civil File No.
82-CV-1413

Hon. Roger J.
Miner

denies knowledge or information sufficient to form a belief as to said allegations.

2. As to paragraph "2" of the complaint, the defendant denies knowledge or information sufficient to form a belief as to the first sentence of said paragraph, and denies the balance of the allegations contained in said paragraph.

3. Denies knowledge or information sufficient to form a belief, as to the allegations contained in paragraphs "3", "4", "5", "17", "18", "19", and "20".

4. Denies the allegations set forth in paragraphs "6" and "7".

5. As to paragraph "10", of the complaint, the defendant admits that the defendant Dorfman was so employed at the time of the incident in question.

AS TO THE FIRST CAUSE OF ACTION

6. Deny knowledge or information sufficient to form a belief as to paragraphs "21", "23", "24", "26", "28", "29", "31", "32", "37", "39", "42", "43", "47", "48" and "50".

7. Denies the allegations contained in paragraphs "22", "30", "34", "40", "41", "44" and "51".

8. As to paragraph "25" of the complaint, admits the first sentence thereof and denies knowledge or information sufficient to form a belief as to the balance.

9. As to paragraph "46" of the complaint, admits that law enforcement officials possessed a warrant to search the apartment and in fact did search said apartment, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

10. As to paragraph "49" of the complaint, admits that the plaintiff and certain others were arrested, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

AS TO THE SECOND CAUSE OF ACTION

11. Denies the allegations contained in paragraph "52" of the complaint except as hereinbefore otherwise specifically pleaded.

12. Denies the allegations contained in paragraphs "55" and "59".

13. Denies knowledge or information sufficient to form a belief, as to the allegations contained in paragraphs "56", "57" and "58".

AS TO THE THIRD CAUSE OF ACTION

14. Denies the allegations contained in paragraph "60" except as hereinbefore otherwise specifically pleaded.

15. As to paragraph "61" of the complaint, admits that the plaintiff was arrested and charged with certain violations of the Penal Law, and denies the balance of the

allegations of said paragraph.

16. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "62", "63", "64", "65", "66", "67", "68", and "70".

17. As to the allegations contained in paragraph "69", admits that the charges were dismissed, but denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

18. Denies the allegations contained in paragraph "71".

AS TO THE FOURTH CAUSE OF ACTION

19. Denies the allegations contained in paragraph "72" of the complaint, except as hereinbefore otherwise specifically pleaded.

20. Denies the allegations contained in paragraphs "73", "75", "76" and "77".

21. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "74".

AS TO THE FIFTH CAUSE OF ACTION

22. Denies the allegations contained in paragraph "78", except as hereinbefore otherwise specifically pleaded.

23. Denies the allegations contained in paragraphs "79", "80" and "81".

AS TO THE SIXTH CAUSE OF ACTION

24. Denies the allegations contained in paragraph "82", except as hereinbefore otherwise specifically pleaded.

25. Denies the allegations contained in paragraph "83".

AS TO THE SEVENTH CAUSE OF ACTION

26. Denies the allegations contained in paragraph "84", except as hereinbefore otherwise specifically pleaded.

27. As to paragraph "85", of the complaint, admits that the charges were dismissed, but denies knowledge or information sufficient to form a belief, as to the balance of said paragraph.

28. Denies the allegations contained in paragraphs "86" and "87".

AS TO THE EIGHTH CAUSE OF ACTION

29. Denies the allegations contained in paragraph "88", except as hereinbefore otherwise specifically pleaded.

30. Denies the allegations contained in paragraph "89".

AS TO THE NINTH CAUSE OF ACTION

31. Denies the allegations contained in paragraph "90", except as hereinbefore otherwise specifically pleaded.

32. Denies the allegations contained in paragraphs "91" and "92".

AS TO THE FIRST CAUSE OF ACTION
OF PLAINTIFF COALITION

33. Denies the allegations contained in paragraph "93", except as hereinbefore otherwise specifically pleaded.

34. Denies knowledge or information sufficient to form a belief as to paragraphs "94", "95", "96", "97", "103", "104", and "106".

35. Denies the allegations contained in paragraphs "101", "102", "105", "107", "108", "109" and "110".

AS TO THE SECOND CAUSE OF ACTION
OF PLAINTIFF COALITION

36. Denies the allegations contained in paragraph "111", except as hereinbefore otherwise specifically pleaded.

37. Denies the allegations contained in paragraphs "112", "113", "114" and "115".

AS AND FOR A FIRST DEFENSE

38. The arrest, detention and prosecution of the plaintiff, Michelson, were effectuated, if they were effectuated at all, with good and legal justification, based upon reasonable and probable cause.

AS AND FOR A SECOND DEFENSE

39. That the arrest, detention and prosecution of the plaintiff, Michelson, were effectuated, if they were effectuated at all, in good faith, without malice and with good and legal justification, based on reasonable and probable cause.

AS AND FOR A THIRD DEFENSE

40. That upon information and belief, no item of injury or damage, which plaintiffs claim to have sustained, was caused or in any way contributed to, by any culpable conduct on the part of the defendant, Thomas Burke, but if any such injury or damage was sustained, it was caused solely by the culpable conduct of the plaintiffs and/or some third party over whom this defendant has no control.

AS AND FOR A FOURTH DEFENSE

41. That the cause of action enumerated as, SIXTH CAUSE OF ACTION OF THE PLAINTIFF MICHELSON, fails to state a claim upon which relief may be granted.

AS AND FOR A FIFTH DEFENSE

42. That the complaint of the plaintiff Michelson, with respect to the FIFTH and EIGHTH CAUSE OF ACTION, cannot be sustained, as said plaintiff has failed to comply with the requirements of Section 50-e of the General Municipal Law of the State of New York.

AS AND FOR A SIXTH DEFENSE

43. That inasmuch as the complaint of the plaintiffs', alleges that this defendant is being sued in his individual capacity, said complaint of the plaintiffs' fails to state a claim upon which relief may be granted, as there are no allegations contained in the complaint, that any act or omission, was performed by said defendant in any capacity other than his official capacity.

AS AND FOR A SEVENTH DEFENSE

44. That upon information and belief, the plaintiff Coalition, lacks the requisite standing to bring this action, and thus those portions of the plaintiff's complaint, fail to state a claim upon which relief may be granted.

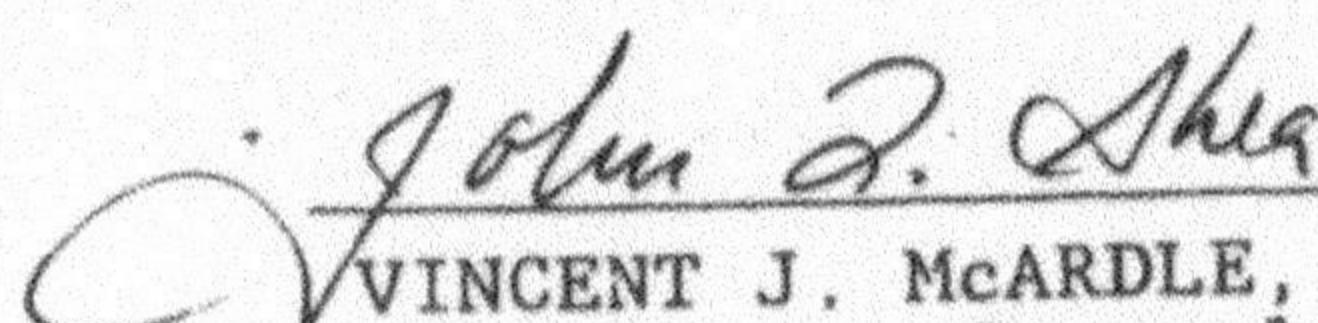
AS AND FOR AN EIGHTH DEFENSE

45. Inasmuch as the plaintiff, Michelson's complaint is directed towards the acts of this defendant in his individual capacity, the SIXTH, SEVENTH, EIGHTH and NINTH causes of action are barred by the applicable statute of limitations.

WHEREFORE, the defendant, Thomas Burke, demands judgment dismissing the plaintiffs' complaint, together with

the costs and disbursements of this action, reasonable attorneys fees, and such other and further relief as to this Court may seem just and proper.

DATED: January 21, 1983


VINCENT J. McARDLE, JR.
Corporation Counsel for
City of Albany
Attorney for Defendant,
Thomas Burke
JOHN L. SHEA, Of Counsel
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TO: WALTER & THAYER, ESQS.
Attorneys for Plaintiffs
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK CIVIL DIVISION

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

Plaintiffs,

ANSWER

-against-

Civil File No.
82-CV-1413

Hon. Roger J.
Miner

PAUL DALY, AGENT IN CHARGE, FEDERAL BUREAU OF INVESTIGATION; JAMES J. ROSE, SPECIAL AGENT, FEDERAL BUREAU OF INVESTIGATION; AND UNKNOWN OTHER AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION; UNKNOWN NEW YORK STATE POLICE OFFICERS; ALBANY COUNTY DISTRICT ATTORNEY SOL GREENBERG; ALBANY COUNTY ASSISTANT DISTRICT ATTORNEY JOSEPH DONNELLY; ALBANY COUNTY ASSISTANT DISTRICT ATTORNEY JOHN DORFMAN; UNKNOWN OTHER ALBANY COUNTY DISTRICT ATTORNEYS; THE COUNTY OF ALBANY; THE CITY OF ALBANY POLICE CHIEF THOMAS BURKE; CITY OF ALBANY ASSISTANT POLICE CHIEF JON REID; CITY OF ALBANY POLICE LIEUTENANT WILLIAM MURRAY; CITY OF ALBANY DETECTIVE JOHN TANCHAK, UNKNOWN OTHER CITY OF ALBANY POLICE OFFICERS, and THE CITY OF ALBANY,

Defendants.

The defendant, City of Albany, by its attorney, Vincent J. McArdle, Jr., Corporation Counsel for the City of Albany, as and for an answer to the plaintiffs' complaint, does hereby state and allege:

1. As to paragraph "1" of the plaintiffs' complaint, the defendant admits that the plaintiff's apartment was entered by various law enforcement officials, with weapons drawn, that the apartment was searched, that certain items of personal property were seized, that the plaintiff and two others were arrested, and that the charges against the plaintiff were

ultimately dismissed. As to the balance of said paragraph, the defendant denies knowledge or information sufficient to form a belief.

2. As to paragraph "2" of the complaint, the defendant denies knowledge or information sufficient to form a belief as to the first sentence thereof, and denies the balance of the allegations contained in said paragraph.

3. As to paragraph "3" of the complaint, the defendant denies knowledge or information sufficient to form a belief as to the allegations contained in said paragraph, except the fourth sentence thereof, and as to said fourth sentence, the defendant admits that a paper purporting to be a Notice of Claim was served, and said defendant denies the remainder of said sentence.

4. Denies knowledge or information sufficient to form a belief as to paragraphs "4", "5", "17", "18", "19" and "20".

5. Denies the allegations contained in paragraphs "6" and "7".

AS TO THE FIRST CAUSE OF ACTION

6. Denies knowledge or information sufficient to form a belief as to paragraphs "21", "23" and "32".

7. Denies the allegations contained in paragraphs numbered "22", "30", "31", "39", "40", "41", "42", "43", "44", "50", "51" and "34".

8. As to paragraph "24" of the complaint, admits that a discussion was had between certain named defendants, including information from an F.B.I. informant, some of which related to the plaintiff's apartment, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

9. As to paragraph "25" of the complaint, admits the first sentence thereof and denies knowledge or information sufficient to form a belief as to the second sentence.

10. As to paragraph "26" of the complaint, admits that certain of the defendants agreed to obtain a search warrant for the plaintiff's residence, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

11. As to paragraph "29" of the complaint, admits that the defendant Rose, assisted in preparing the warrant application, by providing information from a confidential informant, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

12. As to paragraph "46" of the complaint, admits that certain law enforcement officials possessed a warrant to search and in fact did search the plaintiff's apartment, and denies the balance of the allegations contained in said paragraph.

13. As to paragraph "48" of the complaint, denies knowledge or information sufficient to form a belief as to the first sentence of said paragraph, and denies the allegations

contained in the second sentence of said paragraph.

AS TO THE SECOND CAUSE OF ACTION

14. Denies the allegations contained in paragraph "52", except as hereinbefore otherwise specifically pleaded.

15. Denies the allegations contained in paragraphs "55" and "59".

16. Denies knowledge or information sufficient to form a belief as to paragraphs "56", "57" and "58".

AS TO THE THIRD CAUSE OF ACTION

17. Denies the allegations contained in paragraph "60", except as hereinbefore otherwise specifically pleaded.

18. As to paragraph "61" of the complaint, admits that the plaintiff was arrested for violating the Penal Law of the State of New York, and denies knowledge or information sufficient to form a belief as to the balance of said paragraph.

19. As to paragraph "62" of the complaint, admits that the plaintiff was removed from her apartment in handcuffs, booked, fingerprinted, photographed and handcuffed to a desk. The defendant denies the balance of the allegations contained in said paragraph.

20. As to paragraph "63" of the complaint, admits that the plaintiff was held in custody at the Albany City Police Division II Lock-Up and was arraigned before Judge Keegan, Defendant denies the balance of the allegations contained in said paragraph.