

September 23, 2024

Contact:

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*****MEDIA ADVISORY FOR WEDNESDAY, SEPTEMBER 25, 2024*****

***Counsel for Plaintiffs in Nunez v. City of New York to Argue Contempt Motion
Against NYC Department of Correction for Failing to Curb Brutality, Excessive
Use of Force in NYC Jails***

***Weather Permitting, Attorneys Will Hold Press Conference Following Oral
Arguments***

(NEW YORK, NY) – The Legal Aid Society and Emery Celli Brinckerhoff Abady Ward & Maazel LLP, counsel for plaintiffs in *Nunez v. City of New York*, will argue at the Daniel Patrick Moynihan United States Courthouse on Wednesday, September 25th at 2:30 P.M. to hold the City of New York in contempt of court orders mandating significant reforms in use of force practices in the City jails.

Due to the New York City Department of Correction's (DOC) failure to comply with the many orders designed to remedy the long-standing deplorable and unconstitutional conditions in the jails, attorneys call for the court to hold the City in contempt and appoint an independent receiver to take the necessary steps to ensure DOC's compliance with the consent decree and multiple remedial orders.

Immediately following the court hearing, counsel will hold a press conference in front of the north entrance of the courthouse on Worth Street (north of 500 Pearl Street), weather permitting.

Please RSVP with Audrey Martin (AMartin@legal-aid.org) if you're able to cover.

WHAT:

Oral Arguments in *Nunez v. City of New York* and subsequent press conference

WHO:

Attorneys from The Legal Aid Society and Emery Celli Brinckerhoff Abady Ward & Maazel LLP.

WHEN:

Oral arguments are scheduled for Wednesday, September 25 at 2:30 P.M., and the press conference will follow after arguments are complete.

WHERE:

Oral arguments: Daniel Patrick Moynihan United States Courthouse - 500 Pearl St, Room 17C , New York, NY 10007

Press conference: Weather, permitting, the press conference will be held in front of the north entrance on Worth Street

BACKGROUND:

In [September 2012](#), The Legal Aid Society and Emery Celli Brinckerhoff & Abady LLP filed *Núñez v. City of New York et al.*, a class action lawsuit challenging systemic brutality by staff against people incarcerated in New York City jails. The United States Department of Justice joined the litigation in December 2014. The litigation resulted in a landmark [consent decree](#) in 2015 mandating significant reforms in the use of force practices in the City jails.

Following the settlement, the court appointed a federal monitor to oversee the reforms. The monitor filed 50 reports detailing the New York City Department of Correction's (DOC) actions to comply with the Court's orders, finding that violence and chaos have remained shockingly high and concluding that DOC lacks the institutional capacity to reform.

After nearly a decade of oversight by the court and the Federal Monitor, and successive court interventions and remedial orders, DOC continues its pattern and practice of unconstitutional use of force, and in November 2023, plaintiffs and the United States filed a [contempt motion](#) and application for receivership to secure the appointment of an independent receiver over New York City's jail system. In May 2024, counsel filed a [reply](#) to the contempt motion.

Full docket in *Nunez v. City of New York*: <https://tinyurl.com/yay5dt3k>.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org