

**The New York City Civilian Complaint Review Bd. v
Brookdale Univ. Hosp. & Med. Ctr.**

2015 NY Slip Op 30221(U)

January 23, 2015

Supreme Court, New York County

Docket Number: 162710-2014

Judge: Joan B. Lobis

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. JOAN B. LOBIS

PART 6

Justice

THE NEW YORK CITY CIVILIAN COMPLAINT
REVIEW BOARD,

INDEX NO. ~~167210/2014~~

162710-2014

Petitioner,

MOTION DATE 1/20/15

- v -

MOTION SEQ. NO. 1

BROOKDALE UNIVERSITY HOSPITAL AND
MEDICAL CENTER,

MOTION CAL. NO.

Respondent.

The following papers were read on this Article 78 petition.

PAPERS NUMBERED

Notice of Petition/ Order to Show Cause – Affidavits – Exhibits

Answering Affidavits – Exhibits

Replying Affidavits

Petitioner The New York City Civilian Complaint Review Board brings this proceeding seeking an order directing respondent Brookdale University Hospital and Medical Center to provide all video surveillance footage from its Fast Track/emergency room/urgent care sections on August 11, 2014 between 12:00 pm and 5:00 pm. There is no opposition despite proper service. According to the petition, Tara A. has alleged that members of the New York City Police Department used excessive force against her on August 11, 2014 when they responded to reports of an altercation between her and another individual. The officers transported her to the emergency room area of respondent, where she received treatment. Petitioner alleges that Tara A. filed a complaint with petitioner. On September 15, 2014, as part of its investigation, petitioner subpoenaed respondent, seeking production of the videotape.

Petitioner alleges that respondent’s counsel indicated its client has the video but due to privacy concerns will not produce it. Accordingly, petitioner brought this petition. There is little evidentiary support due to petitioner’s obligation to restrict the disclosure of police personnel and disciplinary records, and it has redacted the full name, date of birth and address of Tara A. to protect her privacy. There is no reason to deny the application and hinder petitioner’s investigation. Therefore, it is

ORDERED that, within 14 business days of service by petitioner of a copy of this Order, respondent shall provide a certified copy of the video to petitioner.

Dated: Jan. 23, 2015


JOAN B. LOBIS, J.S.C.

- 1. CHECK ONE:
- 2. CHECK AS APPROPRIATE:.....MOTION IS
- 3. CHECK IF APPROPRIATE:

- CASE DISPOSED
- NON-FINAL DISPOSITION
- GRANTED
- DENIED
- GRANTED IN PART
- OTHER
- SETTLE ORDER
- SUBMIT ORDER
- DO NOT POST
- FIDUCIARY APPOINTMENT
- REFERENCE