

LAW OFFICE OF RONALD L. KUBY

ATTORNEYS AT LAW
119 WEST 23RD STREET, SUITE 900
NEW YORK, NEW YORK 10011

RONALD L. KUBY
GEORGE WACHTEL
LEA SPIESS

TELEPHONE: (212) 529-0223
FAX: (212) 529-0644
WWW.KUBYLAW.COM

STAFF
SUSAN BAILEY
PROCESS SERVER
LUIS R. AYALA

November 18, 2011

FOR PLANNING PURPOSES ONLY UNTIL FILING

Media Inquiries: (212) 529-0223

OCCUPY THE FEDERAL COURT: YOUNG OWS COUPLE, ARRESTED AFTER CLOSING ACCOUNT AT CITIBANK, TO FILE FEDERAL CIVIL RIGHTS ACTION AGAINST CITY, NYPD CHIEF OF DEPARTMENT: FIRST OF OWS LAWSUITS

On Monday morning, November 21, 2011, at 11:00 am, Heather Carpenter and her fiancé Julio Jose Jimenez-Artunduaga will file a federal civil rights lawsuit in the United States District Court, Southern District of New York, against the City of New York, NYPD Chief of Department Joseph J. Esposito, and a number of police officers.

Heather and Julio had marched to a Citibank branch in Greenwich Village on October 15, with approximately twenty Occupy Wall Street demonstrators in a protest against predatory lending practices and excessive fees of big banks. Inside the bank, the protesters participated in a teach-in, while Heather and Julio had closed Heather's account and left. Chief of Department Joseph Esposito and other officers entered the establishment, closed the doors, and arrested everyone inside the bank for trespassing.

Heather and Julio stood among other onlookers watching through the window outside the bank when an undercover officer approached them and grabbed Heather by the arm, stating "you were with them." Heather retreated, explaining, "I'm a customer," and showed her receipt. The officer wrapped his arms around Heather from behind, cupping her breasts, and lifted her off the ground. He dragged Heather back to the entrance of the bank, where she was swarmed by other officers, handcuffed, and charged with trespassing. A plainclothes officer and a uniformed sergeant then grabbed Julio by the neck. He was pulled inside the vestibule of the bank, where he was choked, assaulted, and placed in handcuffs. See videolinks here: <http://www.youtube.com/watch?v=TH3kiaJ1-c8> and <http://www.youtube.com/watch?v=0z2ZT5iFok>.

Heather and Julio were released over thirty hours later and were charged with resisting arrest and criminal trespass in the third degree. On November 14, 2011, the District Attorney, New York County, announced his intention to dismiss the charges. Julio's court appearance is Monday morning.

Heather and Julio, both 23, were recently engaged to be married. Julio works more than one job, and Heather, who is studying to become a Certified Nursing Assistant, works full-time as a counselor for mentally handicapped persons to pay for her schooling.

Heather and Julio will be available with their lawyers for comment on Monday at 11:00 a.m. outside the courthouse, located at 500 Pearl Street, in Manhattan. For further information, call (212) 529-0223.