



New York City Comptroller
John C. Liu

NEWS RELEASE

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LIU: SETTLE ‘CENTRAL PARK FIVE’ CASE NOW
Recent Court Order on Discovery Narrows Window for Settlement

NEW YORK, N.Y. – Comptroller John C. Liu is urging the Mayor to instruct the New York City Law Department to negotiate promptly an appropriate settlement to the “Central Park Five” lawsuit, after lawyers for the five unjustly imprisoned men clearly expressed a willingness to engage in meaningful settlement discussions and a federal court set a deadline on discovery for the case, a significant development on the part of the court.

“The Law Department’s stance of refusing to explore a fair and just settlement of this lawsuit is imprudent,” Comptroller Liu wrote in a March 25 letter to Mayor Bloomberg. “I urge you to exercise your executive authority to assist in closing this terrible chapter in our City’s history, so that New Yorkers can finally put an end to the painful ‘Central Park Five’ saga.”

Pointing to flaws in the prosecution of the Five identified in 2002 by then-District Attorney Robert Morgenthau, Liu threw the risks of the City’s refusal to negotiate into sharp relief.

“The disturbing facts associated with this case raise the risk that at a civil trial of the Central Park Five’s claims, a jury may be persuaded that the NYPD or DA violated standards in investigating and prosecuting the Central Park Five,” he wrote. “Such a jury outcome could be very costly to the City.”

Under the City Charter, the Comptroller’s office approves all settlements for the City. Liu earlier this year warned that prolonging the case risks exposing the City to mounting legal costs, and he has continued to urge both sides to come to the table as soon as possible, even offering his boardroom as a venue for the discussions. His renewed call comes in light of a recent court order directing that fact discovery in the case be completed by early June (see attachment) and a letter from lawyers for the Central Park Five accepting his offer (see attachment).

Text of Comptroller Liu’s Letter to Mayor Bloomberg, March 25, 2013:

Dear Mayor Bloomberg,

I urge you to direct the New York City Law Department to negotiate promptly an appropriate settlement of the federal lawsuit brought by the ‘Central Park Five.’

More than ten years have passed since the Manhattan District Attorney's Office (DA) advised New York State Supreme Court Justice Charles J. Tejada, in great detail and under penalty of perjury, that had newly available evidence "been received at trial, the verdict would have been more favorable to defendant[s]." The DA also informed the Court that the many gaps and flaws in the defendants' confessions "should have been apparent at time of trial" and that the career rapist and robber who later confessed to the attack had also admitted attacking many young women in and near Central Park in the months before the attack, including a rape and robbery in the Park just two days beforehand.

The Court, perhaps in response to the growing outcry from countless New Yorkers outraged that this case remains unresolved after so many years, has now ordered the parties to complete all discovery in the case, which has dragged on for a decade, by the beginning of June. We believe this is a very significant development.

As the trial of this case inevitably draws closer, litigation experience clearly demonstrates that now is an appropriate time for both parties to negotiate in earnest. Prolonging the discovery process further only serves to increase the risk that City taxpayers will ultimately bear responsibility for significant attorneys' fees incurred by plaintiffs.

Moreover, the disturbing facts associated with this case raise the risk that at a civil trial of the Central Park Five's claims, a jury may be persuaded that the NYPD or DA violated standards in investigating and prosecuting the Central Park Five. Such a jury outcome could be very costly to the City.

The Law Department's stance of refusing to explore a fair and just settlement of this lawsuit is imprudent. As indicated in the attached letter from plaintiffs' counsel, plaintiffs have been and remain ready to engage in meaningful settlement discussions. It is in the City's best interest to engage in these discussions.

My office has the legal expertise and for decades has worked with the Law Department to negotiate fair settlements in many complex and high profile litigations, and I am confident that we can do so here. A news report in the *New York Times* last month about the Law Department's initiative to decide which police and federal civil rights cases should be "no pay" also points to the risk of that strategy ultimately costing the City more money. In this case, that risk is significant.

As I have said before, the young men who were wrongly imprisoned for this crime may not have been angels. However, basic fairness in light of the facts of this case, and the need to protect the City against a possibly costly trial outcome, all support a serious effort to settle this matter.

This troubling case has spanned the administrations of three of your predecessors. In the last year of your third term as Mayor, I urge you to exercise your executive authority to assist in closing this terrible chapter in our City's history, so that New Yorkers can finally put an end to the painful 'Central Park Five' saga.

Sincerely,

John C. Liu

Background:

Liu: Time to Bring Closure to Tragic and Costly ‘Central Park Five’ Case, Jan. 4, 2013:
http://www.comptroller.nyc.gov/press/2013_releases/pr13-01-002.shtm

Attachments:

Comptroller Liu’s letter to Mayor Bloomberg:
<http://www.comptroller.nyc.gov/press/pdfs/Letter-to-MRB.pdf>

Court Order: <http://www.comptroller.nyc.gov/press/pdfs/CP5-Court-Order.pdf>

Letter from Plaintiffs’ Attorneys: <http://www.comptroller.nyc.gov/press/pdfs/CP5-Plaintiffs-Letter.pdf>

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