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# Occupy Wall Street Lawsuit Alleging False Arrests Names Ray Kelly, Anthony Bologna And NYC

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NEW YORK -- Three days after Occupy Wall Street celebrated its [one-year anniversary](#) with [mass demonstrations](#) and a [slew of arrests](#), two protesters sued the city and several members of the NYPD, claiming they were falsely arrested during the first week of the movement a year ago.

The [complaint](#), filed Thursday in U.S. District Court in Manhattan, alleges that protesters Johanne Sterling and Joshua Cartagena were falsely arrested for disorderly conduct while standing on the sidewalk on E. 12th Street after a demonstration in Union Square on [Sept. 24, 2011](#).

"This is a complaint that challenges the NYPD's tactics during protests, specifically including the unlawful use of sidewalk arrests," said Mara Verheyden-Hilliard, one of three lawyers from the Partnership for Civil Justice Fund who filed the lawsuit. "They took the ground from underneath protesters' feet. They were doing it this weekend, again -- making sidewalks unsafe for protests."

Sterling, a Harlem resident who works at a non-profit, and Cartagena, a recent Rutgers University graduate, were walking down University Place near 12th Street when police began a mass arrest of protesters, sometimes corralling them with orange netting.

Cartagena was arrested for blocking traffic, though the complaint says he was walking on the sidewalk when he was trapped by netting. After several appearances in court, Cartagena agreed to an "adjournment in contemplation of dismissal." The adjournment is not an admission of guilt, Verheyden-Hilliard said, "but does stop the abusive prosecution." If Cartagena stays out of trouble, the charges will eventually be dismissed.

Sterling was arrested for disorderly conduct after also being trapped by the netting. Her prosecution is pending.

The complaint alleges NYPD Deputy Inspector Anthony Bologna used excessive force against Sterling before her arrest. She was among those hit when Bologna began "gratuitously and without any lawful cause" discharging pepper spray at a crowd trapped by the orange netting last September.

The deputy's actions were caught on tape and he was docked 10 vacation days and [transferred](#) to Staten Island. Last month, the city declined to defend Bologna in another lawsuit filed against him in February by two other women he pepper-sprayed during the Sept. 24 incident.

The Partnership for Civil Justice Fund also filed a class-action lawsuit on behalf of the more than 700 Occupy Wall Street protesters arrested on the Brooklyn Bridge in October 2011. This summer, U.S. District Judge Jed Rakoff [ruled](#) that the case could proceed.

The new lawsuit blasts the city and police commissioner Ray Kelly for failing to supervise, train, instruct and discipline Bologna. This failure "has encouraged, ratified, enforced and sanctioned his unconstitutional misconduct," the complaint says.

"Even though he's being sued again and again, they haven't fired him," Verheyden-Hilliard told the Huffington Post.

Asked about Bologna's "alleged" actions, Verheyden-Hilliard chuckled. "You mean the ones caught by hundreds of cameras?" she asked.

Bologna's attorney Louis La Pietra could not be reached for comment. The city is waiting to receive the legal complaint, a spokeswoman from the city's legal department told The Huffington Post.