
In the Matter of the Claim of

MEDIA ALLIANCE, INC.

Against

**CITY OF TROY and ROBERT MIRCH, COMMISSIONER OF
PUBLIC WORKS for the CITY OF TROY**

*COUNTY OF RENSSELAER
STATE OF NEW YORK*

TO: CITY OF TROY, RENSSELAER COUNTY, NEW YORK:

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claims and demands against you as follows:

1. *The name and post office address of each claimant and claimant's attorney are:*

Claimant: Media Alliance, Inc., P.O. Box 35, Troy, New York 12181

Attorney: Peter Henner, P.O. Box 326, Clarksville, New York 12041, as
Cooperating Counsel for the New York Civil Liberties Union
Foundation

2. *The nature of the claim:*

Claimant owns and operates The Sanctuary for Independent Media ("the Sanctuary"), which offers a venue for artistic and political expression within the City of Troy ("the City"). On March 10, 2008, the City shut down claimant's operations by prohibiting the use of claimant's building, ostensibly for code violations, but, in reality, because of the City's opposition to the specific content of a particular program, "The Night of Bush Capturing: Virtual Jihadi." The shutdown was also the result of particular actions by Robert Mirch, the City's Commissioner of Public Works, who: 1) made public comments on a radio show denouncing the Sanctuary's program, 2) utilized his influence and power to get City employees to participate in a public demonstration against the program, and 3) used his personal authority to get the City to shut down the Sanctuary.

This claim arises under the First, Fifth and Fourteenth Amendments to the United States Constitution; Article 1, §§ 6 and 8 of the New York State Constitution; and under the common-law torts of abuse of process and/or governmental power, slander, and business and intentional interference with claimant's constitutional rights and business relationships.

3. *The time when, the place where and the manner in which the claim arose:*

The claim arose on or about March 10, 2008, when the City directed the closure of The Sanctuary for Independent Media, at 3361 Sixth Avenue, in the City of Troy.

4. *The items of damage or injuries claimed are:*

Injury to rights of free speech and expression, chilling effect upon other citizens and prospective owners and operators of political and artistic venues, injury to business reputation, loss of business income, injury to personal reputation, and emotional and mental distress.

Claimant reserves its right to supplement the nature of its claims, the identity of the officials or employees named in its claims, and the nature of its damages.

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: April 30, 2008

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Stephen Pierce
On behalf of claimant Media Alliance

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Peter Henner
as Cooperating Counsel for the New York
Civil Liberties Union Foundation
P.O. Box 326
Clarksville, New York 12041
Tel. (518) 768-8232

VERIFICATION
State of New York,
County of _____

ss.:

as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

Stephen Pierce,
being duly sworn, deposes and says that deponent is the Executive Director for the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except

Sworn to before me, this 30th
day of April 2008

Notary Public - State of New York