



## **New York Cases To Watch In 2014**

By **Pete Brush**

Law360, New York (January 01, 2014, 10:08 AM ET) -- Lawsuits alleging racial profiling, a dispute over how much power the governor has to subpoena lawmakers and law firms, and a last-ditch effort by gas drillers to nullify local fracking bans are among the biggest cases New York attorneys will be watching in the coming year.

Here's a look at these and other high-profile cases on the Empire State docket for 2014.

### **'Shop And Frisk' Class Actions Against [Macy's And](#) the NYPD**

In a proposed class action against Macy's Inc., Brooklyn actor Rob Brown claims the retail giant profiled him on suspicion of using a fake credit card despite the fact that he had identification — a move that led to the "Treme" trumpeter being thrown in jail. His companion lawsuit against New York City police claims the department condones the profiling.

Winning class certification could be a challenge, if a recent state court case is any guide. A Turkish widow named Ayla Gursoy was recently [denied a bid](#) to convert her claims against Macy's Inc. into a class action because claimants' situations varied too widely. Gursoy's lawyer, Faruk Usar of Usar Law Group PC, said his client settled right after.

But attorney Douglas Wigdor, who represents Brown, believes he can defeat Macy's as it resists the argument that the federal claims are suitable for a class action. It's a fight that many retailers will be watching because allegations of racial profiling go far beyond Macy's in New York City.

"Macy's will argue that each case is an individualized assessment not suited for class certification. But that argument is used all of the time," Wigdor said. "The whole purpose of class action suit is to stop a pattern or practice of unlawful activity. If these cases were litigated on an individual basis there would be no incentive for Macy's to change its policies."

A January conference is set for the federal cases.

Brown is represented by Douglas Wigdor of [Thompson Wigdor LLP](#). Macy's is represented by [Jones Day](#).

The cases are Brown v. Macy's, case number 1:13-cv-08092, and Brown v. New York, case number 1:13-cv-08094, in the U.S. District Court for the Southern District of New York.