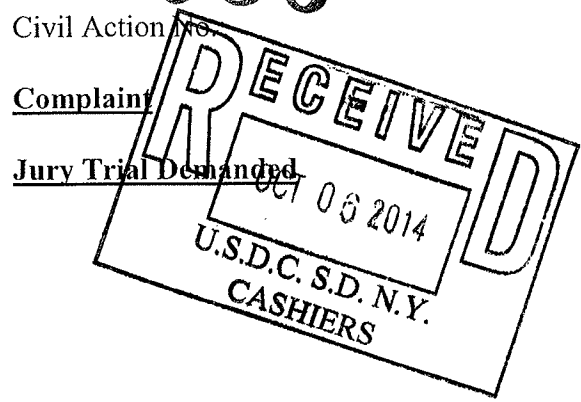


JUDGE FAILLA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 TRACY CATAPANO-FOX, **14 CV**  
 Plaintiff, :  
 :  
 v. :  
 :  
 THE CITY OF NEW YORK; RICHARD :  
 EMERY, in his personal and professional :  
 capacities; and BISHOP MITCHELL TAYLOR, :  
 in his personal and professional capacities, :  
 :  
 Defendants. :  
 -----X

8036



Plaintiff Tracy Catapano-Fox (“Ms. Fox” or “Plaintiff”), by and through her undersigned counsel, Wigdor LLP, as and for her Complaint in this action against Defendants the City of New York, Richard Emery (“Defendant Emery”) and Bishop Mitchell Taylor (“Bishop Taylor”) (collectively, “Defendants”), hereby alleges as follows:

**PRELIMINARY STATEMENT**

1. The New York City Civilian Complaint Review Board (“CCRB”) was established to ensure that the citizens of New York City had a fair and impartial resource for addressing police misconduct. In order to fulfill this mission, the CCRB has pledged to “encourage all parties involved in a complaint to come forward and present evidence” and “investigate each allegation thoroughly and impartially.” Unfortunately, however, pursuant to the direction of Chairman Richard Emery and Board member Bishop Taylor, the CCRB takes the complete opposite approach to complaints concerning egregious sexual harassment, discriminatory practices and unlawful conduct being committed within its own walls.

2. On October 6, 2014, Ms. Fox, the Executive Director of the CCRB, was terminated in retaliation for making numerous complaints regarding sexual harassment

committed by Bishop Taylor, investigative procedures proposed by Defendant Emery that discriminate against minorities and violations of the CCRB's enabling law and rules committed by Defendant Emery. The termination decision was carried out after months of escalating retaliation, and less than a week after Ms. Fox sent a letter to Defendant Emery, as well as to the Mayor's office and Corporation Counsel, notifying them that she had obtained counsel in connection with her claims of retaliation. Between the date of that letter and her termination, four of the Board's 13 members were replaced – for the sole purpose of “stacking the Board” in order to effectuate a termination of Ms. Fox – including one Board member who was forced to resign after stating that the contents of Ms. Fox's September 26, 2014 letter were entirely accurate and that Defendant Emery and Bishop Taylor's actions were indefensible.

3. The unlawful retaliation described herein was committed in violation of Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 (“Section 1981”), the New York State Human Rights Law, New York Executive Law §§ 290 *et seq.* (the “NYSHRL”), the New York City Human Rights Law, N.Y.C. Administrative Code §§ 8-107 *et seq.* (the “NYCHRL”) and New York Civil Service Law 75-b, as well as in violation of Ms. Fox's contractual rights pursuant to the CCRB's Employee Manual and Code of Conduct and the Citywide Employee Orientation Manual.

#### **JURISDICTION AND VENUE**

4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiff's rights under Section 1981. The Court has supplemental jurisdiction over Plaintiff's related claims arising under state law pursuant to 28 U.S.C. § 1367(a).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

### **PARTIES**

6. Plaintiff Tracy Fox is a resident of the State of New York and resides in Queens County. At all relevant times, Ms. Fox, who is the Executive Director of the New York City CCRB, met the definition of an “employee” of the City of New York under all applicable statutes.

7. Defendant City of New York is a Municipal Corporation with its principal place of business in New York County, New York, duly organized and existing under and by virtue of the laws of the State of New York. The New York City CCRB is an agency or department of the Defendant City of New York, duly existing by reason of, and pursuant to, the laws of the City and State of New York.

8. Defendant Richard Emery is the Chairman of the CCRB.

9. Defendant Bishop Mitchell Taylor is a member of the Board of the CCRB.

### **PROCEDURAL REQUIREMENTS**

10. Shortly after the filing of this Complaint, Ms. Fox will file a charge of discrimination, arising out of the facts described herein, with the Equal Employment Opportunity Commission (“EEOC”), alleging violations of Title VII, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”). When the EEOC completes its investigation of the charge and issues Ms. Fox’s notice of right to sue, Ms. Fox will seek leave to amend this Complaint to add claims for Defendants’ violations of Title VII.

11. Pursuant to NYCHRL § 8-502, Ms. Fox will serve a copy of this Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel, within ten days of its filing, thereby satisfying the notice requirements of that section.

12. Although unnecessary, in an abundance of caution Plaintiff will file a Notice of Claim in connection with the unlawful activity described herein.

13. Any and all other prerequisites to the filing of this suit have been, and with the filing of the EEOC charge will be, met.

### **FACTUAL ALLEGATIONS**

#### **Ms. Fox's Tenure as the CCRB's Executive Director**

14. Ms. Fox was appointed Executive Director of the CCRB in June 2013 through a unanimous vote of its 13 member Board.

15. Ms. Fox's qualifications for the position were unimpeachable. Ms. Fox is a former prosecutor and Chief Clerk for the Queens County Courts. Indeed, as put by one CCRB Board member on September 25, 2014, "[w]e hired Tracy last year because we agreed she was highly qualified for the position."

16. Ms. Fox's performance as the CCRB's Executive Director has been outstanding. Over the past 15 months, Ms. Fox has, *inter alia*, (i) created the CCRB's Intake Unit, which has greatly increased efficiency in the CCRB's investigations, (ii) started the "CCRB in the Boroughs" program, (iii) developed the Administrative Prosecution Unit by instituting benchmarks, filing charges and overseeing the prosecution of over 200 cases, (iv) increased the number of mediations held by the CCRB, and (v) increased intra-office collaboration and morale through weekly senior staff meetings and monthly team manager meetings.

17. The foregoing is a mere fraction of the contributions that Ms. Fox has made to the CCRB since her appointment as its Executive Director. Recently, another Board member, referred to Ms. Fox's performance as "excellent."

**Ms. Fox's Complaints of Discrimination and Resulting Retaliation**

18. In March 2014, Ms. Fox was speaking with a female CCRB employee with regard to an upcoming conference that the employee was supposed to attend.

19. During the conversation, the employee asked Ms. Fox who would be attending the conference. When Ms. Fox informed her that the head of the Board's Executive Committee, Bishop Taylor, would be attending the conference, the female employee became very upset and stated that she was not comfortable going to the conference with Bishop Taylor because he had previously sexually harassed her.

20. The female employee explained that she reported the incident to the prior Executive Director, but the prior Executive Director responded only by saying: "what, you've never been hit on before?"

21. Moreover, the CCRB's Equal Employment Opportunity ("EEO") Officer, Marcos Soler, was present the evening that this female employee was sexually harassed by Bishop Taylor. However, Mr. Soler told the female employee that she would be fired if she reported the unlawful conduct.

22. Mr. Soler wrote up a supposed account of the sexual harassment, but, upon information and belief, this account was not written up until a year and a half after the incident and was recently modified.

23. Ms. Fox immediately reported this instance of sexual harassment to both Corporation Counsel and the New York City EEO department.

24. Ms. Fox was briefly interviewed by New York City's Chief EEO and Diversity Officer in or around April 2014. During this interview, Ms. Fox also reported a separate act of sexual harassment committed by Bishop Taylor. Specifically, when speaking with a different female employee of the CCRB, Bishop Taylor stated: "You're the hot stuff, baby." Despite reporting two incidents of sexual harassment committed by Bishop Taylor, Ms. Fox received no follow-up and, upon information and belief, Bishop Taylor was never disciplined for sexually harassing these two female employees.

25. In or around May 2014, just after Ms. Fox reported the prior two acts of sexual harassment, Bishop Taylor sent a very sexually inappropriate email to another CCRB employee. Specifically, in describing a citizen complaint, Bishop Taylor wrote in an email, "[t]his is not a strip search case. This is a dick case."

26. This email was eventually forwarded to another current female employee, who complained to Ms. Fox regarding the sexually inappropriate email.

27. Ms. Fox, in turn, reported the sexually inappropriate email to two members of the Board's executive committee, as well as to the New York City EEO department.

28. Ms. Fox never received any follow-up regarding this complaint.

29. In addition to these acts of sexual harassment, Bishop Taylor is rumored to have engaged in an affair with the CCRB's Director of Human Resources and is currently under criminal investigation for assault stemming from an incident in which he wielded a pickaxe and menaced hotel workers.

30. As a result of the latter incident, both the Patrolmen's Benevolent Association and the Sergeants Benevolent Association have requested that Defendant Emery preclude Bishop Taylor from deciding CCRB cases, but Defendant Emery has refused to do so.

31. Immediately after Ms. Fox began making complaints regarding Bishop Taylor's discriminatory conduct, he began retaliating against her.

32. The retaliation included fabricated accusations of wrongdoing, including Bishop Taylor alleging that Ms. Fox had improperly promoted a purported friend with whom she supposedly spent time with at this individual's house in the Hamptons. However, this accusation was completely false, as there was nothing improper about this individual's promotion nor had Ms. Fox ever been to this individual's house in the Hamptons. Moreover, the individual had been employed by the CCRB for 16 years.

33. Bishop Taylor's attitude towards Ms. Fox also became extremely hostile after she made complaints concerning his sexually harassing conduct. Other Board members even commented on this and told Bishop Taylor to cease his increasingly aggressive behavior towards Ms. Fox.

34. In or around June 2014, Ms. Fox made explicit complaints to the Mayor's office (specifically, to Kathleen Rubenstein), regarding the unlawful retaliation to which she had been subjected by Bishop Taylor because of her complaints regarding his sexual harassment of female CCRB employees.

35. Very shortly thereafter, on or around July 17, 2014, Defendant Emery was appointed Chair of the CCRB by the Mayor. The very next day, Defendant Emery informed Ms. Fox that he supported her and wanted her to stay on as Executive Director, but that the Mayor's office wanted to "get rid" of her as soon as possible.

36. Of course, there was absolutely no legitimate reason whatsoever to "get rid" of Ms. Fox. Up to that point, Ms. Fox had demonstrated outstanding performance and the only

negative feedback she had received to that point was in blatant retaliation for her complaints concerning unlawful discrimination.

37. Unfortunately, this pattern of retaliation against Ms. Fox for making protected complaints did not cease. Instead, as Ms. Fox continued to complain about further wrongdoing and discrimination, she was subjected to increasing unlawful retaliation and was ultimately terminated in retaliation for making complaints regarding unlawful conduct.

**Ms. Fox's Continuing Complaints Regarding Misconduct and Discrimination**

38. New York Civil Service Law 75-b ("75-b") prohibits retaliation against public employees who report or make complaints concerning "any action by a public employer or employee, or an agent of such employer or employee, which is undertaken in the performance of such agent's official duties, whether or not such action is within the scope of his employment, and which is in violation of any federal, state or local law, rule or regulation."

39. In addition to her complaints regarding unlawful discrimination, Ms. Fox also made complaints regarding other misconduct undertaken in violation of local laws, rules and regulations, including the New York City Charter, the CCRB's enabling statute and the Rules of the City of New York.

40. One such complaint concerned Defendant Emery's decision to collude with the New York Police Department ("NYPD"), in an effort to prevent the CCRB from performing its proper functions, by attempting to conceal important statistics regarding "stop and frisk" stops in New York City.

41. Indeed, Defendant Emery has repeatedly suggested that the CCRB no longer accept and investigate "stop and frisk" complaints, and that the CCRB no longer substantiate "stop and frisk" cases, even if it is determined that an improper "stop and frisk" has occurred.



Ms. Fox has repeatedly complained about this conduct to both Defendant Emery and the Board. These complaints are protected under 75-b, as they involve clear violations of the CCRB's rules and enabling legislation, which provide, *inter alia*:

- Investigations into “misconduct” by NYPD officer must be “complete, thorough and impartial” and “must be conducted fairly and independently” [New York City Charter, Chapter 18-A § 440(a)];
- “The [CCRB] shall have the power to receive, investigate, hear, make findings and commitment action upon complains by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority [or] discourtesy” [New York City Charter, Chapter 18-A § 440(c)(1) and Rules of the City of New York, Title 38A, Chapter 1, Subchapter A §1-02(a)];
- Cases may only be closed without full investigation under very specific circumstances, none of which are consistent with Defendant Emery's directive to simply reject “stop and frisk” complaints [Rules of the City of New York, Title 38A, Chapter 1, Subchapter A §1-33, 34(a)]; and
- The Board members “must be afforded an opportunity to review” any case that is closed prior to full investigation [Rules of the City of New York, Title 38A, Chapter 1, Subchapter A §1-34(b)].

42. Moreover, given the high level of public interest in the NYPD's “stop and frisk” policy, Ms. Fox has repeatedly advocated that the CCRB put out a report on the frequency of “stop and frisk” stops in New York City. Defendant Emery has refused to permit this report from being worked on or published in a blatant effort to protect the NYPD, as he is well aware that the statistics demonstrate that “stop and frisk” has not decreased by 94% as claimed by the NYPD.

43. Similarly, Defendant Emery also has made concerted efforts to conceal the true “stop and frisk” statistics by excluding them from this year's mid-year report. Ms. Fox has repeatedly complained about this conduct to Defendant Emery and the Board, including in late-

August 2014, to no avail. The “stop and frisk” statistics were contained in every annual and semi-annual CCRB report over the last five years, and their removal in the mid-year report violates the CCRB’s enabling statute, including, *inter alia*:

- The [CCRB] shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions [New York City Charter, Chapter 18-A § 440(c)(6)].

44. Also in August 2014, Ms. Fox also complained about a new investigative process that Defendant Emery is attempting to impose on CCRB investigative employees.

45. As described to Ms. Fox, Defendant Emery’s new investigative process would require the investigator to determine the credibility of a complainant without conducting an investigation. Defendant Emery’s reasoning is that “[a] doctor is much more credible than someone with a criminal history.”

46. Ms. Fox quickly objected to Defendant Emery’s proposed method of investigation, noting the obvious; namely, that the proposed method of investigation would have an extremely disparate impact on minorities in New York City. This complaint is protected in that it concerns unlawful discrimination. It also is protected under 75-b because it concerns direct violations of the CCRB’s enabling legislation:

- Investigations into “misconduct” by NYPD officer must be “complete, thorough and impartial” and “must be conducted fairly and independently” [New York City Charter, Chapter 18-A § 440(a)].

47. Defendant Emery also has colluded with the NYPD – again in violation of the CCRB’s enabling legislation and regulations – by repeatedly refusing to challenge its failure to discipline officers who violate the civil rights of the citizens of New York City. By way of example only, Defendant Emery refused to object when the NYPD failed to discipline 28 different officers who engaged in substantiated unlawful “stop and frisk” stops.

48. Defendant Emery likewise refused to challenge the NYPD after it declined to discipline officers for failing to provide medical attention to an individual who had a heart attack and died while in NYPD custody. Incredibly, the NYPD brought this individual to the police station and carried him to his cell (during which one officer punched the likely-already-deceased individual in the stomach), after which officers realized that the individual was dead.

49. Ms. Fox, of course, complained about Defendant Emery's refusal to conduct himself in an "impartial" and "independent" manner with regard to challenging the NYPD on these matters, in violation of the CCRB's enabling statute.

50. Moreover, in or around March 2014, Ms. Fox discovered that the statistics contained in the CCRB's reports (which are compiled by Mr. Soler) are inaccurate.

51. Ms. Fox has repeatedly advised that publication of inaccurate statistics is a serious problem – and, as described below, a violation of the New York City Charter – including with regard to a report proposed by Defendant Emery concerning "Chokehold" statistics.

52. On the day Defendant Emery joined the CCRB, Eric Garner died after being put in a chokehold by a New York City Police Officer. As a result, when Defendant Emery joined the CCRB, he made it clear that he wanted to publish a report concerning chokehold statistics, a topic of great public interest.

53. However, while Ms. Fox would have supported such an effort, she has repeatedly made clear that the statistics underlying the proposed report are inaccurate. Nevertheless, Defendant Emery forged ahead with the report, telling Ms. Fox that he would publish the report irrespective of the accuracy of the statistics. This would constitute a violation of New York City Charter, Chapter 49 § 1116(b), which prohibits:

- Any officer or employee of the city or of any city agency [from] mak[ing] a false or deceptive report or statement in the course of duty.

### **Unlawful Retaliation**

54. In response to Ms. Fox's protected complaints – and in contradiction to Defendant Emery's assurances of support for Ms. Fox the day after he was hired – Defendant Emery has aggressively and openly attempted to force Ms. Fox's resignation.

55. Defendant Emery has repeatedly demanded that Ms. Fox resign or “suffer the consequences,” and threatened to “stack the Board” to ensure her termination. On Tuesday, September 9, 2014 – mere weeks after Ms. Fox complained regarding his proposed discriminatory investigative method and collusion with the NYPD in attempting to strip the CCRB of its statutorily authorized jurisdiction to investigate “stop and frisk” cases – Defendant Emery falsely told the Mayor's office that Ms. Fox had agreed to post her job and that she would leave by the end of the year.

56. This was completely fabricated, as Ms. Fox has never agreed to resign or leave at the end of the year without the Board calling for her resignation in the form of a formal vote (which is the only way Ms. Fox can be removed from her position).

57. Rather than intervening and putting an end to Defendant Emery's unlawful campaign of retaliation, the Mayor's office (which has the authority to remove him from his position) exacerbated the situation. On September 10, 2014, the Mayor's office offered Ms. Fox her choice of jobs if she would agree to leave the CCRB.

58. Also on September 10, 2014, Ms. Fox complained to Maya Wiley and Chloe Drew that a pattern of negative treatment against women exists at the CCRB.

59. One day later, on Wednesday, September 11, 2014, Defendant Emery falsely advised the Board that Ms. Fox agreed to post her position, and the following day he threatened Ms. Fox, saying: “[i]f you don’t agree to post your job, you will suffer the consequences.”

60. However, the Board made very clear that it wanted Ms. Fox to stay on as Executive Director and scheduled a Board meeting for Monday, September 15, 2014 for the purpose of issuing a vote of “no confidence” in Defendant Emery.

61. Thus, the next day Defendant Emery directed that Ms. Fox’s Executive Director position be posted in direct violation of New York City’s posting laws (which Ms. Fox also complained about).

62. Then, on Sunday, September 14, 2014, Defendant Emery leaked news of the meeting planned for September 15, 2014 to the press, which reported (falsely) that the Board was planning to terminate Ms. Fox. The articles in the press also included accusations that Ms. Fox was ineffectual in expanding CCRB outreach, which is within Bishop Taylor’s purview.

63. When Defendant Emery learned that the Board did not support his efforts to terminate Ms. Fox, he cancelled the September 15, 2014 meeting, citing concerns purportedly raised by Corporation Counsel Zachery Carter with regard to the timing of the meeting. However, the Corporation Counsel’s office subsequently stated that Defendant Emery had misrepresented what Zachery Carter had said, and that he never stated that the meeting must be cancelled.

64. Since the cancellation of the September 15, 2014 meeting, Defendant Emery has repeatedly demanded that Ms. Fox resign and threatened to “stack the Board” and have her terminated if she did not capitulate to this retaliatory demand. Incredibly, his plan to “stack the Board” was communicated in an email Defendant Emery sent to the Board on September 25,

2014 when he refused the requests of current Board members to hold an emergency meeting to decide Ms. Fox's fate: "I do not see any reason to rush this until I am assured that the Board will support me. I am not counting votes nor counting on votes. So, I want to wait until the new Board members are appointed."

65. Defendant Emery also stated in the email that he will not work with Ms. Fox after the end of this year.

66. Defendant Emery also stated that if Ms. Fox does not resign: "[she] will force [him] to seek [her] removal for cause which [he] will present to the Board."

**Defendant Emery, the Mayor's Office and Corporation Counsel Are Put on Notice of Ms. Fox's Claims, and Engage in Further Retaliation**

67. In the afternoon on Friday, September 26, 2014, Ms. Fox put the CCRB, Defendant Emery, the Mayor's Office and Corporation Counsel on notice of her claims *via* a letter detailing the facts described herein. The letter also informed the CCRB, Defendant Emery, the Mayor's Office and Corporation Counsel that Ms. Fox had obtained counsel in connection with the retaliation to which she had been subjected.

68. The letter included the above-referenced description of Defendant Emery's attempts to publish a report concerning "Chokehold" statistics, despite the unreliability of the data used in the report. At 2:06 a.m., only 36 hours after Defendant Emery received Ms. Fox's letter, the New York Post published a leaked version of a draft of Defendant Emery's Chokehold report, which the New York Post received no later than Saturday, September 27, 2014; the day after Ms. Fox sent her letter. The article and draft Chokehold report can be found at:

<http://nypost.com/2014/09/28/new-york-city-police-have-a-major-chokehold-problem-report/>.

The article was written by the same individual who wrote the above-referenced article regarding the Board meeting that was calendared for the supposed purpose of terminating Ms. Fox.

69. Defendant Emery also forwarded Ms. Fox's September 26, 2014 letter to many (if not all) of the CCRB Board members. One Board member stated that the letter was entirely accurate and that the Board would have no way to defend itself against Ms. Fox's allegations. On Monday, September 29, 2014, this Board member was told that he was going to be replaced by the Mayor's office, and, therefore, was forced to resign.

70. On Wednesday, October 1, 2014, the Mayor's office issued a press release announcing the appointment of four new Board members. Two are appointed by the Mayor's office, and two by the NYPD. The appointment of these Board members was announced only one day prior to a Board meeting scheduled for Thursday, October 2, 2014, at which Ms. Fox's fate was to be decided.

71. News of this Board meeting was leaked to the Huffington Post, which reported that "[u]nder [Defendant Emery's] leadership, the board reportedly planned to let go Executive Director Tracy Catapano-Fox earlier this month, but that meeting was postponed to this Thursday." Of course, this statement is untrue, as the Board meeting scheduled for earlier this month was going to result in a vote of "no confidence" in Defendant Emery. Thus, he cancelled the meeting and spent September stacking the Board in collaboration with the NYPD and Mayor's office in order to terminate Ms. Fox for her various protected complaints.

72. The New York Post ran a similar article on October 1, 2014, reporting that "the board is seeking to fire current executive director Tracey [sic] Catapano-Fox." Again, this article was written by the same individual who wrote the above-referenced article regarding the Board meeting that was calendared for the supposed purpose of terminating Ms. Fox and the article leaking the Chokehold report.

73. The Board (with four members newly appointed *after* Ms. Fox sent her September 26, 2014 letter) met on October 2, 2014. The next day, Friday, October 3, 2014, Ms. Fox was advised that if she did not tender her resignation by the close of business on Monday, October 6, 2014, she would be terminated. Ms. Fox, of course, refused to submit to this retaliatory demand that she resign, and was fired.

74. The retaliation to which Ms. Fox was subjected also violates her contractual rights pursuant to the CCRB's Employee Manual and Code of Conduct and the Citywide Employee Orientation Manual. The CCRB's Employee Manual and Code of Conduct provides that "The CCRB will not condone employees engaging in conduct that violates the [EEO] policy, nor will it tolerate retaliation against any employee who complains of sexual harassment or discrimination, or provides information to the EEO Office with respect to any such complaint." The Citywide Employee Orientation Manual provides that "It is also unlawful to retaliate against or harass any person for filing an EEO complaint, seeking a reasonable accommodation for a disability or a religious observance, or for cooperating in the investigation of an EEO complaint. The City of New York will not tolerate any such retaliation."

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(Retaliation in Violation of Section 1981)**

75. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

76. Defendants have retaliated against Plaintiff in violation of Section 1981 for making protected complaints concerning racially discriminatory practices, including, *inter alia*, by terminating her employment.

77. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer monetary and/or



economic harm, including, but not limited to, loss of future income, compensation and benefits for which she is entitled to an award of damages.

78. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which she is entitled to an award of damages.

79. Defendants' unlawful retaliatory actions constitute malicious, willful and wanton violations of Section 1981 for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(Retaliation in Violation of New York State Human Rights Law)**

80. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

81. Defendants have retaliated against Plaintiff in violation of the NYSHRL for making protected complaints concerning racially discriminatory practices, as well as for making complaints concerning sexual harassment, gender discrimination and unlawful retaliation, including, *inter alia*, by terminating her employment.

82. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of NYSHRL, Plaintiff has suffered and continues to suffer monetary and/or economic harm, including, but not limited to, loss of future income, compensation and benefits for which she is entitled to an award of damages.

83. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of NYSHRL, Plaintiff has suffered and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress

and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which she is entitled to an award of damages.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(Aiding and Abetting Violations of New York State Human Rights Law)**  
**(Against Defendants Emery and Taylor)**

84. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

85. Defendants Emery and Bishop Taylor knowingly or recklessly aided and abetted the unlawful retaliation to which Plaintiff was subjected in violation of the NYSHRL.

86. As a direct and proximate result of Defendants Emery and Bishop Taylor's aiding and abetting of unlawful retaliatory conduct in violation of NYSHRL, Plaintiff has suffered and continues to suffer monetary and/or economic harm for which she is entitled to an award of damages.

87. As a direct and proximate result of Defendants Emery and Bishop Taylor's aiding and abetting of unlawful retaliatory conduct in violation of NYSHRL, Plaintiff has suffered and continues to suffer mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which she is entitled to an award of damages.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**(Retaliation in Violation of New York City Human Rights Law)**

88. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

89. Defendants have retaliated against Plaintiff in violation of the NYCHRL for making protected complaints concerning racially discriminatory practices, as well as for making

complaints concerning sexual harassment, gender discrimination and unlawful retaliation, including, *inter alia*, by terminating her employment.

90. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of NYCHRL, Plaintiff has suffered and continues to suffer monetary and/or economic harm, including, but not limited to, loss of future income, compensation and benefits for which she is entitled to an award of damages.

91. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer, mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which she is entitled to an award of damages.

92. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**(Aiding and Abetting Violations of New York City Human Rights Law)**  
**(Against Defendants Emery and Taylor)**

93. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

94. Defendants Emery and Bishop Taylor knowingly or recklessly aided and abetted the unlawful retaliation to which Plaintiff was subjected in violation of the NYCHRL.

95. As a direct and proximate result of Defendants Emery and Bishop's aiding and abetting of unlawful retaliatory conduct in violation of NYCHRL, Plaintiff has suffered and

continues to suffer monetary and/or economic harm for which she is entitled to an award of damages.

96. As a direct and proximate result of Defendants Emery and Bishop Taylor's aiding and abetting of unlawful retaliatory conduct in violation of NYCHRL, Plaintiff has suffered and continues to suffer mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence and emotional pain and suffering for which she is entitled to an award of damages.

97. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL for which Plaintiff is entitled to an award of punitive damages.

**AS AND FOR A SIXTH CAUSE OF ACTION**  
**(Retaliation in Violation of New York Civil Service Law 75-b)**

98. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation in each of the preceding paragraphs as if fully set forth herein.

99. Defendants have retaliated against Plaintiff in violation of the New York Civil Service Law 75-b for making protected complaints concerning improper governmental actions, including, *inter alia*, by terminating her employment.

100. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of New York Civil Service Law 75-b, Plaintiff has suffered and continues to suffer monetary and/or economic harm, including, but not limited to, loss of future income, compensation and benefits, as well as mental anguish and emotional distress, for which she is entitled to an award of damages.

**AS AND FOR A SEVENTH CAUSE OF ACTION**  
**(Breach of Contract)**  
**(Against City of New York)**

101. Plaintiff hereby repeats, reiterates, and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

102. Plaintiffs and the City of New York are parties to an enforceable contractual relationship, implied pursuant to the CCRB's Employee Manual and Code of Conduct and the Citywide Employee Orientation Manual, that includes the City of New York's obligation to not to retaliate against Plaintiff for complaints of unlawful discrimination.

103. The City of New York willfully and wantonly breached the contract by retaliating against Plaintiff for making complaints of unlawful discrimination.

104. As a direct and proximate result of the City of New York's unlawful retaliatory conduct in breach of Plaintiff's contractual rights, Plaintiff has suffered and continues to suffer monetary and/or economic harm, including, but not limited to, loss of future income, compensation and benefits, as well as mental anguish and emotional distress, for which she is entitled to an award of damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States, the State of New York and the City of New York;

B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;

C. An order directing Defendants to place Plaintiff in the position she would have occupied but for Defendants' discriminatory treatment and otherwise unlawful conduct, as well as to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect her employment and personal life;

D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including but not limited to, the loss of past and future income, wages, compensation, seniority and other benefits of employment;

E. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including, but not limited to, compensation for her mental anguish, humiliation, embarrassment, stress and anxiety, emotional pain and suffering, and emotional distress;

F. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to her professional and personal reputation and loss of career fulfillment;

G. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiff in an amount to be determined at trial, plus prejudgment interest;

H. An award of punitive damages;

I. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and


J. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New York, New York  
October 6, 2014

**WIGDOR LLP**

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