

# MTA Atty Says Supervisor Assaulted Her During Arbitration

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By **Hailey Konnath**

Law360 (January 19, 2021, 10:25 PM EST) -- A Black Metropolitan Transportation Authority lawyer said that her white supervisor hit her while she was cross-examining a witness during an arbitration hearing last year, an alleged incident that the agency has purportedly ignored, according to a suit filed in New York federal court Tuesday.

Kellie Walker, 50, works for the MTA's Bridges and Tunnels department. She told the court that her 60-year-old boss, Victor Muallem, has regularly subjected her to "aggressive and abusive behavior." During the past couple of years, Muallem has screamed at her with her office door open so all her colleagues can hear, Walker said in her suit. He's also "openly berated" her in front of colleagues and clients, she said.

The alleged assault happened during an arbitration hearing in New York City in February, Walker said.

"Unbelievably, Ms. Walker was in the middle of cross-examining a witness when Muallem hit her," according to the suit. "Multiple people at the hearing saw the assault and battery including witnesses, other attorneys and the arbitrator. Stunned, shocked, humiliated and in pain, Ms. Walker ran out of the hearing as soon as she was finished."

In the aftermath of the incident, Walker has had to take medical leave to deal with nightmares, panic attacks, anxiety and other symptoms, she said. And although she reported the incident to the police, to the MTA and to the Bridges and Tunnels agency, Muallem continues to work there in a supervisory attorney position, according to the complaint.

"Ms. Walker is expected to work as if nothing ever happened," she said. "She lives in fear of working in the same courtroom as Muallem."

The MTA knew that Muallem had a tendency to publicly demean and threaten female employees, including those under his supervision, Walker alleged in the suit. But they opted to do nothing about it, she said. Time and time again, the agency has failed its minority employees, Walker said.

"Defendants could have prevented the assault and battery experienced by Ms. Walker," according to the suit. "Instead, they opted to double-down, allowing Muallem to carry on unabated, while inflicting constant retaliation on Ms. Walker, exacerbating the emotional

stress she suffers from as a result of the assault, battery and other abuses she suffered and continues to suffer at the hands of her supervisors."

The MTA has also actively tried to silence Walker since the purported incident, she said.

Walker has worked for the MTA's Office of Labor Relations since September 2018. Before that, she spent a decade as an attorney in the New York City Department of Education's Office of Labor Relations and Collective Bargaining, according to her suit.

Muallem has been with the MTA since 2014 and also worked at the Department of Education prior to joining the transportation authority, per the complaint.

Walker is alleging gender and race discrimination and harassment, retaliation, aiding and abetting, gender-motivated violence, assault and battery. She's seeking unspecified damages, court costs and attorney fees.

Jeanne M. Christensen, counsel for Walker, said in a statement Tuesday that the MTA should not be allowed to sit by and do nothing when a white male supervisor is credibly accused of assaulting a Black female employee.

"We look forward to holding the MTA accountable for this appalling and discriminatory conduct and hope this lawsuit sends a loud message that no woman should ever have to live in fear of being in the same room as her male boss," Christensen said.

The MTA and Muallem couldn't be immediately reached for comment late Tuesday.

Walker is represented by Jeanne M. Christensen, Lindsay M. Goldbrum and David A. Schmutzer of Wigdor LLP.

Counsel information for the MTA wasn't immediately available Tuesday.

The case is Kellie Walker v. Triborough Bridge and Tunnel Authority et al., case number 1:21-cv-00474, in the U.S. District Court for the Southern District of New York.