

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CARL PIERLUISSI

Plaintiff,

-against-

CITY OF NEW YORK, JAMES FILLS, Individually
SASA MARIC, Individually

Defendants’
-----X

Date Filed:
Index No.:

SUMMONS

Plaintiff designates
New York County
as the place of trial
based on Defendant.
CITY’s Principle
Place of Business

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your Answer, or if the complaint is not served with the summons, to serve a notice of appearance on Plaintiff’s attorney within twenty (20) days after service of this summons, exclusive of the day of service, (or within thirty (30) days after service is complete, if this summons is not personally delivered to you within the State of New York); and in case of your failure to answer, judgment will be taken against you by default for the relief demanded hereto.

Dated: New York, New York
April 14, 2023

/s/
John Scola
Law Office of John A. Scola, PLLC
Attorneys for Plaintiff Carl Pierlussi
90 Broad Street, Suite 1023
New York, New York 10004
(917) 423-1445

DEFENDANTS ADDRESS:

CITY OF NEW YORK
Corporation Counsel of the City
Of New York
100 Church Street
New York, NY 10007

JAMES FILLS
Times Square Unit
1479 Broadway
New York, NY 10036

SASA MARIC
110th Precinct
94-41 43rd Avenue
Queens, NY 11373

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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CARL PIERLUISSI,

Plaintiff,

-against-

CITY OF NEW YORK, JAMES
FILLS, Individually, and SASA MARIC,
Individually

Defendants.

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The plaintiff, CARL PIERLUISSI, by his attorneys, the LAW OFFICE OF JOHN A. SCOLA, PLLC, as and for his verified complaint against Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually.

INTRODUCTION

This is a civil rights action on behalf of CARL PIERLUISSI (hereinafter referred to as "plaintiff") for injunctive relief and to vindicate his rights for his denial of employment benefits with the New York City Police Department (hereinafter referred to as "NYPD" by Defendants THE CITY OF NEW YORK (hereinafter referred to as "CITY"), Sergeant JAMES FILLS (hereinafter referred to as "FILLS"), Individually, and Sergeant SASA MARIC (hereinafter referred to as "MARIC"), Individually as a result of their unlawful conduct. More specifically, the plaintiff seeks damages related to the deprivation of his rights secured by New York State Executive § 296, and New York City Local Law §8-101 et al. Plaintiff was denied employment benefits on the basis of his race and in retaliation for protected complaints of unlawful discrimination.

At all times herein, Plaintiff was a member of a protected class who performed his job

duties in a satisfactory manner. Plaintiff was subjected to adverse actions as a result of and in retaliation for her membership in that protected classes as described below.

PROCEDURAL REQUIREMENTS

1. Plaintiff has filed suit with this Court within the applicable statute of limitations period. Further, this matter is continuous and ongoing as of the time of this filing.
2. Plaintiff filed a Notice of Claim with the Defendant City of New York on August 24, 2021.
3. No 50h examination of Plaintiff was requested by the Defendants.
4. Further, as a result of the Covid-19 statute of limitation tolling, Plaintiff is entitled to a 228-day addition to the statute of limitations of three (3) years set forth under New York City Human Rights Law. See *Brash v. Richards*, 195 A.D.3d.582, 149 N.Y.S.3d 560 (2nd Dept. 2021).
5. The Complaint in this matter was filed on April 14, 2023.
6. As a result of the Covid tolling any event that occurred after August 29, 2019, is actionable.
7. Any event referenced prior to August 29, 2019, is included in the Complaint for background purposes only.

PLAINTIFF

8. Plaintiff CARL PIERLUISSI is a male citizen of the United States of America, over twenty-one (21) years of age, whom is a police officer employed by the New York City Police Department.

DEFENDANTS'

9. Defendant THE CITY OF NEW YORK is a municipal corporation organized and

existing under and by virtue of the law of the State of New York.

10. Defendant, Sergeant JAMES FILLS, is a Sergeant in the New York City Police Department and is employed by the Defendant CITY OF NEW YORK.

11. Defendant, Sergeant SASA MARIC, is a Sergeant in the New York City Police Department and is employed by the Defendant CITY OF NEW YORK.

BACKGROUND

12. Plaintiff, since July 1994, has proudly and respectfully served the public with three New York City Agencies.

13. Plaintiff worked for the New York City Parks Department from 1994- 2018.

14. Plaintiff worked as a lifeguard in the Aquatic Division of the New York City Parks Department.

15. Plaintiff worked his way up to the managerial position within the City Parks Department.

16. At all times herein, the Defendants were aware of Plaintiff's work for the Parks Department.

17. Plaintiff worked for New York City Fire Department from 1998 until 2011.

18. Plaintiff worked as EMT/Paramedic in the Emergency Medical Services of FDNY.

19. Plaintiff was sworn into the NYPD on July 6, 2010.

20. Plaintiff early in his career worked on the NYPD Transit Subway Conditions Crime Team and made multiple felony arrests.

21. Plaintiff was transferred to the Time Square Unit Midtown South precinct in 2017.

22. Plaintiff, throughout his time working for the Defendant CITY of New York, has received multiple awards, merits, and citations based on his exemplary work

performance and involvement as a rescue worker during the 9-11-01 World Trade Center attacks.

23. At all times herein, Plaintiff was qualified for his position as a police officer.
24. Plaintiff is a protected class member in that he is of Hispanic of Puerto Rican descent.
25. Plaintiff suffered numerous adverse actions as a result of his race which includes but is not limited to denial of overtime, denial of promotion to detective, negative evaluations, and unfair discipline.
26. Following the Police Academy plaintiff was sent to The Transit Bureau Impact Unit.
27. In 2013 Plaintiff was transferred to Transit District 23 where he become a member of the condition's crime team.
28. In early 2018 Plaintiff was transferred to Manhattan South Time Square Unit.
29. Prior to his transfer, Plaintiff has stellar performance evaluations which was the basis for his transfer to the Times Square Unit.
30. On February 17, 2019, at approximately 1734 hours during roll call Defendant FILLS Instructed that Plaintiff had to wear a traffic vest for the remainder of the tour and that his job for today was to direct traffic in the middle of the street between West 47th Street through West '45th Street on 7th Ave.
31. Defendant FILLS said Plaintiff was being punished because he was not being proactive during an operation in which Plaintiff did not write enough summonses.
32. Defendant FILLS also stated that Plaintiff did not respond in an orderly fashion to a radio run.
33. Defendant FILLS then said Plaintiff was going to learn the hard way today.

34. Later that night at approximately 2030 hours Defendant FILLS drove by in his police vehicle, and reinstructed Plaintiff to stand in the middle of the road, and then said if a vehicle hits Plaintiff, he will gladly fill out a line of duty papers.
35. Plaintiff was disgusted by his remarks because he was putting Plaintiff's safety In danger.
36. On September 8, 2019, at approximately 1800 hours Plaintiff was working patrol within the confines of the 14 PCT at West 42 Street/ 7 Ave.
37. Plaintiff received a radio call at the West 42nd Street subway station where a man was struck by a moving train.
38. Plaintiff helped the MTA police officers with the injured citizen that was struck.
39. Once the job was completed, Plaintiff informed Defendant FILLS, the supervisor on the scene, of the transit situation.
40. Defendant FILLS started yelling at Plaintiff and said you're not a transit cop, and that he needs Plaintiff to direct traffic on the northeast street corner.
41. Plaintiff asked him where exactly the northeast corner was located.
42. Defendant FILLS replied by saying "Your kind never listens; What is it don't you understand? Do I need to tell you In Spanish?"
43. Defendant FILLS then in a condescending manner pointed across the street as Plaintiff started walking towards the direction, he was pointing Defendant FILLS said to Plaintiff hurry the fuck up and he pushed Plaintiff on Plaintiff's shoulder.
44. On November 7, 2019, the PBA held a meeting at Manhattan south police precinct regarding multiple complaints they received of discrimination, harassment, and bullying from Defendants FILLS, and MARIC.

45. Captain Robert Gault along with his administrative supervisor Sergeant Robert Dixson, informed the PBA officials that they will have the opportunity to speak with the time square police officers as a group in a private setting with no interference from outside supervisors.
46. PBA delegate Alberto Ortiz and union trustee Reilly Merrit coordinated the official meeting with the Times Square police officers.
47. The police officers expressed anger and frustration regarding the constant abuse they have experienced at the work location.
48. Plaintiff also complained to his supervising sergeant Vincent Florenza.
49. Florenza was aware of the discriminatory treatment but failed to intervene.
50. On one occasion, Plaintiff asked Florenza was he has never intervened to stop the discrimination.
51. Florenza stated “Listen, kid, I cannot protect you. Sgt. Fills and his people run the show here; I am on my way out to retirement, and I don’t need the headaches.”
52. Florenza had a mandatory duty to report Plaintiff being discriminated and retaliated against but failed to report the abuse.
53. As a result, Plaintiff and the other minority officers continued to suffer.
54. The police officers stated that the discrimination, harassment, and bullying has created a hostile work environment for several years.
55. The police officers requested for assistance from the union to file a grievance.
56. They all expressed their collective opinion to have supervisors Defendant FILLS, and MARIC, and sergeants, and James, transferred out to a different command.
57. The officers were tired of the abuse at work and the consistent bullying.

58. The union officials started taking complaints from all officers who had issues and advised the officers to file official federal EEOC complaints regarding the worksite discrimination.
59. The PBA union officials stated they were going to bring their complaints to the Manhattan South Borough Chief Stephen Hughes.
60. They wanted to make him aware that this ongoing harassment needs to be rectified.
61. On September 26, 2019, Plaintiff was assigned to post #10, which covers the Times Square Area between West 45th Street and West 46th Street.
62. At approximately 1935 hours, SGT. Chowdhury SH: 3951 arrived in his assigned RMP with P.O. Ferrazzo Tax 955913, seated on the passenger side of the RMP.
63. Chowdhury flashed the lights on as a notification to come and get scratched.
64. Plaintiff's partner P.O. Sasso Tax 955450 first arrived at the RMP and was immediately scratched.
65. Sasso was then instructed to move a commercial truck from the street corner.
66. As Plaintiff approached the vehicle of SGT. Chowdhury, he said hello and handed Chowdhury his memo book when he suddenly started yelling at me, asking why Plaintiff hadn't saluted him.
67. Sasso, a white male, who also did not salute Chowdhury.
68. Chowdhury then said condescendingly "You didn't salute a high-ranking officer and immediately pointed towards the uniform chevron."
69. White officers were not ordered to salute Chowdhury, nor did they take it upon themselves to do so.

70. Chowdhury continued by calling Plaintiff an idiot as he threw his memo book out the window onto the street floor.
71. Plaintiff stated that wasn't necessary and that he had no right to throw his memo book out the window onto the floor.
72. Sergeant Chowdhury then proceeded to raise the window and refused to converse.
73. Capt. Robert Gault was informed of the problems that were happening in the Times Square Unit but failed to take action to prevent the discriminatory treatment.
74. Plaintiff received a low evaluation in 2019.
75. The negative treatment persisted wherein Plaintiff was given disparate assignments and evaluations in 2019.
76. White police officers are regularly given preferred posts, vehicles, and overtime that is not readily available to the minority officers in the command.
77. Plaintiff is given a disproportionate number of assignments which prevents Plaintiff from getting the requisite activity to remain on par with the other officers in the command.
78. These include but are not limited to prisoner or hospital transports and fixed posts.
79. As a result of not spending as much time on patrol as his White Colleagues, Plaintiff needs to work twice as hard to maintain numbers on par with the white officers in the command.

80. It is well known that police officers within the NYPD are judged based on the number of arrests they effectuate and summonses they issue as compared to their peers.
81. These peers to whom an officer is compared consist of other employees assigned to their command.
82. As a matter of practice, assignments are to be given on a rotating basis to ensure that every employee within the Command is assigned a proportionate number of assignments to earn activity.
83. If for some reason an officer is given a disproportionate number of assignments that prevent him from achieving activity, then these assignments should be factored into their annual evaluation.
84. A well-known manner in which officers are discriminated against within the NYPD, including Plaintiff herein, is by assigning them a disproportionate number of tours which prevents them from earning activity, and then comparing them to their peers who have the normal number of tours on patrol.
85. For example, Plaintiff is lucky to have 10 hours of patrol in every month in which he works.
86. His white counterparts against whom he is judged, regularly have 20 tours for that same month.
87. Nevertheless, even with the disparate application of assignments, Plaintiff is evaluated against his White peers as if they had equal amounts of time on patrol.
88. As such Plaintiff, has to earn twice the amount of activity in half the tours in order to stay on par with his white colleagues.

89. As a result of these lower evaluations, Plaintiff is unable to earn income at the same level as his white colleagues.
90. These white police officers who received higher evaluations than Plaintiff as a result of the disparate application of assignments include but are not limited to Officers Ketchum, McHugh, Ramos, Carly, Dalencia, Paul, and Henry.
91. Despite this constant push to bring in activity, Plaintiff is given assignments that make it nearly impossible for him to stay on track with white officers who are assigned regular patrol.
92. Plaintiff, as a result, receives lower evaluations compared to his white colleagues despite performing on par or better than they do given the assignments he is given.
93. As a result of these low evaluations, minority officers' chances of moving upward within the NYPD are severely hindered which results in thousands of dollars of lost income.
94. This disparate application of assignments results in negative evaluation scores that are pretextual for discrimination.
95. Plaintiff when factoring in his assignments should have earned evaluations that exceed expectations.
96. As a result of these negative evaluations, Plaintiff has been denied economic opportunities within the Police department.
97. These economic opportunities include but are not limited to promotion to detective, specialized units, and/or overtime pay.

98. Plaintiff has not been placed on an investigatory track to be promoted to detective nor has he received the discretionary promotion to detective as a result of his negative evaluations.
99. Plaintiff has applied for several investigatory detective units including special victims, central robbery squad, warrant squad fugitive enforcement, vice squad, and intelligence unit however Plaintiff was never given an opportunity.
100. Due to his denial of these units, Plaintiff has lost tens of thousands of dollars in lost income.
101. Instead, these positions were given to similarly situated, in every way, white employees who did not complain about discrimination.
102. Further, Plaintiff has been denied upward mobility within the NYPD as a result of his negative evaluations.
103. As a result of these negative evaluations, Plaintiff is precluded from applying for and obtaining more lucrative specialized units within the NYPD which afford officers greater opportunities for overtime and provides them with greater opportunities to be promoted to Detective.
104. The disparate treatment towards minority officers is not limited to Plaintiff.
105. Several other minority officers are treated less well than similarly situated white officers.
106. More specifically Police Officers Merant, Stafer, Pierussi, Onder, Joseph, Pierre, Pierluissi, Dalesalto, Juliet, Gao, and Lebron were also subjected to Racial Discrimination at the Hands of Defendants MARIC and FILLS

107. These officers are similarly situated in every way to white officers including, rank, tour, supervisor, assignments, training, and pay yet white officers are given favorable treatment.
108. These minority officers are deemed lazy and given negative performance evaluations compared to their white counterparts similarly to Plaintiff.
109. White officers such as Police Officers James McHugh, Thomas Ketcham, Scott Carley, Dalencia, Paul, and Jimmy Ferrazzo are given performance evaluations, and more overtime compared to the aforementioned minority employees including Plaintiff despite performing at or below Plaintiff and the other minority officers.
110. As a result of these higher evaluation scores, white officers within the command are given greater opportunities for career advancement within the NYPD.
111. Defendants FILLS and MARIC have their own policies in which they assign overtime to white police officers at a disproportionate rate to minority police officers.
112. The assignment of overtime is based on race with white officers receiving the vast majority of overtime.
113. White officers top out on overtime a month which results in approximately 40 hours per month in overtime.
114. Plaintiff, who is similarly situated to his white counterparts and performs at or above their level, is lucky to earn 10 hours a month in overtime.
115. This results in approximately \$5,000-\$7,000 in less income a month compared to Plaintiff's white peers.

116. White officers regularly reach the maximum number of overtime allowed each month.
117. These officers who received these benefits include but are not limited to Officers Ketchum, McHugh, Carly, Lancia, Henry, and Ferrazzo.
118. All of these white officers were similarly situated to Plaintiff in every way but for their race which was the catalyst for them earning more money than Plaintiff.
119. This lack of overtime continued from 2019 until Plaintiff transferred from the command.
120. On January 9, 2020, the Plaintiff received a notification to appear at Manhattan South Investigations as a witness of harassment and discrimination in which the Plaintiff was experiencing.
121. The investigation was conducted by Sergeant Lee of Manhattan self-investigations.
122. Sergeant Lee ask the Plaintiff questions pertaining to bullying, harassment, and discrimination that Plaintiff and other minority officers were experiencing at the worksite since February 17, 2019.
123. At the end of the interview investigators, Sergeant Lee said that he was making a notification to the internal EEOC.
124. The department's EEOC contacted the Plaintiff two weeks after the investigation interview Sergeant Roberts spoke to Plaintiff pertaining to the allegation of harassment and discrimination.

125. Sergeant Roberts informed the Plaintiff that he was taking the EEO complaint over the phone from the Plaintiff and other officers that were being harassed and discriminated against by Sergeant James Fills.
126. Following each complaint, Defendants would state that they have friends in Internal Affairs and the complaints of police officers mean nothing and officers who complain will be punished.
127. These repeated threats which occurred on a near daily basis were severe and pervasive enough for Plaintiff to have severe anxiety before each day he was scheduled to work.
128. These threats were purposeful to discourage engagement in protected activity, namely complaints of discrimination.
129. True to their word, retaliation is commonplace within the command.
130. Plaintiff was immediately assigned tours without a police vehicle following his complaint of discrimination.
131. This was retaliatory as Plaintiff is more senior than other officers who are given a police vehicle for their tours.
132. These threats were purposeful to discourage engagement in protected activity, namely complaints of discrimination.
133. In addition to Plaintiff's complaint, several other officers filed complaints of discrimination against Defendants FILLS and MARIC concerning the disparate application of benefits to white officers in the Command.
134. The NYPD took no corrective actions towards either Defendant FILLS or MARIC.

135. As a result of the NYPD's failure to intervene to protect its employees these retaliatory and discriminatory acts continue to date.
136. In early January 2020, Plaintiff applied for the NYPD special operations Harbor Unit.
137. Plaintiff was very excited to apply to this unit since this was a particular job opportunity Plaintiff was particularly qualified for and wanted to work.
138. Plaintiff could be an asset to the Harbor Unit because of his previous work experience.
139. Specifically, Plaintiff has previous work experience as a New York City lifeguard with years of experience in aquatic rescue operations and enforcing safety regulations throughout the New York City public beaches and pools.
140. Plaintiff worked for many years with the F.D.N.Y. EMS EMT/Paramedic from 1998 – 2010.
141. Plaintiff was involved in the prehospital care of multiple sick and injured citizens throughout the City of New York.
142. Plaintiff became a rescue worker during The September 11 attacks on the World Trade Center.
143. Plaintiff worked tirelessly during the search and rescue efforts in the immediate aftermath of the World Trade Center site.
144. Plaintiff worked at Ground Zero for about two years and sustained a few respiratory health issues; Plaintiff receives annual medical from the World Trade Center Health Organization.

145. Plaintiff also has a New York State boating license, which Plaintiff accomplished by attending a U.S. Coast Guard auxiliary station in Fort Totten Queens, New York.
146. Lastly, Plaintiff has obtained and held open water basic and advanced scuba certifications, which Plaintiff has kept with plenty of experience scuba diving throughout the country and in different parts of the world.
147. On Wednesday, January 26, 2020, Plaintiff called the Harbors Unit main office and spoke to the supervisor giving the physical and swim test, Lieutenant Joseph Russo.
148. Plaintiff asked Lieutenant Russo some questions about the exam scheduled for January 27, 2020, at the Police Academy gymnasium and pool facility.
149. Lieutenant Russo informed Plaintiff of what to expect for the exam.
150. He also told Plaintiff to review the email sent to all candidates from our Police Department-issued cell phones.
151. Lieutenant Joseph Grasso, Harbor Unit, said to Plaintiff before the conversation was over hey, "Carl are you a goomba?" Plaintiff said excuse me, he said you're goomba, correct?
152. Plaintiff didn't answer his question, but Plaintiff heard him laughing in the background and said I'll see you tomorrow, good luck, kid.
153. Plaintiff was shocked that the Lieutenant from the Harbor, who was also given the exam, questioned Plaintiff if he was Italian because of his last name.
154. Plaintiff found it disrespectful and biased of him to bring that up.
155. Plaintiff honestly didn't know what to expect moving forward with the hiring process.

156. However, Plaintiff never let it discourage him from trying to obtain a position within the Harbor Unit.
157. On February 27, 2020, Plaintiff took the Harbor Unit physical and swim tests which Plaintiff passed with a high rating during the candidate assessment process at the Police Academy.
158. In early April 2020, Plaintiff received a department email from the career enhancement division Sgt. Guerrero, Katherine's assessment unit requested a captain's highly recommended recommendation letter for a personal interview to be hired in the Harbor Unit.
159. A week after Sgt. Guerrero, Katherine's email was sent Plaintiff received another department email requesting the same qualifications but by Sergeant Jamie Forlenza who is the wife of Plaintiff's immediate supervisor that was causing discriminatory behavior towards minority officers within the time square units.
160. Plaintiff felt that moving forward with the hiring process could be a conflict of interest because her husband was receiving multiple complaints of discrimination from minority officers, and Plaintiff's interview process would eventually be tainted.
161. Plaintiff didn't have a fair opportunity of being hired for the Harbor Unit.
162. On May 14, 2020, the formal Commanding Officer, Captain Robert Gault of the Time Square Unit, was the Captain who gave him the Captain's recommendation letter to Plaintiff during his time in the Time Square unit.

163. However, Plaintiff was only recommended, not highly recommended, which is a way of saying that he did not fully support his opportunity of leaving his command and becoming a member of the Harbor Unit.
164. On May 28, 2020, Plaintiff was scheduled for a Harbor Unit Interview at One Police Plaza on the 10th-floor personnel section.
165. The candidates, including Plaintiff, were informed by Sergeant Jamie Florenza that he had to take a written multiple-choice exam based on Nautica boatmanship.
166. Once the examination process was finalized, he was told to get ready for the interview, and Plaintiff was the last one to get interviewed.
167. During the interview process, Plaintiff was asked several questions about his experience operating a boat and his prior work experience and knowledge that would benefit him while being a member of the Harbor Unit.
168. He informed Plaintiff that his files were at their disposal, revealing his ethnic background, including my birth certificate information and place of birth.
169. During the interview process, Plaintiff was asked several questions about his experience operating a boat and his prior work experience and knowledge that would benefit him while being a member of the Harbor Unit.
170. Some of these questions were asked by Deputy Inspector Anthony Rosso, the commanding officer of the Harbor Unit.
171. Plaintiff was also asked several questions by Lieutenant Russo.
172. After the interview, Plaintiff was told Plaintiff did well, good luck, and to expect a phone call soon.

173. On June 26, 2020, the NYPD personal orders division released the Finest message, which specifies a list of members of the service who passed the Harbor examination and interview process and were assigned to the Harbor Unit.
174. The entire list incorporated 25 police officers and two supervisors that were selected.
175. The most disturbing aspect of this list was that all the service police officers and supervisors selected were of white Caucasian ethnicity; there was not even one minority officer that was chosen for this unit.
176. Plaintiff was never contacted by the police department to explain why Plaintiff was not selected.
177. On June 28, 2020, Plaintiff personally emailed Lieutenant Joseph Grasso and inquired about his candidate status for the Harbor Unit detail; since Plaintiff was not chosen, Plaintiff wanted to know the reasons why Plaintiff wasn't chosen and what would make him a better candidate if there was another opportunity in the future.
178. Lieutenant Joseph Grasso has yet to respond to his email, which was unacceptable since an official department email was sent; a response is always required.
179. However, Plaintiff is still waiting to receive a response from the Harbor Unit executives or department personnel.
180. Plaintiff was denied this promotion due to his race and in retaliation for complaints of discrimination.
181. Upon further investigation, the list of police officers chosen for this specialty unit where all white males; there were no minority police officers chosen.

182. Plaintiff was similarly situated to these white males in every way yet was passed over for this lucrative position due to his race.
183. Some of Plaintiff's close friends working for the Police Department for many years stated there was no way Plaintiff was going to get into that unit it's all white officers and they don't want minorities to be involved in the specialty units.
184. Plaintiff emailed the commanding officer in charge of the hiring process, Lieutenant Russo, utilizing the department email, as to why Plaintiff was not chosen but he never responded.
185. The following week Plaintiff obtained information through reliable sources that Sergeant James Fills had close ties to the Personnel Bureau.
186. Sergeant James Fills was close friends with Vincent Florenzi, a supervisor who worked with him in the same command.
187. Sergeant FLORENZA did receive multiple complaints of harassment and discrimination towards minority police officers.
188. Sergeant FLORENZA's wife Jamie Florenza works at the Personnel Bureau.
189. Rumors were obtained that a request to stop Plaintiff from being chosen into the specialty unit was made by Defendant FILLS.
190. On July 17, 2020, at approximately 1400hrs Plaintiff was working patrol within the confines of the 14 PCT West 42nd Street foot post Defendant FILLS arrived at Plaintiff's post, and he became furious and started yelling at Plaintiff because Plaintiff's post "looked like shit."

191. He then instructed Plaintiff to move the street vendor away from the time square area and if Plaintiff didn't, he would make sure that Plaintiff was going to voucher all the vendor's property for disobeying the restricted time and place local laws.
192. Defendant FILLS said to Plaintiff as he was leaving from Plaintiff's post that Plaintiff was going to learn the hard way, because he loves to complain about him, and he then threaten Plaintiff by saying you better watch your back.
193. These comments and increased scrutiny were meant to dissuade an employee from engaging in protected activity.
194. Throughout the end of 2019, 2020, and 2021 Defendants FILLS and MARIC would regularly make offensive comments at roll calls.
195. Defendant MARIC while conducting a roll call was asked to talk about an officer's suicide.
196. Defendant FILLS stated that "If you want to kill yourself, don't come to me. I don't hug cops. If you want to kill yourself call Sgt. Armani, he is very supportive."
197. Plaintiff further complained that Defendants FILLS and MARIC were constantly threatening police officers with ways they were going to hurt police officers.
198. While Defendants FILLS and MARIC treat all of their subordinates poorly, they treat minority police officers noticeably worse than white officers.
199. This only worsened after there were several complaints of discrimination made against Defendants MARIC and FILLS.
200. This treatment worsened following Plaintiff's complaint of discrimination.

201. Despite these complaints, no action was taken to stop the unlawful actions of Defendant FILLS and MARIC and they were allowed to continue harassing Plaintiff and the other officers in the command.
202. Further, Defendant FILLS would regularly state that the NYPD did not want “these kinds of people” on the job and that “next thing you know, the college education requirement will not be a factor, so the dept will have a bunch of dumb immigrants.”
203. This was in reference to the race and national origin of several minorities on the job.
204. These comments are not limited to Plaintiff’s race.
205. Defendant MARIC would joke that homeless people looked like Black officer Steeve Juillet who is a member of the Times Square Unit and point out homeless people and state that “there goes Juillet.”
206. Minority officers, to date, including Plaintiff, are given lower evaluations and set up to fail in a way that white officers are not.
207. Defendants MARIC and FILLS, while making their motives for a disparate treatment known, apply this bigoted approach through the disparate treatment of their subordinates based on race and national origin which continues to date.
208. The Defendants along and Sergeant Forlenza had control of the police officers and they dictated their work performance and evaluations based on their ethnicity.
209. Plaintiff’s direct supervisor Sergeant Forlenza was forced to do whatever was ordered of Defendants MARIC and FILLS.

210. Plaintiff on multiple occasions would inform Sergeant Forlenza of the discriminatory treatment he was receiving.
211. Each time Plaintiff complained to Sergeant Forlenza about the discriminatory treatment, Sergeant Forlenza failed to report the discrimination as he was mandated to do based on NYPD policy.
212. The Defendants would use their connection in the NYPD's Internal Affairs Bureau to retaliate against the minority officers in the command.
213. Sergeant Forlenza was forced to retire in the Summer of 2020 as he was facing serious misconduct charges stemming from illegal workplace gambling along with unauthorized off-duty employment on job time and pending discrimination cases of PO. Gao Mingwei, PO. Delsalto, Juan, and PO. Lebron, James.
214. The discriminatory assignment of overtime continued throughout 2020 and into 2021.
215. The assignment of overtime is based on race with white officers receiving the vast majority of overtime despite officers of every race wanting the overtime.
216. White officers top out on overtime a month which results in approximately 40-75 hours per month in overtime.
217. This allows them to earn as much as \$25,000 more money per year due to their race.
218. Plaintiff, who is similarly situated to his white counterparts and performs at or above their level, is lucky to earn 10 hours a month in overtime.
219. This results in approximately \$5,000-\$7,000 in less income a month compared to Plaintiff's white peers.

220. White officers regularly reach the maximum number of overtime hours allowed each month.
221. On April 21, 2021, Plaintiff was assigned to patrol within the confines of the 18th Precinct on West 47th Street and 7th Ave.
222. Plaintiff's orders were to protect the Duffy Square monument from protesters that were gathering later that evening at approximately 1900 hrs.
223. Defendant FILLS approached Plaintiff and said he was informed that Plaintiff was on this fixed post, and "I am going to make It perfectly clear If I catch you leaving this post, I am dropping a CD on your ass. Are we clear?"
224. At that moment Plaintiff was frightened of him and didn't answer him.
225. Defendant FILLS became angry, and he called Plaintiff a "dumb spic" and walked away.
226. On May 20, 2021, Plaintiff filed a second internal EEOC complaint of harassment and discrimination was filed on behalf of the complainant.
227. EEO Investigator Sergeant Barry took the complaint report personally at One Police Plaza.
228. Investigators Sergeant Barry ask the complainant a few questions pertaining to the case, he wanted to know who was causing the harassment and discrimination at the worksite complainant made it clear that it was Defendant FILLS and that multiple complaints were filed on behalf of the minority police officers who were experiencing the same treatment.

229. The complainant stated to the EEO investigator that his worksite has become a hostile work environment. The problem has been going on for several years and numerous; inquiries were made to the NYPD EEO, but nothing has been rectified.
230. The Individuals causing the discrimination in the workplace have yet to receive any kind of formal disciplined or a transfer to another command nor have they received EEO re-training.
231. These are only some of the factors of the discriminatory and retaliatory treatment that Plaintiff has been forced to endure.
232. The disparate treatment towards minorities is not limited to Plaintiff.
233. Plaintiff is not the only minority officer who is being discriminated against by the Defendants herein.
234. Several other minority officers are discriminated against at the hands of Defendants MARIC AND FILLS.
235. More specifically the following police officers were forced to suffer the same abuse as Plaintiff:
- a. PO. Joseph, Jude: Race Black: Discriminated by Fills, James & Maric, Sasa
 - b. PO. McKinney, Alvin: Race Black - Discriminated by Fills, James & Maric, Sasa
 - c. PO. Onder, Cavit -Race White: Bullied by Fills, James & Maric, Sasa
 - d. PO. Bilbao, William: Race Hispanic: Bullied by Fills, James & Maric, Sasa
 - e. PO. Gao, Mingwei: Race Chinese: Discriminated by Forlenza, Vincent
 - f. PO. Juillet, Steve: Race Black: Discriminated by Fills, James & Maric, Sasa
 - g. PO. Zamora, Rachel: Jewish White Female: Discriminated by Fills, James & Maric, Sasa
 - h. PO. Merant, Edouard: Race Black: Discriminated by Fills, James & Maric, Sasa

- i. PO. Pierluissi, Carl: Race Hispanic: Discriminated by Fills, James & Maric, Sasa
 - j. PO. Pierre, Wilkerson – Race Black –Discriminated by Fills, James & Maric, Sasa
 - k. PO. Delsalto, Juna: Race Hispanic: Discriminated by Forlenza, Vincent
 - l. PO. Lebron, James: Race Hispanic: Discriminated by Forlenza, Vincent
 - m. Sgt. Brand, Miguel: Race Hispanic: Discriminated against for speaking out about the bullying and harassment that was happening at the command since his locker was tampered with several times by an unknown individual an IAB investigation was conducted on the issues that Sgt. Brand, Miguel was experiencing this is when he reported it directly to his commanding officer and to the IAB.
236. The individual's officers listed above have all been at one time or another discriminated against, harassed, and bullied at the work location of the Times Square Unit.
237. All officers were contacted and interviewed over the phone by Sgt. Roberts, Carlos of the EEO Department, due to multiple complaints throughout the years.
238. Some of the officers listed above were transferred from night tours into day tours with the assistance of PBA Delegate Ortiz, Al, however, these officers took a financial loss because of the loss of night differential pay.
239. Numerous complaints of discrimination and retaliation have been filed against Defendant FILLS and Maric with the Office of Equal Employment.
240. Each time, shortly thereafter, the sergeants would threaten the Command at roll call.
241. The Defendants would state that they have friends in Internal Affairs and the complaints of police officers mean nothing and officers who complain will be punished.
242. True to their word, retaliation is commonplace within the command.
243. This treatment worsened following Plaintiff's complaint of discrimination.

244. Despite these complaints, no action was taken to stop the unlawful actions of Defendant FILLS and MARIC and they were allowed to continue harassing Plaintiff and the other officers in the command.
245. That at all times herein the Defendant CITY OF NEW YORK, knew or should have known of the discriminatory and retaliatory actions taken toward Plaintiff yet failed to intervene to prevent these unlawful actions against Plaintiff.
246. As a result of the denial of employment by the Defendants herein, Plaintiff lost substantial income in promotional opportunities, overtime, salary, and pension benefits as a result of the unlawful actions of the Defendants herein.
247. Plaintiff alleges that the actions of the defendants herein caused him to suffer severe and pervasive emotional distress as a result of the discriminatory and retaliatory conduct of the Defendants.
248. Within two (2) months of Plaintiff's second complaint of discrimination, on July 12, 2021, Plaintiff was served with disciplinary charges and specifications for allegedly working his seasonal job working for the Parks Department while being employed at the NYPD.
249. Plaintiff did no such thing, and these charges were in retaliation for Plaintiff's complaints of discrimination.
250. More specifically, Plaintiff was accused of not properly signing out of his Parks Department position and there was some overlap between periods of time that he worked for the Parks and the NYPD.
251. The Parks had a policy of poor record keeping wherein an employee could work any hours they wanted so long as they completed their fully scheduled tours.

252. Plaintiff never double-dipped in pay and always worked the hours that he was paid.
253. Nevertheless, the Defendants herein insisted that Plaintiff was stealing time.
254. If Plaintiff had not complained of discrimination he would not have faced these charges.
255. Plaintiff was placed on modified duty as a result of these charges which prevented him from earning overtime and night differential since he was placed on the morning shift.
256. As a result of losing the night differential, Plaintiff loses \$8,000 per year.
257. The Defendants herein attempted to refer this to the District Attorney's Office to try to prosecute Plaintiff.
258. The District Attorney's Office and Plaintiff held a proffer where Plaintiff explained the policy of the Parks Department.
259. Unfortunately, Plaintiff's supervisor at the Parks Department who dictated the sign-in and out procedures had passed away and could not corroborate Plaintiff's story.
260. The District Attorney's office declined to prosecute Plaintiff.
261. Nevertheless, the internal retaliatory prosecution of Plaintiff within the NYPD continued.
262. Plaintiff was never contacted by the Harbor Unit for an interview despite being extremely qualified for the position.
263. Plaintiff again filed a complaint of discrimination on December 30, 2021.

264. Plaintiff was placed on modified duty and was transferred to the Fleet Services Division in early 2022.
265. As a result of this modified assignment and transfer, Plaintiff's career has essentially been ruined.
266. Further, Plaintiff is not able to earn overtime in Fleet Services which the police department increased the overtime cap by 75 hours of the month due to the increase in crime across the city.
267. Plaintiff has not received a night differential as well since he was placed on the morning shift.
268. As a result, Plaintiff lost approximately \$30,000 in lost income a year.
269. The NYPD refiled charges and specifications against Plaintiff in April 2022.
270. Plaintiff was informed by the NYPD that if he did not take a plea deal on the charges that he would be terminated.
271. This type of threat highlights the predetermined nature of the NYPD Trial Room.
272. Plaintiff, as a result of facing termination, if he did not take a deal he did not agree with, was forced to accept the unfair discipline levied against him.
273. While on restricted duty, Plaintiff again applied for the Harbor Unit in late 2021.
274. On June 10, 2022, Plaintiff had no choice but to enter into a settlement agreement with the NYPD Department Advocates office in order to avoid being terminated.
275. The agreement that Plaintiff was forced to take included a year of dismissal probation which meant that he could be terminated at any point.
276. Plaintiff, facing certain termination, had no choice but to sign the agreement.

277. Following his signature, the settlement agreement went to the Police Commissioner for approval.
278. The Police Commissioner found the penalty to be too harsh and changed the agreement from Dismissal Probation, the highest level of monitoring, to Level II Performance Monitoring for eighteen (18) months.
279. More specifically, Plaintiff was forced to pay back the City of New York \$10,800, was docked fifty-five (55) days' pay, and was placed on Level II Performance Monitoring.
280. Plaintiff had no option but to accept this penalty even though he did not commit the infractions that he was charged with.
281. If Plaintiff had not filed a complaint of discrimination he would not have been prosecuted by the NYPD for these infractions.
282. The Defendants herein took advantage of Plaintiff's situation since the only person who could verify that Plaintiff had not done anything wrong was deceased.
283. The Defendants knew about Plaintiff's work and manipulated the situation in order to punish Plaintiff for his complaints of discrimination.
284. Plaintiff alleges that the defendants herein had actual knowledge of the discriminatory and retaliatory treatment of Plaintiff herein and failed to intercede to prevent the unlawful behavior.
285. Plaintiff alleges the Defendant CITY OF NEW YORK engaged in various unlawful employment actions against Plaintiff in retaliation for his lawfully protected complaints of race discrimination.
286. Plaintiff suffered several adverse employment actions as a result of his race.

287. Plaintiff suffered several adverse employment actions as a result of his national origin.
288. More specifically, Plaintiff suffered adverse employment actions in the form of lost overtime, loss of night differential, negative performance evaluations which prevented Plaintiff from transferring to lucrative specialized units within the NYPD and was denied promotion to detective in which similarly situated white employees who performed at or below Plaintiff's level received.
289. More specifically, Plaintiff suffered adverse employment actions in the form of lost overtime, loss of night differential, negative performance evaluations which prevented Plaintiff from transferring to lucrative specialized units within the NYPD and was denied promotion to detective in which similarly situated American born employees who performed at or below Plaintiff's level received.
290. Plaintiff suffered several adverse employment actions in retaliation for lawfully protected complaints of discrimination.
291. These retaliatory actions in which Plaintiff was subjected following his numerous engagements in protected speech include but are not limited to failing to provide Plaintiff with a patrol car during his tours, forcing him to stand in the rain for his entire tours, repeated threats at roll call which cause Plaintiff to suffer severe anxiety, negative evaluations, an effort to end Plaintiff's career by sending him to Psychological Services for evaluations and denial of transfer.
292. Each of these retaliatory actions taken towards Plaintiff were meant to deter Plaintiff from engaging in protected activity and deter those similarly situated from doing the same.

293. Plaintiff believes that the adverse employment actions were a direct result of Plaintiff's race and national origin but at the very least, these protected characteristics played a factor in the adverse employment actions taken against him.
294. These adverse employment actions include but are in no way limited to, improper discipline, punishment, transfers, highway therapy, disparate assignment of posts, inaccurate performance evaluations, denial of overtime, denial of specialized units, and failure to promote.
295. The white officers described herein as receiving favorable assignments, evaluations, overtime, and other benefits compared to minority officers are similarly situated to those minority officers in every way and receive these benefits on the basis of their race.

COUNT I
RACE DISCRIMINATION
IN VIOLATION OF NEW YORK
STATE EXECUTIVE LAW § 296

296. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count I of this complaint.
297. Plaintiff alleges that New York State Executive Law §296, prohibits discrimination, harassment, and disparate treatment on the basis of race in employment.
298. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race, by the conduct of Defendants' THE CITY OF

NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, and those within its employ and without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.

299. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
300. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
301. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff based on his race.
302. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT II
RACE DISCRIMINATION
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF NEW YORK
STATE EXECUTIVE LAW § 296

AGAINST ALL DEFENDANTS

303. Plaintiff re-alleges all paragraphs contained herein and incorporates them by reference of Count III of this complaint.
304. Plaintiff alleges that New York State Executive Law §296, prohibits discrimination, harassment, and disparate treatment on the basis of gender, race, and skin color in employment.
305. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations and numerous commendations. Nevertheless, Defendants denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's gender, skin color and race, and created a hostile work environment by the conduct of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, and without any non-discriminatory basis thereof.
306. The wrongful conduct was condoned by the Defendant CITY.
307. Defendants' actions were taken under circumstances giving rise to an inference of discrimination.
308. Defendants subjected Plaintiff to a materially adverse and hostile work environment by subjecting him, day after day and year after year, without supervisory intervention to discrimination and retaliation based on his sex, skin color and gender.
309. The actions of the Defendants towards Plaintiff were severe and pervasive.
310. The direct and proximate cause of Defendants' recklessness and negligence, Plaintiff lost job opportunities, suffered lost past and future wages, lost other

valuable benefits and emoluments of employment,, lost career and business opportunities, suffered severe damage to his good name and reputation, was constructively discharged and endured severe emotional pain and trauma, all to his detriment.

311. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff based on his race, skin color, and gender.
312. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices including subjecting Plaintiff to a hostile work environment, of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation.

COUNT III
RETALIATION
IN VIOLATION OF NEW YORK
STATE EXECUTIVE LAW § 296

313. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count III of this complaint.
314. Plaintiff alleges that New York State Executive Law §296, makes it unlawful to deny employment and benefits therein in retaliation for Plaintiff engaging in lawfully protected activity.
315. Plaintiff engaged in protected activity when he complained of race discrimination.

316. Plaintiff was retaliated against by the Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, as a result of his engagement in protected activity.
317. Defendant's actions were taken under circumstances giving rise to an inference of retaliation.
318. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
319. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff in retaliation for Plaintiff's lawfully protected complaints.
320. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT IV
RACE DISCRIMINATION
IN VIOLATION OF NEW YORK CITY
ADMINISTRATIVE CODE § 8-107

321. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count IV of this complaint.
322. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny employment on the basis of his race.
323. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race, by the conduct of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.
324. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
325. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
326. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff based on his race.
327. Plaintiff alleges that as a direct and proximate result of the unlawful

employment practices of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT V
RACE DISCRIMINATION
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF NEW YORK CITY
ADMINISTRATIVE CODE § 8-107

328. Plaintiff re-alleges all paragraphs contained herein and incorporates them by reference of Count III of this complaint.
329. Plaintiff alleges that New York City Administrative Code § 8-107, prohibits discrimination, harassment, and disparate treatment on the basis of gender, race, and skin color in employment.
330. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations and numerous commendations. Nevertheless, Defendants denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's gender, skin color, and race, and created a hostile work environment by the conduct of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, and without any non-discriminatory basis thereof.
331. The wrongful conduct was condoned by Defendant CITY.
332. Defendants' actions were taken under circumstances giving rise to an inference

of discrimination.

333. Defendants subjected Plaintiff to a materially adverse and hostile work environment by subjecting him, day after day and year after year, without supervisory intervention to discrimination and retaliation based on his sex, skin color and gender.
334. The actions of the Defendants towards Plaintiff were severe and pervasive.
335. The direct and proximate cause of Defendants' recklessness and negligence, Plaintiff lost job opportunities, suffered lost past and future wages, lost other valuable benefits and emoluments of employment,, lost career and business opportunities, suffered severe damage to his good name and reputation, was constructively discharged and endured severe emotional pain and trauma, all to his detriment.
336. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff based on his race, skin color, and gender.
337. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices including subjecting Plaintiff to a hostile work environment, of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation.

COUNT VI
RETALIATION

**IN VIOLATION OF NEW YORK CITY
ADMINISTRATIVE CODE § 8-107**

338. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count VI of this complaint.
339. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny employment in retaliation for Plaintiff engaging in protected activity.
340. Plaintiff engaged in protected activity when she complained of discrimination and requested a reasonable accommodation related to his race.
341. Plaintiff was retaliated against by the Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, as a result of his engagement in protected activity.
342. Defendant's actions were taken under circumstances giving rise to an inference of retaliation.
343. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
344. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff in retaliation for Plaintiff's lawfully protected complaints.

345. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT VII
RACE DISCRIMINATION and HOSTILE WORK ENVIRONMENT BASED ON RACE
STRICT LIABILITY IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107(13)(b)

346. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count VII of this complaint.
347. Plaintiff alleges that New York City Administrative Code § 8-107 (13) (b), makes Defendant strictly liable for the discriminatory acts of managers and supervisors against a subordinate employee, such as the Plaintiff herein.
348. Plaintiff was subjected to repeated race discrimination and a hostile work environment related thereto following the lawful complaints made by Plaintiff.
349. The Defendant was aware of the actions of managers and supervisors, including but failed to take corrective remedial action which forced Plaintiff to be subjected to future discrimination.
350. The Defendant failed to exercise reasonable diligence to prevent such discriminatory conduct.
351. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments

thereof because of Plaintiff's race, by the conduct of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually, and without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.

352. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
353. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
354. Plaintiff alleges Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, engaged in various unlawful employment actions against Plaintiff based on his race.
355. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.
356. As a result of Defendant's willful actions, they are strictly liable to Plaintiff for their actions.

COUNT IX
RETALIATION
STRICT LIABILITY IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107(13)(b)

357. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count IX of this complaint.
358. Plaintiff alleges that New York City Administrative Code § 8-107 (13) (b), makes Defendant strictly liable for the acts of managers and supervisors against a subordinate employee, such as the Plaintiff herein.
359. Plaintiff was subjected to repeated retaliatory acts following the lawful complaints made by Plaintiff regarding race discrimination.
360. The Defendant was aware of the actions of managers and supervisors but failed to take corrective remedial action which forced Plaintiff to be subjected to future retaliation.
361. The Defendant failed to exercise reasonable diligence to prevent such retaliatory conduct.
362. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race, by the conduct of Defendants' THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, and Sergeant SASA MARIC, Individually,, without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.
363. Defendant's actions were taken under circumstances giving rise to an inference of retaliation.

364. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
365. As a result of Defendants', THE CITY OF NEW YORK, Sergeant JAMES FILLS, Individually, Sergeant SASA MARIC, Individually and Sergeant VINCENT FORLENZA, Individually, willful actions they are strictly liable to Plaintiff for their actions.

COUNT X

NEW YORK CITY ADMINISTRATIVE CODE §8-502

366. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count X of this complaint.
367. By reason thereof, Defendant has violated New York City Administrative Code §8-502(a), and Plaintiff has been damaged in an amount to be determined at trial.

JURY TRIAL

368. Plaintiff demands a trial by jury of all issues in this action that are so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- a. Injunctive relief for Plaintiff to be promoted to Detective.
- b. Award compensatory damages for the back pay, front pay, pain, suffering,

- emotional distress, loss of dignity, humiliation, and damages to reputation and livelihood endured by Plaintiff and all other damages afforded to Plaintiff by statute or otherwise in an amount to be determined at trial;
- c. Award Plaintiff punitive damages in an amount to be determined at trial New York City Human Rights Law Administrative Code §8-502(a);
 - d. Find Defendants strictly liable pursuant to New York City Human Rights Law Administrative Code §8-107(13)(b);
 - e. Award Plaintiff costs for this action and reasonably attorneys' fees, as provided for in New York City Human Rights Law Administrative Code §8-502 (f);
 - f. All defendants herein are joint and severally liable for the actions of the any and all of the named Defendants herein;
 - g. Grant Plaintiff such other and further relief as may be required in the interest of justice.

Dated: April 14, 2023

New York, NY

Respectfully submitted,

By: /s/
John Scola

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VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, the undersigned, an attorney duly admitted to practice law in the State of New York, under penalties of perjury do affirm;

That I am the attorney of record for the plaintiff in the within matter and make this affirmation in accordance with CPLR 3020. I have read the within VERIFIED COMPLAINT and know the contents thereof to be true to your affirmant's own knowledge, with the exception of those matters therein stated to be alleged upon information and belief. Your affirmant bases his belief regarding those matters upon the contents of the file and conversation with witnesses and the claimant.

This verification is made by your affirmant and not by the claimant for the following reason; The claimants resides in a different County than where your affirmant maintains an office.

Dated: New York, New York

April 14, 2023

/s/
JOHN SCOLA