

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

-----X
JOEL SILVERMAN

Plaintiffs,

-against-

THE CITY OF NEW YORK and JESSICA S. TISCH

Defendants
-----X

Summons

Index No.

Jury Demand

To the Defendant named above:

You are hereby summoned and required to serve a written answer to the attached Verified Complaint upon the Plaintiff's attorney at the address below.

If this Summons is personally delivered to you within the State of New York, you must serve your answer within twenty (20) days after such service, exclusive of the service date.

If this Summons is served upon you in any other manner authorized by law, you must serve your answer within thirty (30) days after service is complete, as provided by the New York Civil Practice Law and Rules.

Should you fail to appear or answer within the applicable period stated above, judgment may be entered against you by default for the relief demanded in the Verified Complaint, without further notice.

The action will be heard in the Supreme Court of the State of New York, County of New York, 60 Centre Street, New York, N.Y. 10007.

Venue is designated in New York County pursuant to CPLR 504(3) because defendant THE CITY OF NEW YORK is a party to this action and material events giving rise to plaintiff's claims occurred in New York County, including Citywide NYPD personnel, promotional,

disciplinary-status, labor-relations, administrative, policymaking, ratification, and corrective decisions concerning plaintiff's restoration and promotion to Lieutenant.

Venue is further proper in New York County because plaintiff's claims arise from NYPD's post-exoneration refusal to restore plaintiff to the promotional path, refusal to promote plaintiff to Lieutenant, failure to correct the continuing adverse employment consequences of unproven allegations, and maintenance of a promotion block through Citywide NYPD and municipal decision-making functions.

Venue is not designated based upon plaintiff's residence. Plaintiff JOEL SILVERMAN resides in Queens County, New York.

Dated: June 5, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Plaintiff JOEL SILVERMAN

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DEFENDANT ADDRESSES

Defendant THE CITY OF NEW YORK
c/o New York City Law Department
100 Church Street
New York, N.Y. 10007

Defendant JESSICA S. TISCH
c/o Police Department City of New York
One Police Plaza
New York, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK
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JOEL SILVERMAN

Plaintiffs,

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Defendants
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Verified Complaint

Index No.

Jury Demand

The Plaintiff JOEL SILVERMAN through his attorney The Sanders Firm, P.C., files this Verified Complaint against defendants THE CITY OF NEW YORK and JESSICA S. TISCH respectfully set forth and allege that:

INTRODUCTION

This case concerns the City of New York's and NYPD's refusal to restore and promote an eligible male Sergeant after the Department's own disciplinary tribunal found him not guilty of domestic-violence-related charges. The action is not pleaded as a stale challenge to a 2016 promotion decision. It is pleaded as a post-exoneration discrimination and retaliation case arising from defendants' refusal to correct the promotion block after July 14, 2022, while later attempting to rely on list expiration, administrative closure, or delay as a shield for their own obstruction.

JURISDICTION AND VENUE, AND RIGHT TO SUE

1. This Court has subject-matter jurisdiction over this action pursuant to the New York Constitution, the Civil Practice Law and Rules, the New York State Human Rights Law, Executive Law § 296 et seq., and the New York City Human Rights Law, Administrative Code of the City of New York § 8-107 et seq.

2. This Court has jurisdiction over defendants because THE CITY OF NEW YORK is a municipal corporation organized under the laws of the State of New York, NYPD is an agency and/or administrative arm of THE CITY OF NEW YORK, and the challenged employment practices were committed by City and NYPD officials, employees, agents, and/or decisionmakers acting within the scope of their employment or authority.

3. Venue is proper in this Court because defendants reside in, maintain principal offices in, conduct business in, and/or committed material acts and omissions within the City of New York.

4. Venue is also proper because the unlawful employment practices alleged herein were committed by the City of New York and its police department through Citywide personnel, disciplinary, promotional, labor-relations, and administrative functions.

5. Plaintiff filed an administrative charge of discrimination on or about September 10, 2024.

6. The charge was filed with the United States Equal Employment Opportunity Commission and assigned EEOC Charge No. 520-2024-07963.

7. The charge was also dual-filed with the New York State Division of Human Rights and assigned NYSDHR Case No. 10258049.

8. The charge named CITY OF NEW YORK, POLICE DEPARTMENT as respondent and alleged unlawful discriminatory practices relating to employment because of sex and retaliation/opposition to discrimination.

9. By Annulment Determination dated April 9, 2026, and served April 17, 2026, the New York State Division of Human Rights dismissed the administrative complaint on the ground

that plaintiff's election of an administrative remedy was annulled pursuant to Executive Law § 297(9).

10. The Division's Annulment Determination expressly provides that, where a complaint is dismissed on the ground that the election of remedies is annulled, the complainant "shall maintain all rights to bring suit as if no complaint had been filed."

11. The Division's Annulment Determination further provides that, upon annulment at the request of the party bringing the complaint, the party's rights to bring the cause of action before a court of appropriate jurisdiction are limited by the statute of limitations in effect in such court at the time the complaint was initially filed with the Division.

12. Accordingly, plaintiff's election of remedies does not bar this action.

13. Plaintiff has preserved his right to pursue his New York State Human Rights Law and New York City Human Rights Law claims in this Court.

14. Plaintiff timely brings this action under the limitations periods applicable to the claims asserted herein, including the limitations periods preserved by Executive Law § 297(9) following annulment of the administrative election of remedies.

15. Plaintiff reserves the right to assert federal claims, including claims under Title VII of the Civil Rights Act of 1964, upon receipt of a Notice of Right to Sue from the EEOC and satisfaction of all applicable federal administrative prerequisites.

16. Unless and until such federal administrative prerequisites are satisfied, this Verified Complaint asserts claims under the New York State Human Rights Law and New York City Human Rights Law.

PLAINTIFF

17. Plaintiff JOEL SILVERMAN is a natural person and, at all relevant times, was

employed by the New York City Police Department as a Sergeant.

18. Plaintiff is male.

19. Plaintiff resides in Queens County, New York.

20. Plaintiff has served the New York City Police Department for more than two decades.

21. During his NYPD career, plaintiff performed his duties professionally.

22. Plaintiff maintained a positive employment record, including commendations, favorable evaluations, and promotional eligibility.

23. Plaintiff became eligible for promotion to Lieutenant after passing Promotion to Lieutenant Examination No. 5535.

24. As of August 1, 2016, plaintiff was ranked No. 11 on the eligible list for Promotion to Lieutenant Examination No. 5535.

25. Plaintiff was qualified for promotion to Lieutenant.

26. Plaintiff was denied restoration, promotion, seniority, compensation, benefits, pension value, and other employment privileges under the circumstances alleged herein.

DEFENDANTS

27. Defendant THE CITY OF NEW YORK is a municipal corporation organized under the laws of the State of New York.

28. Defendant THE CITY OF NEW YORK was and is plaintiff's employer within the meaning of the New York State Human Rights Law and the New York City Human Rights Law.

29. Defendant THE CITY OF NEW YORK operates, manages, supervises, controls, and is legally responsible for the New York City Police Department.

30. At all relevant times, the New York City Police Department acted as an agency,

department, and administrative arm of THE CITY OF NEW YORK.

31. At all relevant times, the discriminatory, retaliatory, promotional, disciplinary, personnel, labor-relations, and corrective acts and omissions alleged herein were committed by employees, agents, supervisors, officials, decisionmakers, and/or policymakers of THE CITY OF NEW YORK through the New York City Police Department.

32. Defendant JESSICA S. TISCH is the Police Commissioner of the City of New York.

33. Defendant TISCH is sued in her individual and official capacity for declaratory, equitable, injunctive, corrective, and make-whole relief concerning plaintiff's promotional status, restoration, seniority, compensation, benefits, pension correction, employment records, and future compliance.

34. As Police Commissioner, defendant TISCH possesses final or delegated authority over NYPD employment, personnel, disciplinary, promotional, restoration, corrective, and record-maintenance practices, policies, and decisions.

35. As Police Commissioner, defendant TISCH is responsible for ensuring that NYPD's personnel, disciplinary, promotional, restoration, and corrective practices comply with the New York State Human Rights Law and New York City Human Rights Law.

36. At all relevant times, the acts and omissions of NYPD officials, employees, agents, supervisors, decisionmakers, and policymakers were performed within the scope of their employment, agency, authority, or delegated authority and are attributable to THE CITY OF NEW YORK.

37. At all relevant times, THE CITY OF NEW YORK and defendant TISCH had actual or constructive authority to correct, reverse, restore, remedy, or otherwise address the

discriminatory and retaliatory promotional obstruction alleged herein.

BACKGROUND

Plaintiff's Employment History and Promotional Eligibility

38. Plaintiff is a Sergeant employed by the New York City Police Department.

39. Plaintiff has served NYPD for more than two decades.

40. During his NYPD career, plaintiff performed his duties professionally.

41. Plaintiff maintained a positive employment record, including commendations and favorable evaluations.

42. Plaintiff became eligible for promotion to Lieutenant after passing Promotion to Lieutenant Examination No. 5535.

43. As of August 1, 2016, plaintiff was ranked No. 11 on the eligible list for Promotion to Lieutenant Examination No. 5535.

44. Plaintiff's list position placed him in a highly competitive promotional posture.

45. Promotion to Lieutenant would have carried increased salary, overtime opportunities, seniority, pension benefits, command responsibility, professional stature, and future promotional opportunities.

46. Defendants knew or should have known that blocking plaintiff from promotion would cause economic, professional, pension, seniority, and reputational injury.

The July 2016 Allegations and Initial Employment Consequences

47. On or about July 12, 2016, plaintiff's former spouse made allegations against him in a domestic-violence context.

48. The allegations included claims that plaintiff violated an order of protection and engaged in domestic violence.

49. Plaintiff denied the allegations.
50. Plaintiff alleges that the allegations were false.
51. After the allegations were made, NYPD imposed employment consequences against plaintiff.
52. Plaintiff was placed on modified assignment and/or modified duty.
53. Plaintiff's firearms were confiscated.
54. Plaintiff was subjected to internal investigation.
55. Plaintiff was subjected to disciplinary prosecution.
56. Plaintiff's promotional trajectory was interrupted.
57. Plaintiff's promotional eligibility was impaired.
58. Plaintiff alleges that defendants treated the accusation itself as presumptively disqualifying because plaintiff was male and because the allegation arose in a domestic-violence context.
59. Plaintiff alleges that defendants failed to apply the same neutrality, scrutiny, and evidentiary discipline that would have been afforded outside the gendered domestic-violence framework.
60. Plaintiff does not allege that NYPD was prohibited from investigating the allegations.
61. Plaintiff alleges that NYPD's response became unlawful when accusation-based suspicion hardened into career punishment and remained in place after the Department failed to prove the allegations.

The Department Trial and Plaintiff's Exoneration

62. A Department Trial was conducted over multiple days in March, April, and May 2022.

63. During the Department Trial, the allegations against plaintiff were tested through the Department's disciplinary process.

64. Plaintiff presented evidence contesting the allegations.

65. Plaintiff's defense included evidence contradicting the accusations.

66. Plaintiff's defense included work records and witness evidence.

67. Plaintiff alleges that medical records contradicted material aspects of the allegations.

68. Plaintiff alleges that witness testimony established that his former spouse had threatened to make his life miserable if he pursued divorce.

69. On July 14, 2022, plaintiff was found not guilty of all charges.

70. The Department failed to prove the allegations against plaintiff by a preponderance of the evidence.

71. Plaintiff's not-guilty finding was a formal Department adjudication.

72. Plaintiff's not-guilty finding was not discretionary grace.

73. Plaintiff's not-guilty finding eliminated any legitimate accusation-based basis to continue treating plaintiff as promotion-disabled.

74. After July 14, 2022, defendants had an obligation to restore plaintiff to the promotional posture he would have occupied absent the unproven allegations.

75. After July 14, 2022, defendants had an obligation not to continue using the accusation, directly or indirectly, as a promotion bar.

76. After July 14, 2022, defendants had an obligation to make a good-faith, non-discriminatory, and non-retaliatory determination concerning plaintiff's promotion.

77. Defendants failed to do so.

78. Defendants continued to maintain the practical effect of the accusation after the Department failed to prove it.

79. Defendants' post-exoneration conduct forms a separate actionable employment practice.

Post-Exoneration Restoration Efforts

80. After being found not guilty, plaintiff promptly attempted to correct his promotional status.

81. On or about August 9, 2022, plaintiff contacted the NYPD Uniform Promotional Unit to inquire about his promotion to Lieutenant.

82. Plaintiff was informed by SPAA Nelson that he was no longer active on the promotional list.

83. SPAA Nelson advised plaintiff to contact the Department of Citywide Administrative Services.

84. Plaintiff then contacted DCAS.

85. On or about August 19, 2022, DCAS confirmed that plaintiff remained active on the eligible list for Promotion to Lieutenant Examination No. 5535.

86. DCAS's confirmation contradicted NYPD's representation that plaintiff was no longer active on the list.

87. DCAS's confirmation also established that restoration and promotion remained administratively available after plaintiff's exoneration.

88. Once DCAS confirmed plaintiff's active list status, defendants had no legitimate basis to continue refusing restoration and promotion based on supposed list inactivity.

89. Defendants nevertheless failed to restore plaintiff.

90. Defendants nevertheless failed to promote plaintiff.

91. Defendants nevertheless failed to provide a legitimate nondiscriminatory explanation.

92. On or about September 12, 2022, Lieutenant Michael Polizzi informed plaintiff that he would have to sue DCAS to reopen the list.

93. That statement was false, misleading, arbitrary, pretextual, or incomplete because DCAS had already confirmed plaintiff's continued active eligibility.

94. That statement shifted responsibility away from NYPD and onto DCAS despite NYPD's role in blocking, refusing, or failing to restore plaintiff.

95. That statement also forced plaintiff to chase an administrative remedy while defendants continued maintaining the promotion block.

96. Defendants' conduct after July 14, 2022 was not a passive consequence of a prior disciplinary proceeding.

97. Defendants' conduct after July 14, 2022 was active promotion obstruction.

98. Defendants' conduct after July 14, 2022 was independently discriminatory, retaliatory, and actionable.

Defendants' Use of Delay, Administrative Confusion, and List Status as a Shield

98. Defendants allowed plaintiff's restoration and promotion to remain unresolved after his exoneration.

99. Defendants failed to promptly correct the promotion block.

100. Defendants failed to promptly identify the decisionmaker responsible for blocking plaintiff's promotion.

101. Defendants failed to promptly identify the policy, rule, regulation, or lawful basis for refusing to restore plaintiff after exoneration.

102. Defendants failed to promptly reconcile NYPD's position with DCAS's confirmation that plaintiff remained active on the eligible list.

103. Defendants failed to provide plaintiff with a transparent restoration process.

104. Defendants failed to provide plaintiff with a written non-discriminatory explanation.

105. Defendants failed to restore plaintiff while restoration remained available.

106. Defendants failed to promote plaintiff while promotion remained available.

107. Defendants allowed time to pass while plaintiff's eligibility, restoration, and promotion remained blocked.

108. To the extent defendants now contend that the promotional list later expired, closed, or became administratively unavailable, that list status was the foreseeable result of defendants' own discriminatory and retaliatory delay.

109. Defendants cannot rely upon the expiration, closure, or administrative unavailability of a promotional list where their own unlawful conduct caused plaintiff to lose the benefit of that list.

110. Defendants cannot convert the passage of time caused by their own obstruction into a defense.

111. Defendants cannot use list expiration as a liability shield after refusing to restore plaintiff while the list was active.

112. Defendants cannot use list expiration as a remedy shield after causing plaintiff to lose the promotional opportunity, seniority, wages, benefits, and pension value tied to the promotion.

113. The proper remedial inquiry is not whether the list later expired.

114. The proper remedial inquiry is where plaintiff would have been but for defendants' discriminatory and retaliatory post-exoneration obstruction.

115. But for defendants' post-exoneration obstruction, plaintiff would have been restored, considered, and promoted to Lieutenant.

116. But for defendants' post-exoneration obstruction, plaintiff would not have lost the benefit of his eligible-list position.

117. But for defendants' post-exoneration obstruction, plaintiff would not have lost Lieutenant salary, overtime, seniority, benefits, pension value, and career advancement.

118. The expiration or closure of the list, if any, does not cure defendants' earlier refusal to restore plaintiff while promotion remained possible.

119. The expiration or closure of the list, if any, does not extinguish plaintiff's right to make-whole relief.

120. The expiration or closure of the list, if any, does not break the causal chain created by defendants' refusal to correct the promotion block after exoneration.

Backdated Denial Letters and Post Hoc Justification

121. Plaintiff made numerous emails and telephone calls to DCAS, the NYPD Uniform Promotional Unit, NYPD Labor Relations, and other City-related actors.

122. Plaintiff repeatedly sought correction of his promotional status.

123. Plaintiff repeatedly sought restoration to the promotional path.

124. Plaintiff repeatedly objected to defendants' unexplained refusal to promote him after exoneration.

125. Plaintiff's repeated objections placed defendants on notice that their refusal to restore and promote him was discriminatory, retaliatory, arbitrary, and unlawful.

126. Defendants nevertheless continued refusing to restore plaintiff.

127. Defendants nevertheless continued refusing to promote plaintiff.

128. On or about March 28, 2024, Attorney Dennis Ostermann from the Sergeants Benevolent Association confirmed that the City denied plaintiff's promotion without explanation.

129. Plaintiff further learned that the City's refusal was reflected in backdated letters dated December 11, 2023 and February 20, 2024.

130. The use of backdated or post hoc denial letters supports an inference that defendants' explanation was pretextual.

131. The use of backdated or post hoc denial letters supports an inference that defendants attempted to manufacture administrative finality after failing to restore plaintiff when restoration remained available.

132. The use of backdated or post hoc denial letters supports an inference that defendants attempted to conceal or obscure the actual reason plaintiff was not promoted.

133. The use of backdated or post hoc denial letters supports an inference that defendants were not applying a neutral promotion rule.

134. The use of backdated or post hoc denial letters supports an inference that defendants were attempting to insulate the promotion block from review.

135. Defendants' refusal to promote plaintiff was not a neutral civil-service consequence.

136. Defendants' refusal to promote plaintiff was not merely an unavoidable consequence of list administration.

137. Defendants' refusal to promote plaintiff was the continuation and ratification of an accusation-based promotion block after the Department failed to prove the accusation.

138. Defendants' refusal to promote plaintiff became independently unlawful when defendants continued the promotion block after the July 14, 2022 not-guilty finding.

Gender Stereotyping

139. Defendants treated plaintiff in a manner consistent with gender-based stereotypes about male officers accused in domestic-violence matters.

140. Defendants presumed that plaintiff remained professionally suspect because he was a male accused in a domestic-violence context.

141. Defendants presumed that the accusation itself was sufficient to impair plaintiff's promotional fitness, even after the Department failed to prove the accusation.

142. Defendants treated plaintiff as though the not-guilty finding did not matter because the stigma of a male domestic-violence accusation remained more powerful than the evidence.

143. Defendants' conduct reflects the stereotype that men accused in domestic-violence contexts are presumptively culpable.

144. Defendants' conduct reflects the stereotype that a male officer accused in a domestic-violence context remains inherently risky or unsuitable for promotion.

145. Defendants' conduct also reflects the stereotype that male victims or targets of false domestic-violence allegations are not entitled to equal institutional protection, restoration, or credibility.

146. Defendants' continued refusal to restore plaintiff's promotional status after the not-guilty finding demonstrates that the adverse action was not merely based on the existence of an investigation.

147. The post-exoneration promotion block was based, at least in part, on the continuing gendered stigma attached to plaintiff after the allegations were not proven.

148. Defendants' refusal to restore plaintiff occurred under circumstances giving rise to an inference of sex discrimination.

149. Defendants' refusal to promote plaintiff occurred under circumstances giving rise to an inference of sex discrimination.

150. Defendants' refusal to restore and promote plaintiff occurred under circumstances giving rise to an inference of gender stereotyping.

151. Defendants' refusal to restore and promote plaintiff occurred under circumstances giving rise to an inference that male officers accused in domestic-violence matters are treated as permanently compromised even when exonerated.

Domestic-Violence-Related Status and Differential Treatment

161. Plaintiff alleges that he was harmed by false domestic-violence-related allegations.

162. Plaintiff alleges that he attempted to report or complain about the false allegations.

163. Plaintiff alleges that NYPD failed to investigate his complaint or report with the seriousness, neutrality, or institutional attention afforded to allegations made against him.

164. Plaintiff alleges that he was treated less favorably because he was a male officer asserting that he was the victim or target of false domestic-violence-related allegations.

165. Plaintiff alleges that defendants treated his domestic-violence-related status as a basis for career punishment rather than equal protection.

166. Plaintiff alleges that defendants failed to provide him with equal treatment, restoration, or promotion after the underlying allegations were not proven.

167. Plaintiff alleges that defendants' treatment violated the protections of the New York State Human Rights Law and New York City Human Rights Law to the extent those laws prohibit discrimination based on domestic-violence-victim status, sex, gender stereotyping, and related protected classifications.

168. Plaintiff reserves the right to amend this Complaint after discovery to plead additional facts concerning his protected domestic-violence-victim status and defendants' knowledge thereof.

Protected Activity and Retaliation

169. Plaintiff engaged in protected activity when he challenged defendants' discriminatory and retaliatory failure to restore and promote him after exoneration.

170. Plaintiff engaged in protected activity when he objected to the continued use of unproven allegations as a promotion bar.

171. Plaintiff engaged in protected activity when he sought correction of the gendered, accusation-based promotion block.

172. Plaintiff engaged in protected activity when he contacted NYPD, DCAS, NYPD Labor Relations, the Uniform Promotional Unit, and other City-related actors concerning the refusal to restore him to the promotional path.

173. Plaintiff engaged in protected activity when he asserted that defendants' treatment of him was unfair, discriminatory, retaliatory, and unlawful.

174. Plaintiff engaged in protected activity when he pursued administrative relief through the EEOC.

175. Defendants knew or should have known that plaintiff was challenging discriminatory and retaliatory treatment.

176. Defendants knew or should have known that plaintiff was asserting that the refusal to restore and promote him after exoneration was not lawful, neutral, or justified.

177. After plaintiff engaged in protected activity, defendants continued refusing to restore him.

178. After plaintiff engaged in protected activity, defendants continued refusing to promote him.

179. After plaintiff engaged in protected activity, defendants continued refusing to provide a lawful explanation.

180. After plaintiff engaged in protected activity, defendants maintained or ratified the same adverse promotional consequences that flowed from the unproven allegations.

181. Defendants' conduct would deter a reasonable employee from complaining about discrimination, challenging gender-based stereotyping, or seeking restoration after exoneration.

182. Defendants' conduct caused plaintiff continuing economic, emotional, reputational, pension, seniority, and professional harm.

The Timely Actionable Acts Are Post-Exoneration Acts

183. Plaintiff does not rely solely on the original 2016 promotional derailment as the actionable discriminatory act.

184. Plaintiff alleges that defendants committed actionable discriminatory and retaliatory acts after July 14, 2022.

185. The July 14, 2022 not-guilty finding required defendants to make a fresh, lawful, non-discriminatory, and non-retaliatory decision concerning restoration and promotion.

186. Defendants instead refused to restore plaintiff after exoneration.

187. Defendants refused to promote plaintiff after exoneration.

188. Defendants contradicted or ignored DCAS's August 19, 2022 confirmation that plaintiff remained active on the eligible list.

189. Defendants misdirected plaintiff to sue DCAS despite DCAS's confirmation of active eligibility.

190. Defendants failed to identify a lawful basis for refusing restoration.

191. Defendants failed to identify a lawful basis for refusing promotion.

192. Defendants issued, relied upon, or maintained backdated or post hoc denial letters in 2023 and 2024.

193. Defendants continued maintaining the promotion block after plaintiff complained.

194. Defendants' post-exoneration acts were separate from the original investigation and disciplinary prosecution.

195. Defendants' post-exoneration acts were separately discriminatory.

196. Defendants' post-exoneration acts were separately retaliatory.

197. Defendants' post-exoneration acts caused separate damages.

198. Defendants' post-exoneration acts independently support liability under the New York State Human Rights Law and New York City Human Rights Law.

199. The continuing economic, pension, seniority, and professional consequences flow from defendants' timely post-exoneration refusal to restore and promote plaintiff.

200. Defendants remain liable for all damages proximately caused by their post-exoneration discriminatory and retaliatory acts.

Municipal Responsibility

201. Defendants' actions were performed by City and NYPD officials acting within the scope of their employment.

202. Defendants' actions were performed through official City and NYPD personnel, promotional, disciplinary, labor-relations, and command channels.

203. Defendants had actual or constructive notice of the discriminatory and retaliatory promotion obstruction.

204. Defendants failed to correct the promotion obstruction.

205. Defendants ratified the promotion obstruction.

206. Defendants maintained the promotion obstruction.

207. Defendants concealed or obscured the basis for the promotion obstruction.

208. Defendants failed to provide plaintiff with a neutral restoration process after exoneration.

209. Defendants failed to ensure that male officers accused in domestic-violence contexts were not subjected to gender-based stereotypes or permanent accusation stigma.

210. Defendants' actions constitute unlawful employment practices under the New York State Human Rights Law and New York City Human Rights Law.

INJURIES AND MAKE-WHOLE RELIEF

211. As a direct and proximate result of defendants' discriminatory, retaliatory, and unlawful post-exoneration promotional obstruction, plaintiff has suffered economic, professional, reputational, emotional, pension-related, and equitable harm.

212. Plaintiff has suffered lost wages resulting from defendants' refusal to restore and promote him to Lieutenant.

213. Plaintiff has suffered lost overtime compensation and lost overtime opportunities associated with the rank, assignments, duties, and earning capacity of a Lieutenant.

214. Plaintiff has suffered lost employment benefits, including benefits that would have flowed from promotion to Lieutenant.

215. Plaintiff has suffered lost pension value, including lost pensionable earnings, lost pension contributions, lost pension calculations, and reduced retirement-value consequences flowing from defendants' refusal to restore and promote him.

216. Plaintiff has suffered lost promotional seniority.

217. Plaintiff has suffered lost rank seniority.

218. Plaintiff has suffered lost command experience, lost supervisory advancement, and lost future promotional opportunity.

219. Plaintiff has suffered career stagnation.

220. Plaintiff has suffered reputational injury within NYPD and the broader law-enforcement community.

221. Plaintiff has suffered humiliation, embarrassment, and loss of dignity.

222. Plaintiff has suffered emotional distress.

223. Plaintiff has suffered loss of professional standing.

224. Plaintiff has suffered the continuing adverse effects of defendants' refusal to correct his employment and promotional record after he was found not guilty of all disciplinary charges.

225. Plaintiff has incurred, and will continue to incur, attorneys' fees, costs, expenses, and disbursements.

226. Plaintiff is entitled to make-whole relief placing him in the same economic, promotional, seniority, pension, and professional position he would have occupied but for defendants' unlawful conduct.

227. Plaintiff is entitled to compensatory damages, back pay, lost overtime compensation, lost benefits, pension correction, seniority correction, interest, attorneys' fees, costs, expenses, and disbursements.

228. Plaintiff is also entitled to declaratory, equitable, injunctive, and corrective relief, including restoration, retroactive promotion, employment-record correction, pension correction, and all other relief necessary to remedy defendants' unlawful conduct.

229. To the extent defendants contend that the relevant promotional list later expired, closed, or became administratively unavailable, plaintiff is entitled to the full economic, pension, seniority, and employment equivalent of the promotion and restoration he would have received but for defendants' discriminatory and retaliatory obstruction.

CONCLUSION

230. This case is not a stale challenge to the original 2016 promotional derailment standing alone.

231. This case concerns defendants' separate and actionable post-exoneration conduct after plaintiff was found not guilty of all disciplinary charges on July 14, 2022.

232. After the Department failed to prove the allegations against plaintiff, defendants had no lawful basis to continue treating those unproven allegations as a promotional disability.

233. Defendants nevertheless refused to restore plaintiff to the promotional path, refused to promote him to Lieutenant, failed to provide a legitimate nondiscriminatory explanation, ignored or contradicted DCAS's confirmation of his eligible-list status, and allowed administrative time to run while plaintiff's restoration remained unresolved.

234. Defendants may not create a discriminatory and retaliatory promotion block, fail to correct it after exoneration, allow the eligible list to expire or become administratively unavailable, and then rely on that expiration or unavailability as a defense to liability or make-whole relief.

235. The relevant inquiry is where plaintiff would have been but for defendants' unlawful post-exoneration conduct.

236. But for defendants' discriminatory and retaliatory obstruction, plaintiff would have been restored to the promotional posture he occupied before the unproven allegations derailed his career and would have received the rank, compensation, seniority, pension value, benefits, and professional advancement associated with promotion to Lieutenant.

237. Defendants' conduct constitutes unlawful discrimination, retaliation, and promotional obstruction under the New York State Human Rights Law and the New York City Human Rights Law.

238. Plaintiff therefore seeks full make-whole relief, including retroactive promotion or its full economic and equitable equivalent, back pay, lost overtime compensation, benefits correction, pension correction, seniority correction, compensatory damages, declaratory relief, injunctive relief, attorneys' fees, costs, interest, and all other relief permitted by law.

VIOLATIONS AND CLAIMS ALLEGED**FIRST CAUSE OF ACTION****Arrest-Record and Non-Pending Criminal Accusation Discrimination
in Violation of New York Executive Law § 296(16)
Against THE CITY OF NEW YORK and JESSICA S. TISCH**

239. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

240. Plaintiff brings this cause of action for arrest-record and non-pending criminal accusation discrimination under the New York State Human Rights Law, New York Executive Law § 296(16).

241. Plaintiff was the subject of an arrest, order-of-protection-related accusation, criminal accusation, domestic-violence-related accusation, and/or related non-conviction accusation history arising from allegations made by his former spouse in or about July 2016.

242. Plaintiff alleges that the criminal accusation, arrest-related matter, order-of-protection-related matter, domestic-violence-related accusation, and/or related non-conviction accusation history was terminated in his favor, sealed, dismissed, resolved without conviction, no longer pending, or otherwise legally unavailable as a basis for adverse employment action.

243. After plaintiff was found not guilty of all related disciplinary charges on July 14, 2022, defendants continued to give adverse employment effect to the arrest, accusation, and/or non-conviction accusation history.

244. Defendants acted adversely upon plaintiff's arrest record, criminal accusation history, domestic-violence-related accusation history, and/or non-pending accusation history by refusing to restore plaintiff to the promotional path and refusing to promote him to Lieutenant.

245. Defendants' adverse action was not based on a pending criminal prosecution, criminal conviction, or lawful statutory disqualification.

246. Defendants instead converted a non-pending arrest, criminal accusation, and/or domestic-violence-related accusation into a continuing promotional disability.

247. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

248. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the unlawful promotional obstruction alleged herein.

249. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

250. Defendants violated the New York State Human Rights Law, New York Executive Law §§ 296(16) and 296(6).

251. As a direct and proximate result, plaintiff suffered damages.

SECOND CAUSE OF ACTION
Gender Discrimination
in Violation of New York Executive Law § 296(1)(a)
Against THE CITY OF NEW YORK and JESSICA S. TISCH

252. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

253. Plaintiff brings this cause of action for gender discrimination under the New York State Human Rights Law, New York Executive Law § 296(1)(a).

254. Plaintiff is male.

255. Plaintiff was qualified for promotion to Lieutenant.

256. Plaintiff was exonerated of the disciplinary charges on July 14, 2022.

257. After plaintiff's exoneration, defendants were required to make a lawful, non-discriminatory, and non-retaliatory determination concerning restoration and promotion.

258. Defendants refused to restore plaintiff.

259. Defendants refused to promote plaintiff.

260. Defendants continued maintaining the promotion block despite DCAS's confirmation that plaintiff remained active on the eligible list.

261. Defendants' post-exoneration conduct occurred under circumstances giving rise to an inference of gender discrimination.

262. Defendants treated plaintiff less favorably because he is male and because he was a male officer accused in a domestic-violence context.

263. Defendants imposed and maintained career consequences based on gender-based stereotypes concerning male culpability, male dangerousness, male credibility, and male suitability for promotion after domestic-violence allegations.

264. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

265. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the discriminatory promotional obstruction alleged herein.

266. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

267. Defendants violated the New York State Human Rights Law, New York Executive Law §§ 296(1)(a) and 296(6).

268. As a direct and proximate result, plaintiff suffered damages.

**THIRD CAUSE OF ACTION
Domestic-Violence-Victim Status Discrimination
in Violation of New York Executive Law § 296(1)(a)
Against THE CITY OF NEW YORK and JESSICA S. TISCH**

269. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

270. Plaintiff brings this cause of action for domestic-violence-victim status discrimination under the New York State Human Rights Law, New York Executive Law § 296(1)(a).

271. Plaintiff alleges that he was the victim or target of false domestic-violence-related allegations and related conduct.

272. Plaintiff alleges that he reported, complained of, or otherwise placed defendants on notice of his victimization and the false nature of the allegations.

273. Plaintiff alleges that defendants failed to investigate his complaint or report with the seriousness and neutrality provided to allegations made against him.

274. Plaintiff alleges that defendants treated him less favorably because of his domestic-violence-victim status, perceived domestic-violence-victim status, domestic-violence-related status, and/or because he was a male asserting victimization in a domestic-violence context.

275. Plaintiff alleges that defendants used domestic-violence-related stigma as a promotion bar after the allegations against him were not proven.

276. Defendants' conduct denied plaintiff equal terms, conditions, privileges, and benefits of employment.

277. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

278. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the discriminatory promotional obstruction alleged herein.

279. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

280. Defendants violated the New York State Human Rights Law, New York Executive Law §§ 296(1)(a) and 296(6).

281. As a direct and proximate result, plaintiff suffered damages.

FOURTH CAUSE OF ACTION
Retaliation
in Violation of New York Executive Law § 296(7)
Against THE CITY OF NEW YORK and JESSICA S. TISCH

282. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

283. Plaintiff brings this cause of action for retaliation under the New York State Human Rights Law, New York Executive Law § 296(7).

284. Plaintiff engaged in protected activity by challenging defendants' discriminatory and retaliatory refusal to restore and promote him after exoneration.

285. Plaintiff engaged in protected activity by objecting to the use of unproven allegations, non-pending accusation history, gender stereotypes, and domestic-violence-related stigma as a promotion bar.

286. Plaintiff engaged in protected activity by contacting and complaining to NYPD, DCAS, NYPD Labor Relations, the Uniform Promotional Unit, and other City-related actors concerning the unlawful promotional obstruction.

287. Plaintiff engaged in protected activity by filing an EEOC Charge of Discrimination.

288. Defendants knew or should have known that plaintiff engaged in protected activity.

289. Defendants subjected plaintiff to adverse employment actions after and because of his protected activity, including continued refusal to restore, continued refusal to promote, failure to provide a lawful explanation, use of backdated or post hoc denial letters, and maintenance of the discriminatory promotion block.

290. Defendants' conduct was reasonably likely to deter a person from engaging in protected activity.

291. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

292. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the

continuing adverse employment consequences of the retaliatory promotional obstruction alleged herein.

293. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

294. Defendants violated the New York State Human Rights Law, New York Executive Law §§ 296(7) and 296(6).

295. As a direct and proximate result, plaintiff suffered damages.

FIFTH CAUSE OF ACTION
Arrest-Record and Non-Pending Criminal Accusation Discrimination
in Violation of New York City Administrative Code § 8-107(11)
Against THE CITY OF NEW YORK and JESSICA S. TISCH

296. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

297. Plaintiff brings this cause of action for arrest-record and non-pending criminal accusation discrimination under the New York City Human Rights Law, New York City Administrative Code § 8-107(11).

298. Plaintiff was the subject of an arrest, order-of-protection-related accusation, criminal accusation, domestic-violence-related accusation, and/or related non-conviction accusation history arising from allegations made by his former spouse in or about July 2016.

299. Plaintiff alleges that the criminal accusation, arrest-related matter, order-of-protection-related matter, domestic-violence-related accusation, and/or related non-conviction accusation history was terminated in his favor, sealed, dismissed, resolved without conviction, no longer pending, or otherwise legally unavailable as a basis for adverse employment action.

300. After plaintiff was found not guilty of all related disciplinary charges on July 14, 2022, defendants continued to give adverse employment effect to the arrest, accusation, and/or non-conviction accusation history.

301. Defendants acted adversely upon plaintiff's arrest record, criminal accusation history, domestic-violence-related accusation history, and/or non-pending accusation history by refusing to restore plaintiff to the promotional path and refusing to promote him to Lieutenant.

302. Defendants' adverse action was not based on a pending criminal prosecution, criminal conviction, or lawful statutory disqualification.

303. Defendants instead converted a non-pending arrest, criminal accusation, and/or domestic-violence-related accusation into a continuing promotional disability.

304. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

305. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the unlawful promotional obstruction alleged herein.

306. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

307. Defendants violated the New York City Human Rights Law, New York City Administrative Code §§ 8-107(11) and 8-107(6).

308. As a direct and proximate result, plaintiff suffered damages.

SIXTH CAUSE OF ACTION
Gender Discrimination
in Violation of New York City Administrative Code § 8-107(1)(a)
Against THE CITY OF NEW YORK and JESSICA S. TISCH

309. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

310. Plaintiff brings this cause of action for gender discrimination under the New York City Human Rights Law, New York City Administrative Code § 8-107(1)(a).

311. Plaintiff is male.

312. Plaintiff was qualified for promotion to Lieutenant.

313. Plaintiff was exonerated of the disciplinary charges on July 14, 2022.

314. After plaintiff's exoneration, defendants were required to make a lawful, non-discriminatory, and non-retaliatory determination concerning restoration and promotion.

315. Defendants refused to restore plaintiff.

316. Defendants refused to promote plaintiff.

317. Defendants continued maintaining the promotion block despite DCAS's confirmation that plaintiff remained active on the eligible list.

318. Defendants treated plaintiff less well, at least in part, because of his gender.

319. Defendants treated plaintiff less well because he is male and because he was a male officer accused in a domestic-violence context.

320. Defendants imposed and maintained career consequences based on gender-based stereotypes concerning male culpability, male dangerousness, male credibility, and male suitability for promotion after domestic-violence allegations.

321. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

322. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the discriminatory promotional obstruction alleged herein.

323. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

324. Defendants violated the New York City Human Rights Law, New York City Administrative Code §§ 8-107(1)(a) and 8-107(6).

325. As a direct and proximate result, plaintiff suffered damages.

SEVENTH CAUSE OF ACTION
Domestic-Violence-Victim Status Discrimination
in Violation of New York City Administrative Code § 8-107.1
Against THE CITY OF NEW YORK and JESSICA S. TISCH

326. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

327. Plaintiff brings this cause of action for domestic-violence-victim status discrimination under the New York City Human Rights Law, New York City Administrative Code § 8-107.1.

328. Plaintiff alleges that he was the victim or target of false domestic-violence-related allegations and related conduct.

329. Plaintiff alleges that he reported, complained of, or otherwise placed defendants on notice of his victimization and the false nature of the allegations.

330. Plaintiff alleges that defendants failed to investigate his complaint or report with the seriousness and neutrality provided to allegations made against him.

331. Plaintiff alleges that defendants treated him less well because of his actual or perceived domestic-violence-victim status, domestic-violence-related status, and/or because he was a male asserting victimization in a domestic-violence context.

332. Plaintiff alleges that defendants used domestic-violence-related stigma as a promotion bar after the allegations against him were not proven.

333. Defendants' conduct denied plaintiff equal terms, conditions, privileges, and benefits of employment.

334. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

335. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the discriminatory promotional obstruction alleged herein.

336. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

337. Defendants violated the New York City Human Rights Law, New York City Administrative Code §§ 8-107.1 and 8-107(6).

338. As a direct and proximate result, plaintiff suffered damages.

EIGHTH CAUSE OF ACTION
Retaliation
in Violation of New York City Administrative Code § 8-107(7)
Against THE CITY OF NEW YORK and JESSICA S. TISCH

339. Plaintiff repeats and realleges each preceding paragraph as though fully set forth herein.

340. Plaintiff brings this cause of action for retaliation under the New York City Human Rights Law, New York City Administrative Code § 8-107(7).

341. Plaintiff engaged in protected activity by challenging defendants' discriminatory and retaliatory refusal to restore and promote him after exoneration.

342. Plaintiff engaged in protected activity by objecting to the use of unproven allegations, non-pending accusation history, gender stereotypes, and domestic-violence-related stigma as a promotion bar.

343. Plaintiff engaged in protected activity by contacting and complaining to NYPD, DCAS, NYPD Labor Relations, the Uniform Promotional Unit, and other City-related actors concerning the unlawful promotional obstruction.

344. Plaintiff engaged in protected activity by filing an EEOC Charge of Discrimination.

345. Defendants knew or should have known that plaintiff engaged in protected activity.

346. Defendants subjected plaintiff to conduct reasonably likely to deter a person from engaging in protected activity, including continued refusal to restore, continued refusal to promote, failure to provide a lawful explanation, use of backdated or post hoc denial letters, and maintenance of the discriminatory promotion block.

347. Defendant THE CITY OF NEW YORK is liable because it was plaintiff's employer and acted through NYPD, its officials, employees, agents, supervisors, decisionmakers, policymakers, and representatives.

348. Defendant JESSICA S. TISCH is sued in her official capacity because, as Police Commissioner, she possesses authority to correct, remedy, reverse, restore, and remove the continuing adverse employment consequences of the retaliatory promotional obstruction alleged herein.

349. Defendant JESSICA S. TISCH is sued in her individual capacity because she participated in, approved, ratified, maintained, failed to correct, and/or aided and abetted the unlawful employment practices alleged herein.

350. Defendants violated the New York City Human Rights Law, New York City Administrative Code §§ 8-107(7) and 8-107(6).

351. As a direct and proximate result, plaintiff suffered damages.

JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, plaintiff JOEL SILVERMAN respectfully demands judgment against defendants THE CITY OF NEW YORK and JESSICA S. TISCH, jointly and severally where legally applicable, as follows:

- a. awarding plaintiff compensatory damages in an amount to be determined at trial;

- b. awarding plaintiff economic damages, including lost wages, lost overtime compensation, lost benefits, lost promotional seniority, lost rank seniority, lost pension-related value where legally recoverable, and other consequential economic damages;
- c. awarding plaintiff damages for emotional distress, reputational harm, humiliation, loss of professional standing, and continuing dignitary injury;
- d. awarding punitive damages against defendant JESSICA S. TISCH, in her individual capacity, to the fullest extent permitted by law;
- e. declaring that defendants violated plaintiff's rights under the New York State Human Rights Law and the New York City Human Rights Law;
- f. declaring that defendants' post-exoneration refusal to restore and promote plaintiff was discriminatory, retaliatory, unlawful, and without legitimate basis;
- g. declaring that defendants may not rely upon the expiration, closure, or administrative unavailability of the promotional list where defendants' own discriminatory and retaliatory post-exoneration obstruction caused plaintiff to lose the benefit of that list;
- h. directing defendants, where legally authorized and appropriate, to restore plaintiff to the promotional status he would have occupied but for defendants' unlawful conduct;
- i. directing defendants, where legally authorized and appropriate, to promote plaintiff retroactively to Lieutenant, with appropriate salary, overtime compensation, benefits, seniority, pension correction, and all other incidents of rank;
- j. alternatively, directing defendants to provide plaintiff with the full economic, pension, seniority, employment-record, and equitable equivalent of retroactive promotion to Lieutenant;

- k. enjoining defendants from unlawfully using, maintaining, disclosing, transmitting, relying upon, or giving adverse employment effect to plaintiff's non-pending arrest record, criminal accusation history, domestic-violence-related accusation history, non-conviction accusation history, or disciplinary accusation history as a basis for denying restoration, promotion, seniority, compensation, benefits, pension value, or other employment rights, except as expressly authorized by law;
- l. directing defendants, where legally authorized and appropriate, to correct, withdraw, amend, seal, expunge, or cease reliance upon any record, report, communication, notation, database entry, personnel entry, disciplinary-status entry, promotional-status entry, or agency transmission that gives unlawful adverse employment effect to plaintiff's non-pending accusation history, domestic-violence-related accusation history, or post-exoneration promotional obstruction;
- m. awarding plaintiff pre-judgment and post-judgment interest;
- n. awarding plaintiff reasonable attorneys' fees, costs, expenses, and disbursements to the extent permitted by law; and
- o. awarding such other and further legal, equitable, declaratory, injunctive, corrective, make-whole, and statutory relief as this Court deems just and proper.

Dated: June 5, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Plaintiff JOEL SILVERMAN

THE SANDERS FIRM, P.C.
30 Wall Street, 8th Floor
New York, NY 10005
(212) 652-2782 (Business Telephone)
(212) 652-2783 (Facsimile)

Website: <http://www.thesandersfirmnpc.com>

ATTORNEY VERIFICATION

STATE OF NEW YORK

ss:

COUNTY OF WESTCHESTER

ERIC SANDERS, ESQ., affirms as follows:

I am an attorney admitted to practice in the State of New York courts. As the attorney for the plaintiff in the action, I am familiar with all the facts and circumstances.

The Verified Complaint is true to the knowledge of the affirmant, except for those matters stated to be alleged upon information and belief, and he believes those matters to be factual.

The affirmant further states that this verification is made by the affirmant and not by the Plaintiff because the Plaintiff is not within the county of Westchester, where the affirmant maintains his office.

The undersigned attorney affirms that the previous statements are true under the penalties of perjury and Rule 2106 CPLR.

Dated: June 5, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Plaintiff JOEL SILVERMAN

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

INDEX NO.:

JOEL SILVERMAN

Plaintiffs,

-against-

THE CITY OF NEW YORK and JESSICA S. TISCH

Defendants

SUMMONS WITH VERIFIED COMPLAINT

Duly submitted by:

Respectfully submitted,

By: s/Eric Sanders

Attorney for Plaintiff JOEL SILVERMAN

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