

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

-----X
TREVLYN HEADLEY

Plaintiff,

AFFIRMATION

-against-

Index No.: 155228/2025

CITY OF NEW YORK, SHATORRA FOSTER, TANIA
KINSELLA

Defendants
-----X

**AFFIRMATION OF ERIC SANDERS, ESQ. IN SUPPORT OF
DEFENDANT/COUNTERCLAIM-PLAINTIFF SHATORRA FOSTER'S ORDER TO
SHOW CAUSE FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY
INJUNCTION, STAY, PRESERVATION RELIEF, AND EXPEDITED DISCLOSURE**

ERIC SANDERS, an attorney duly admitted to practice law before the courts of the State of New York, affirms the following under the penalties of perjury pursuant to CPLR 2106:

1. I am the attorney for Defendant/Counterclaim-Plaintiff SHATORRA FOSTER ("FOSTER") in this action and in the related New York City Police Department disciplinary proceeding captioned NYPD v. Police Officer Shatorra Foster, Department Advocate Case No. C-030622.
2. I am the principal of The Sanders Firm, P.C., located at 30 Wall Street, 8th Floor, New York, New York 10005.
3. I submit this Affirmation in support of FOSTER'S application, brought by Order to Show Cause, for:
 - a. a temporary restraining order immediately staying the commencement, continuation, advancement, or completion of the disciplinary trial in Department Advocate Case No. C-030622;

- b. a preliminary injunction maintaining that stay while this Court determines FOSTER'S pending motion for a default judgment against Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY ("HEADLEY"), the counterclaims pending in this action, and such other related issues as the Court deems necessary;
- c. preservation of the investigative, disciplinary, electronic, medical-testing, internal-complaint, and related records described below;
- d. expedited sworn disclosure concerning the NYPD's prior handling of FOSTER'S allegations against HEADLEY, IAB Log No. 2026-18936, the Office of Equity and Inclusion's response or lack of response, and the decision to continue prosecuting FOSTER; and
- e. such other and further relief as the Court deems just and proper.

4. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, my representation of FOSTER, my communications with the NYPD and its attorneys and officials, the records produced to me in the disciplinary proceeding, the documents filed in this and the related Bronx County actions, and the records maintained in my office.

5. Where I refer to documents, proceedings, or communications, I do so based upon my personal review of those materials.

6. This application does not seek judicial intervention merely because FOSTER disputes the disciplinary charges against her.

7. The application arises from a substantially more serious and procedurally developed record.

8. The NYPD's own investigative materials noted FOSTER'S allegations of sexual misconduct by HEADLEY.

9. Those allegations were closed, disposed of, or otherwise left uninvestigated without either FOSTER or me being contacted for an interview, supporting evidence, clarification, or any meaningful participation in an investigation.

10. After the Department disclosed additional Special Investigations Unit and Prosecutorial Wall records on May 27, 2026, I submitted detailed written complaints to the NYPD Internal Affairs Bureau and Office of Equity and Inclusion.

11. Those complaints expressly warned that the Department's prosecution of FOSTER was allegedly contaminated by its acceptance of a HEADLEY-driven narrative and its failure to investigate HEADLEY'S alleged sexual assault, sexual harassment, coercion, retaliation, misuse of Department systems, witness influence, and abuse of authority.

12. The Internal Affairs Bureau acknowledged receiving the complaints and generated IAB Log No. 2026-18936.

13. IAB represented in writing that, after the matter was assigned to an IAB unit or group, that unit or group would contact me.

14. Thus far, neither IAB nor the Office of Equity and Inclusion has contacted FOSTER or me concerning the substance of the complaints.

15. Neither office has requested an interview of FOSTER.

16. Neither office has requested documents or evidence from FOSTER or me.

17. Neither office has identified an assigned investigator.

18. Neither office has advised whether any meaningful investigation has begun.

19. Neither office has explained whether FOSTER'S earlier sexual-misconduct allegations were closed, why they were closed, who made that determination, or how a disposition was reached without contacting her.

20. The Department Advocate's Office has nevertheless continued advancing the prosecution of FOSTER.

21. Indeed, after receiving actual notice of the allegations and the alleged investigative contamination, the Department Advocate's Office filed a motion in limine seeking to restrict FOSTER'S ability to present evidence concerning matters it characterizes as collateral.

22. The Department therefore seeks to proceed with an adjudication based upon the existing investigative record while excluding or restricting evidence concerning the alleged misconduct, credibility, motive, and retaliatory interest of the person whose accusations materially shaped that record.

23. Meanwhile, HEADLEY has failed to serve a reply to FOSTER'S counterclaims after this Court denied HEADLEY'S motion to dismiss those counterclaims and FOSTER served notice of entry.

24. FOSTER'S motion for a default judgment against HEADLEY is now pending before this Court.

25. The Department should not be permitted to obtain an administrative adjudication based upon a disputed HEADLEY-centered narrative while this Court is being asked to determine the legal consequences of HEADLEY'S failure to defend against the counterclaims arising from her alleged sexual and retaliatory misconduct.

THE NEW YORK COUNTY ACTION AND FOSTER'S COUNTERCLAIMS

26. HEADLEY commenced this action against the City of New York, FOSTER, and TANIA KINSELLA.

27. FOSTER appeared in the action and, on June 27, 2025, filed a Verified Answer with Counterclaims.

28. A copy of FOSTER'S Verified Answer with Counterclaims is annexed hereto as Exhibit A.

29. FOSTER'S counterclaims allege, among other things, that HEADLEY subjected her to sexual harassment, sexual coercion, abuse of authority, retaliation, unwanted sexual contact, and sexual assault.

30. The counterclaims allege that the conduct arose within an employment relationship marked by rank, workplace access, professional influence, and the use or misuse of NYPD processes and resources.

31. FOSTER further alleges that HEADLEY retaliated against her after she resisted, distanced herself from, or sought to expose HEADLEY'S conduct.

32. The counterclaims allege that HEADLEY used or influenced Department complaints, internal investigations, witnesses, confidential information, and disciplinary processes to redirect scrutiny toward FOSTER.

33. FOSTER alleges that the Department's eventual Charges and Specifications were initiated, shaped, fueled, or materially influenced by HEADLEY'S retaliatory conduct and narrative.

34. HEADLEY moved pursuant to CPLR 3211 to dismiss FOSTER'S counterclaims.

35. By Decision and Order dated March 18, 2026 and entered on March 20, 2026, this Court denied HEADLEY'S motion.

36. A copy of the Decision and Order is annexed hereto as Exhibit B.
37. This Court did not determine the ultimate truth of the allegations.
38. The Court did, however, reject HEADLEY’S attempt to obtain dismissal by removing selected communications from their alleged coercive, traumatic, and workplace context.
39. The Court recognized that the alleged relationship was complex and that continued communications or contact do not necessarily resolve issues of consent, coercion, abuse, retaliation, or trauma as a matter of law.
40. The Court held that FOSTER had sufficiently pleaded claims under the New York State Human Rights Law and New York City Human Rights Law.
41. The Court further determined that FOSTER had sufficiently pleaded a claim under the New York City Gender-Motivated Violence Protection Law based upon her allegations of sexual assault and a pattern of sexual coercion and unwanted contact by a superior officer.
42. On May 9, 2026, FOSTER served notice of entry of this Court’s Decision and Order through NYSCEF.
43. A copy of the Notice of Entry is annexed hereto as Exhibit C.
44. Pursuant to CPLR 3211(f), HEADLEY’S reply to the counterclaims became due after service of notice of entry.
45. Even after application of the additional time associated with electronic service, HEADLEY’S reply was due no later than May 20, 2026.
46. HEADLEY did not serve a reply.
47. HEADLEY did not request an extension before the deadline expired.
48. HEADLEY did not move to enlarge her time to reply.

49. HEADLEY did not tender a proposed reply.

50. HEADLEY instead continued prosecuting her own affirmative claims while leaving FOSTER'S counterclaims unanswered.

51. FOSTER thereafter moved for a default judgment against HEADLEY pursuant to CPLR 3215.

52. The pending motion seeks entry of default judgment on liability, with damages to be determined at an inquest or in connection with the remaining claims.

53. Copies of the Notice of Motion, supporting affirmation, affidavit, memorandum of law, and related default-motion papers are collectively annexed hereto as Exhibit D.

54. The default application is relevant to this request for injunctive relief because the Department disciplinary proceeding materially depends upon a narrative associated with HEADLEY, while HEADLEY has not joined issue on FOSTER'S judicial claims concerning her alleged misconduct and retaliatory use of Department processes.

THE DISCIPLINARY PROCEEDING

55. The NYPD served FOSTER with Charges and Specifications under Department Advocate Case No. C-030622.

56. A copy of the Charges and Specifications is annexed hereto as Exhibit E.

57. The charges accuse FOSTER of conduct associated with stalking, aggravated harassment, harassment, false reporting, Department database inquiries, and use of a department-issued telephone.

58. The charges arose substantially from allegations made, advanced, or influenced by HEADLEY.

59. HEADLEY was not merely an uninvolved reporting witness.

60. The Department's own records identify HEADLEY as a subject officer in related internal matters.

61. The records also reflect a substantiated finding that HEADLEY improperly queried FOSTER through the Department's CPR system on November 15, 2023.

62. That Department-system inquiry occurred before the March 14, 2024 sexual incident alleged by FOSTER and is material to FOSTER'S allegation that HEADLEY used workplace access, rank, and Department resources as part of a grooming, monitoring, or control process.

63. The Department records further contained matters bearing upon HEADLEY'S credibility, motive, Department-resource access, treatment of female members of the service, modified status, and demotion from probationary lieutenant to sergeant.

64. Notwithstanding those matters, the Department developed an investigative structure in which HEADLEY was treated primarily as the victim and FOSTER was treated as the subject.

65. The investigative record repeatedly used or accepted "stalker" terminology before any disciplinary adjudication.

66. The use of that terminology was not neutral.

67. It treated a disputed accusation as an established premise and risked directing the investigation toward corroboration of a predetermined narrative rather than neutral examination of competing allegations.

68. The Department also imported information concerning a prior matter involving Police Officer Precious Redhead into the HEADLEY investigation to support an alleged pattern involving FOSTER.

69. At the same time, the Department did not give equivalent investigative weight to FOSTER'S allegations that HEADLEY later approached or influenced Redhead, discussed internal matters, referred to confidential information, or otherwise attempted to shape the account against FOSTER.

70. The Department's investigative records relied upon circumstantial and inference-dependent electronic theories involving, among other things, social-media accounts, the Attendance App, 311 reports, Cloudflare, Pinger, Wi-Fi, and related digital information.

71. Certain investigative returns were negative, inconclusive, anonymized, or did not directly identify FOSTER.

72. Nevertheless, the investigation continued to move toward FOSTER as the person responsible.

73. The criminal-side review did not result in a criminal prosecution of FOSTER.

74. The Prosecutorial Wall matter was ultimately closed in an Information-and-Intelligence posture, while internal comments or worksheets nevertheless treated the allegations as substantively established.

75. The signed Charges and Specifications remained attached to or associated with that investigative structure.

76. The Department thereafter continued pursuing the administrative disciplinary prosecution.

THE DEPARTMENT'S PRIOR KNOWLEDGE OF FOSTER'S SEXUAL ALLEGATIONS

77. Before my May 29 and May 30, 2026 complaints, the Department's own investigative materials already referenced FOSTER'S allegations of sexual misconduct by HEADLEY.

78. Those allegations included FOSTER'S claim that HEADLEY sexually assaulted her inside a dormitory room at NYPD Headquarters on March 14, 2024.

79. FOSTER alleges that, while she was resting in the dormitory room, HEADLEY entered, removed FOSTER'S pants and underwear, forced her legs apart, and performed a sexual act upon her without consent.

80. The allegation concerned conduct occurring inside One Police Plaza, involving a superior officer and a subordinate member of the service.

81. It was directly relevant to HEADLEY'S motive, credibility, alleged retaliation, use of Department processes, and the origin of the charges later brought against FOSTER.

82. The allegation was not collateral to the disciplinary case.

83. FOSTER alleges that HEADLEY'S subsequent complaints and use of internal Department channels formed part of the retaliation for FOSTER'S resistance to, distancing from, or exposure of HEADLEY'S conduct.

84. The Department's records reflected the existence of the sexual allegation.

85. However, neither FOSTER nor I was contacted for a substantive interview concerning it.

86. FOSTER was not asked to provide a detailed account of the March 14, 2024 incident.

87. She was not asked to identify corroborating witnesses or circumstantial evidence.

88. She was not asked to explain delayed disclosure, continued communication, workplace fear, rank-related pressure, or the retaliation she alleges followed.

89. She was not asked to provide records concerning access to the dormitory room, tour assignments, building entry, command logs, communications, or the parties' locations.

90. I am unaware of any effort by the Department to obtain or preserve relevant video, access-control, command-log, dormitory, building-entry, assignment, tour, or movement records concerning March 14, 2024.

91. I am unaware of any substantive interview of HEADLEY concerning FOSTER'S sexual-assault allegation.

92. I am unaware of any competent, conflict-aware investigation that tested the allegation in context.

93. Nevertheless, the allegation appears to have been closed, classified, deemed unsubstantiated, treated as informational, or otherwise disposed of.

94. No one from IAB or OEI informed FOSTER or me of the precise classification.

95. No one identified the person who made the determination.

96. No one explained the evidence relied upon.

97. No one explained how a reliable disposition could be reached without interviewing the alleged victim.

98. No one explained how the allegation could be separated from the Department's continued prosecution of a disciplinary case materially arising from HEADLEY'S accusations.

THE MAY 27, 2026 DISCLOSURE

99. On May 27, 2026, the Department disclosed Special Investigations Unit and Prosecutorial Wall materials in the disciplinary proceeding.

100. Relevant portions of those materials are annexed hereto as Exhibit F.

101. My review of those materials materially intensified the concerns regarding the fairness, neutrality, completeness, and reliability of the Department's investigation.

102. The records showed that the Department possessed information establishing that HEADLEY was not merely a neutral complainant.

103. HEADLEY had been treated as a subject officer in related matters.

104. The records reflected her substantiated CPR misuse involving FOSTER.

105. The records contained information concerning her credibility, Department-system access, workplace conduct, interactions with female members of the service, and potential retaliatory motive.

106. The records also reflected that FOSTER'S legal filing had been uploaded to or included within the investigative record.

107. Merely placing FOSTER'S Verified Answer with Counterclaims into an investigative file did not constitute an investigation of its allegations.

108. Once the Department possessed that pleading, a neutral process required consideration of whether the allegations warranted:

- a. an interview of FOSTER;
- b. an interview of HEADLEY;
- c. preservation and collection of evidence concerning the alleged March 14, 2024 assault;
- d. reassessment of HEADLEY'S credibility and motive;
- e. review of HEADLEY'S Department-system use;
- f. review of alleged witness influence or confidential-information misuse;
- g. reconsideration of the Charges and Specifications;
- h. supplemental disclosure to the Department Advocate's Office and Trial Commissioner; and

- i. suspension or adjournment of the disciplinary prosecution pending a meaningful investigation.

109. The disclosed materials did not demonstrate that such a reassessment occurred.

110. Instead, the Department continued relying upon the existing investigative architecture.

**THE MAY 29, 2026 REQUEST FOR DEPARTMENT
REVIEW BEFORE MOTION PRACTICE**

111. On May 29, 2026, at approximately 11:45 a.m., before transmitting the formal complaints to the Internal Affairs Bureau and Office of Equity and Inclusion, I sent a written request for Department review directly to Assistant Deputy Trial Commissioner Jeff Adler.

112. I copied Agency Attorney David H. Green of the Department Advocate's Office on that communication.

113. The subject line stated: "NYPD v. Police Officer Shatorra Foster Case No. — Request for Department Review Before Motion Practice."

114. I attached the Charges and Specifications, FOSTER'S Verified Answer with Counterclaims, and the Notice of Entry concerning this Court's Decision and Order.

115. A copy of the May 29, 2026 email and written request for Department review is annexed hereto as Exhibit G.

116. The communication advised Trial Commissioner Adler and Department Advocate Green that FOSTER was not, at that time, filing a motion.

117. Instead, FOSTER was giving the Department and the disciplinary tribunal an opportunity to review and address a troubling timeline concerning:

- a. the Internal Affairs investigation;
- b. the charging decision;

- c. the Department's reliance upon allegations made by HEADLEY; and
- d. the relationship between HEADLEY'S alleged sexual misconduct and the disciplinary charges subsequently brought against FOSTER.

118. The communication expressly narrowed the issue so that the Department could not reasonably characterize the request as an attempt to litigate the entire civil action within the disciplinary forum.

119. I explained that the immediate question was whether the Department's charging and prosecution decisions adequately accounted for the timing, context, and legal significance of FOSTER'S allegation that HEADLEY sexually assaulted her inside NYPD Headquarters before HEADLEY'S complaints became the basis for disciplinary charges.

120. The communication quoted the allegations contained in FOSTER'S Verified Answer with Counterclaims concerning the March 14, 2024 incident.

121. It advised the Department that FOSTER alleged HEADLEY entered a sixth-floor dormitory room at One Police Plaza where FOSTER was sleeping, removed her clothing, forcibly spread her legs, and performed a sexual act upon her without consent.

122. It further advised that FOSTER did not immediately report the incident because of fear of retaliation, shame, and her belief that internal NYPD investigators would side with HEADLEY, a superior officer, rather than with FOSTER as a subordinate officer.

123. The communication acknowledged that FOSTER did not disclose the alleged assault until after retaining counsel.

124. It expressly warned that delayed disclosure was part of the relevant context and could not properly be used as a basis to ignore the allegation.

125. The communication also advised that text messages existed confirming sexual contact between the parties, although the issue of consent remained disputed.

126. I set forth the relevant chronology:

- a. FOSTER alleges that HEADLEY sexually assaulted her on March 14, 2024;
- b. HEADLEY reported allegations to IAB on July 8, 2024;
- c. FOSTER was subjected to a department interview in September 2024; and
- d. the Department initiated Charges and Specifications against FOSTER on December 18, 2024 based upon complaints made by HEADLEY.

127. I expressly advised Trial Commissioner Adler and Department Advocate Green that this sequence raised a substantial concern.

128. I warned that the Department appeared to have proceeded with charges against FOSTER without fully addressing the timing, context, and potentially retaliatory significance of the allegation that the complainant-source sexually assaulted FOSTER before making the complaints that became the basis for the prosecution.

129. I further advised that the issue was not whether the disciplinary tribunal should decide the civil action.

130. The issue was whether the Department could fairly proceed with the disciplinary prosecution without accounting for the allegation that the complainant-source of the charges was also the alleged perpetrator of sexual misconduct and later initiated or influenced the accusations used against FOSTER.

131. The communication specifically placed the Department on notice of New York City Administrative Code § 8-107.1.

132. I explained that the New York City Human Rights Law protects actual or perceived victims of sex offenses, domestic violence, and stalking, and that employment practices based upon such status may include practices resulting from the conduct of the alleged perpetrator.

133. I further placed the Department on notice of *Reynolds v. Fraser* and the principle that a City agency may not mechanically apply a facially neutral disciplinary rule while disregarding protected victim-status circumstances intertwined with the conduct of the alleged perpetrator.

134. The communication also placed Trial Commissioner Adler and Department Advocate Green on notice of this Court's March 2026 Decision and Order.

135. I explained that this Court had rejected HEADLEY'S attempt to rely upon selected text messages and a context-stripping analysis to defeat FOSTER'S claims at the pleading stage.

136. I advised that this Court had recognized that reactions to trauma, coercion, abuse, domestic violence, and sexual assault may vary and may not conform to assumptions made by persons viewing the circumstances from a distance.

137. I further advised that this Court had declined to determine from selected text messages that FOSTER consented to any particular sexual act.

138. The communication therefore expressly warned the Department that selected communications, delayed disclosure, continued contact, alleged admissions, or an "unsubstantiated" internal closure could not properly be treated as dispositive of:

- a. FOSTER'S credibility;
- b. HEADLEY'S credibility;

- c. consent;
- d. coercion;
- e. retaliation; or
- f. motive.

139. I advised that those issues required a contextual investigation rather than adoption of HEADLEY'S narrative.

140. I further advised that this Court had held FOSTER'S allegations sufficient to plead claims under the NYSHRL, NYCHRL, and Gender-Motivated Violence Protection Law.

141. I expressly stated that the Court's pleading-stage ruling did not establish the truth of the allegations.

142. I explained, however, that the ruling confirmed that the allegations were legally cognizable, fact-intensive, and directly related to consent, coercion, workplace retaliation, credibility, and abuse of authority.

143. The communication concluded by reserving FOSTER'S right to file an appropriate motion if the Department failed to adequately review and address:

- a. the chronology;
- b. the charging decision;
- c. the victim-status implications;
- d. this Court's Decision and Order; and
- e. the Department's continued reliance upon HEADLEY'S complaints.

144. This communication was therefore an express warning to the Trial Commissioner and the Department Advocate before the later OEI and IAB complaints were transmitted.

145. It afforded the officials directly responsible for prosecuting and adjudicating the disciplinary matter an opportunity to pause, reassess, investigate, or otherwise address the problem before motion practice became necessary.

146. Neither Trial Commissioner Adler nor Department Advocate Green provided a substantive response addressing the issues raised.

147. The Department did not adjourn or suspend the prosecution.

148. It did not advise that the charging decision would be reassessed.

149. It did not advise that FOSTER'S sexual-assault allegation would be reopened or meaningfully investigated.

150. It did not identify any referral to IAB or OEI arising from the communication.

151. It did not advise that HEADLEY'S role, credibility, motive, or alleged retaliatory interest would be independently reviewed.

152. The Department instead continued advancing the prosecution.

THE MAY 29, 2026 OEI AND IAB COMPLAINTS

153. On May 29, 2026, at approximately 4:51 p.m., I transmitted a detailed written complaint by email to the NYPD Office of Equity and Inclusion and Internal Affairs Bureau.

154. FOSTER was copied on the email.

155. The subject line stated: "Demanding An Investigation Into the Sexual Misconduct, Retaliatory Discipline, Selective Enforcement, and Investigative Cover-Up Involving Trevlyn O. Headley."

156. The email attached the Charges and Specifications, FOSTER'S Verified Answer with Counterclaims, and the Notice of Entry concerning this Court's Decision and Order.

157. A copy of the May 29, 2026 email, complaint, and transmitted attachments is annexed hereto as Exhibit H.

158. The complaint identified FOSTER, HEADLEY, the related IAB and SIU matter, Department Advocate Case No. C-030622, and this New York County action.

159. The complaint alleged serious sexual misconduct, sex-based harassment, retaliation, workplace grooming, misuse of Department authority, misuse of Department computer systems, improper access to or disclosure of confidential Department information, witness intimidation or influence, selective enforcement, and investigative irregularities involving HEADLEY.

160. The complaint expressly stated that it was intended to place OEI, IAB, the Department Advocate's Office, and all appropriate Department decisionmakers on formal notice.

161. The complaint expressly warned that the Department's prior handling appeared incomplete, one-sided, and structurally unreliable.

162. It further warned that the Department appeared to have built a HEADLEY-driven disciplinary theory against FOSTER while failing to meaningfully investigate HEADLEY as an alleged sexual abuser, retaliator, subject officer, and potential source of the disciplinary narrative being used against FOSTER.

163. The complaint did not merely request review of historical conduct.

164. It directly challenged the fairness and legality of the active disciplinary prosecution.

165. It demanded investigation of HEADLEY'S alleged March 14, 2024 sexual assault of FOSTER inside NYPD Headquarters.

166. It demanded investigation of HEADLEY’S alleged sexual harassment, sexually coercive conduct, grooming, retaliation, and abuse of authority.

167. It demanded investigation of HEADLEY’S use of Department systems, including the substantiated November 15, 2023 CPR inquiry of FOSTER.

168. It demanded investigation of HEADLEY’S alleged access to confidential Department personnel, disciplinary, mental-health-related, or IAB information.

169. It demanded investigation of HEADLEY’S role in initiating, shaping, influencing, or benefiting from the allegations that became the basis for the December 18, 2024 Charges and Specifications against FOSTER.

170. It demanded examination of the Department’s use of “stalker” terminology before adjudication.

171. It demanded examination of the Department’s failure to reassess the investigation after FOSTER filed her Verified Answer with Counterclaims.

172. It demanded examination of whether the Department’s continued prosecution constituted retaliation, selective enforcement, victim-status discrimination, failure to investigate, or adoption of an alleged perpetrator’s narrative.

173. The complaint expressly identified the investigative measures that should have occurred after the Department received FOSTER’S allegations.

174. Those measures included interviewing FOSTER, interviewing HEADLEY, preserving records concerning March 14, 2024, reviewing HEADLEY’S history and Department-system access, reassessing the charges, and disclosing the issues to the Department Advocate and Trial Commissioner.

175. The May 29 complaint was therefore the warning.

176. It should not be characterized as a preliminary complaint followed by some later warning.

177. It expressly warned the Department, IAB, OEI, DAO, the Trial Commissioner, and appropriate decisionmakers that continuing the prosecution without addressing the alleged contamination would perpetuate the challenged retaliation.

THE MAY 29, 2026 SUPPLEMENTAL COMPLAINT

178. On May 29, 2026, at approximately 6:21 p.m., I transmitted a supplemental complaint to IAB concerning the Prosecutorial Wall materials.

179. FOSTER was again copied.

180. A copy of the supplemental complaint and email is annexed hereto as Exhibit I.

181. The supplemental complaint identified IAB Log No. 2024-26542, Case No. (G51) PW-2024-19, Department Advocate Case No. C-030622, and this action.

182. It addressed the Group 25 criminal-side referral, use of prior Redhead materials, the negative Instagram audit, Attendance App analysis, 311, Cloudflare and Pinger theories, District Attorney and Police Accountability Unit communications, C-1 classification, signed Charges and Specifications, and the Information-and-Intelligence closing.

183. The supplemental complaint stated that it did not withdraw, narrow, or replace FOSTER'S prior allegations.

184. It reiterated FOSTER'S allegations that HEADLEY sexually assaulted her, groomed her through workplace access and Department resources, misused Department computer systems, retaliated against her, misused confidential information, manipulated witnesses, and used IAB and disciplinary channels to manufacture or influence a case against her.

185. The supplemental complaint warned that the Department had built a criminal-side structure around HEADLEY as the victim and FOSTER as the subject.

186. It asserted that the Department had continued without meaningfully integrating evidence undermining HEADLEY'S credibility, motive, and role.

187. It requested investigation into who approved that structure, who accepted HEADLEY'S victim posture, and why FOSTER'S sexual-assault and retaliation allegations were not integrated into the same investigative frame.

THE MAY 30, 2026 ACKNOWLEDGMENT AND SUPPLEMENTAL NOTICE

188. On May 30, 2026, at approximately 8:06 a.m., I emailed IAB requesting confirmation that the submissions had been received and preserved.

189. I requested the assigned OEI and IAB log numbers and the identity of the unit or investigator responsible for intake or review.

190. I expressly advised that the allegations concerned an active disciplinary prosecution and implicated FOSTER'S statutory rights, victim-status protections, retaliation claims, selective enforcement, and the integrity of the underlying investigation.

191. A copy of that communication is annexed hereto as Exhibit J.

192. On May 30, 2026, at approximately 12:03 p.m., the IAB Command Center responded.

193. IAB confirmed that it had received both emails sent the previous day.

194. IAB advised that IAB Log No. 2026-18936 had been generated.

195. IAB stated that the log would be processed according to IAB guidelines.

196. IAB further represented that, upon determining the IAB unit or group to which the log would be assigned, that unit or group would contact me.

197. A copy of IAB's confirmation is annexed hereto as Exhibit J.

198. On May 30, 2026, at approximately 3:16 p.m., I submitted additional written notice concerning my continuing review of the Prosecutorial Wall and SIU investigative records.

199. I requested that all submitted materials be preserved, reviewed, and associated with IAB Log No. 2026-18936.

200. I again requested notice once the matter had been assigned to a specific unit or group.

201. I advised that the disclosed records materially bore upon HEADLEY'S conduct, credibility, motive, Department-resource access, and potential retaliatory use of Department process.

202. I requested that the assigned unit review the Prosecutorial Wall and SIU files, the handling of HEADLEY'S conduct, FOSTER'S allegations and outcry evidence, and the decisions that resulted in HEADLEY-related conduct being minimized while FOSTER was charged.

203. On May 30, 2026, at approximately 3:41 p.m., IAB confirmed that the information would be added to IAB Log No. 2026-18936.

NO SUBSTANTIVE RESPONSE FROM IAB OR OEI

204. Despite IAB's written representation that the assigned unit or group would contact me, no IAB investigator has contacted me.

205. No IAB investigator has contacted FOSTER.

206. No person has identified the unit or group assigned to IAB Log No. 2026-18936.

207. No person has identified an investigator or supervisor.

208. No person has requested an interview of FOSTER.

209. No person has requested that FOSTER provide a detailed account of the March 14, 2024 alleged sexual assault.

210. No person has requested documents, witnesses, electronic records, photographs, location information, access records, or other evidence from FOSTER or me.

211. No person has advised whether the allegation is being investigated.

212. No person has explained the status of IAB Log No. 2026-18936.

213. No person has advised whether IAB consolidated the new complaint into a prior matter, referred it elsewhere, declined it, closed it, or left it pending.

214. The Office of Equity and Inclusion has not contacted me.

215. OEI has not contacted FOSTER.

216. OEI has not assigned an investigator known to us.

217. OEI has not requested an interview, statement, documents, or evidence.

218. OEI has not acknowledged whether it opened a separate complaint or matter.

219. OEI has not advised whether it referred the allegations to IAB or another unit.

220. OEI has provided no substantive response.

221. This silence is particularly significant because the Department's prior investigative materials had already noted FOSTER'S sexual allegations and apparently closed or disposed of them without contacting her.

222. The May 29 and May 30 submissions therefore did not present entirely unknown allegations.

223. They exposed and challenged the Department's prior failure to investigate allegations already present within its own records.

224. The Department was expressly asked to correct that failure before continuing a disciplinary prosecution materially connected to HEADLEY'S narrative.

225. It did not do so.

THE FIRST BRONX COUNTY RETALIATION ACTION

226. On May 31, 2026, FOSTER commenced Foster v. City of New York, et al., Index No. 810713/2026E, in Supreme Court, Bronx County.

227. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit L.

228. That action alleges that the Department adopted, preserved, continued, and ratified a contaminated HEADLEY-driven disciplinary narrative while minimizing or failing to investigate HEADLEY-related misconduct.

229. The action alleges retaliation under the New York State Human Rights Law and New York City Human Rights Law.

230. It further alleges that the Department's continued prosecution of FOSTER after notice of her discrimination and sexual-misconduct complaints constituted additional retaliation.

231. On June 2, 2026, the City of New York and multiple NYPD defendants were served with that action.

232. Proofs of service are annexed hereto as Exhibit M.

233. The City and NYPD therefore had formal litigation notice of the first Bronx County retaliation action by June 2, 2026.

THE JUNE 3, 2026 HAIR-TESTING DIRECTIVE

234. On June 3, 2026, one day after service of the first Bronx County action, FOSTER was working at 350 Marconi Street in Bronx County.

235. She received a telephone call from an unidentified female civilian associated with the NYPD Medical Division.

236. The caller stated that FOSTER'S name had "popped" for a "random" drug test.

237. FOSTER was directed to report "ASAP."

238. The testing involved collection of hair.

239. The Department did not identify who selected FOSTER, who generated the testing directive, who approved it, or whether any person exercised discretion in connection with the selection or timing.

240. The Department did not provide FOSTER with the audit trail, randomization record, selection data, authorization history, or communications concerning the directive.

241. The temporal sequence was immediate: service of the first retaliation action on June 2, followed by the purportedly random hair-test directive on June 3.

242. FOSTER alleges that the directive constituted further retaliation.

THE SECOND BRONX COUNTY RETALIATION ACTION

243. On June 24, 2026, FOSTER commenced a second action in Supreme Court, Bronx County, captioned Foster v. City of New York, Jessica S. Tisch, and Psychemedics Corporation, Index No. 812396/2026E.

244. A copy of the filed Summons and Verified Complaint is annexed hereto as Exhibit N.

245. The second action challenges the June 3, 2026 hair-testing directive as retaliation following FOSTER'S protected complaints, counterclaims, internal submissions, first Bronx action, and service of that action.

246. The second complaint details the Department's preexisting notice of FOSTER'S protected activity before the testing directive.

247. It also alleges that the Department Advocate's Office, Trial Commissioner's Office, IAB, OEI, Legal Bureau, Medical Division, and other Department actors possessed actual or constructive notice of the protected activity.

248. The second Bronx action has been served upon the appropriate defendants.

249. Proofs of service are annexed hereto as Exhibit O.

**THE DEPARTMENT CONTINUED ADVANCING
THE DISCIPLINARY PROSECUTION**

250. The Department did not suspend, adjourn, or meaningfully reassess the disciplinary proceeding after receiving the May 29 and May 30, 2026 written warnings and complaints.

251. It did not suspend the proceeding after the Internal Affairs Bureau acknowledged receipt of the submissions and generated IAB Log No. 2026-18936.

252. It did not suspend the proceeding after neither IAB nor the Office of Equity and Inclusion contacted FOSTER or undersigned counsel to obtain an interview, statement, documents, witnesses, or other evidence.

253. It did not suspend the proceeding after the first Bronx County retaliation action was commenced and served.

254. It did not suspend the proceeding after FOSTER received the June 3, 2026 directive to report "ASAP" for the purportedly random hair drug test.

255. It did not suspend the proceeding after the second Bronx County retaliation action was commenced.

256. Instead, the Department Advocate's Office continued actively litigating Department Advocate Case No. C-030622.

257. On June 24, 2026, Agency Attorney David H. Green submitted a Motion in Limine to Deputy Commissioner-Trials Rosemarie Maldonado.

258. A copy of the Department's Motion in Limine is annexed hereto as Exhibit P.

259. The Department requested an order precluding FOSTER from introducing unspecified evidence concerning what it broadly characterized as "collateral issues" that did not bear directly upon a valid defense to the Charges and Specifications.

260. In the alternative, the Department requested that FOSTER be required to make an advance offer of proof before presenting witness testimony concerning any such evidence.

261. The Department further urged that evidence should not be admitted merely because FOSTER offered it as generally related to witness credibility, unless she first demonstrated its specific relevance to the issues the disciplinary tribunal would decide.

262. The Department did not identify a particular witness, document, exhibit, communication, subject matter, factual category, or anticipated item of testimony that it sought to preclude.

263. It instead sought a broad prospective restriction upon FOSTER'S defense before the disputed evidence was identified, presented, or placed into its actual evidentiary context.

264. At approximately 6:26 a.m. on June 24, 2026, I submitted a written response in opposition to the Department's motion.

265. The response was directed to Commissioner Maldonado and transmitted to Agency Attorney Green and the other identified Department attorneys and personnel associated with the disciplinary matter.

266. A copy of my response is annexed hereto as Exhibit Q.

267. I argued that the Department's request was procedurally and substantively improper because it identified no concrete evidentiary dispute for adjudication and instead sought an advisory ruling that could impair FOSTER'S ability to defend herself.

268. I further explained that the Department itself drafted expansive, intent-based charges alleging that FOSTER engaged in a course of conduct directed at one or more persons, acted intentionally, acted without legitimate purpose, made false or baseless reports, and misused Department systems and devices.

269. Those allegations necessarily placed context, motive, credibility, bias, prior communications, legitimate purpose, investigative selectivity, witness relationships, complainant conduct, and the reasonableness of alleged fear directly at issue.

270. I advised the disciplinary tribunal that the Department could not transform those subjects into collateral matters merely by labeling them as such.

271. Where the Department charges stalking, harassment, aggravated harassment, false reporting, and misuse of Department resources, FOSTER must be permitted to test the Department's proof, confront its witnesses, establish bias and motive, challenge the factual basis for the charges, and demonstrate that her conduct had a legitimate purpose or was materially mischaracterized.

272. I further argued that the Department's proposed restriction was one-sided because it would permit the Department to present its narrative while requiring FOSTER to obtain advance permission before eliciting testimony needed to explain context, impeach witnesses, or establish a defense.

273. I expressly advised that cross-examination and impeachment do not become collateral merely because they are inconvenient to the Department's theory of the case.

274. I further advised that witness credibility was likely to be central to the adjudication and could not fairly be restricted through a blanket advance ruling.

275. I explained that, if the Department objected to a particular question, document, exhibit, or witness during the trial, it could raise a contemporaneous objection and permit the Trial Commissioner to decide the issue in its actual evidentiary context.

276. I therefore requested that the Department's Motion in Limine be denied in its entirety.

277. In the alternative, I requested that any ruling make clear that FOSTER remained free to present evidence and conduct cross-examination concerning context, motive, credibility, bias, legitimate purpose, investigative deficiencies, selective enforcement, complainant conduct, prior communications, and all other matters bearing upon the Department's burden of proof or FOSTER'S defenses.

278. The Department's transmittal advised that the disciplinary matter was scheduled for a conference on June 30, 2026.

279. The Motion in Limine is material to this application because it demonstrates that, after receiving direct written notice of FOSTER'S sexual-assault allegation, the alleged investigative contamination, the internal complaints, the two civil retaliation actions, and the absence of any meaningful IAB or OEI investigation, the Department did not pause the prosecution.

280. It instead sought to define as potentially collateral the very subjects through which FOSTER intends to challenge the origin, integrity, neutrality, and retaliatory character of the disciplinary case.

281. HEADLEY'S credibility, motive, Department-system access, alleged sexual misconduct, alleged retaliation, alleged witness influence, complainant conduct, prior communications, and role in shaping the investigative narrative are not peripheral matters.

282. They bear directly upon whether HEADLEY'S allegations were reliable, whether the Department investigated competing explanations fairly, whether FOSTER acted with the intent alleged, whether her conduct had a legitimate purpose, whether the alleged fear attributed to HEADLEY was reasonable, and whether the Department's evidence was selectively developed or interpreted.

283. The Department seeks to prosecute FOSTER upon a record materially shaped by HEADLEY while restricting the evidence and cross-examination through which FOSTER can demonstrate why that record is incomplete, biased, retaliatory, or unreliable.

284. The Department's continued prosecution after actual notice therefore does not present merely an alleged historical investigative deficiency.

285. It presents conscious institutional continuation after the officials responsible for prosecuting and adjudicating the matter were directly warned of the defect and afforded an opportunity to pause and reassess the case before motion practice.

286. The Department cannot credibly assert that the relevant officials were unaware of the issues.

287. On May 29, 2026, at approximately 11:45 a.m., I wrote directly to Trial Commissioner Jeff Adler and copied Agency Attorney Green, attached the Charges and

Specifications, FOSTER'S Verified Answer with Counterclaims, and the Notice of Entry, and requested Department review before motion practice.

288. That correspondence expressly identified the allegation that HEADLEY sexually assaulted FOSTER inside NYPD Headquarters before HEADLEY'S complaints became the basis for the disciplinary charges.

289. It expressly identified the timing, charging, victim-status, consent, coercion, credibility, and retaliation issues requiring review.

290. Later that day, the OEI and IAB complaints expressly identified Department Advocate Case No. C-030622 and the New York County action.

291. Those complaints attached the Charges and Specifications, FOSTER'S Verified Answer with Counterclaims, and the Notice of Entry.

292. They expressly alleged that the continued prosecution was retaliatory, selectively enforced, victim-status insensitive, and structurally contaminated.

293. IAB acknowledged receipt of the complaints and generated IAB Log No. 2026-18936.

294. Neither IAB nor OEI contacted FOSTER or undersigned counsel.

295. The first Bronx County retaliation action was then filed and served.

296. The June 3 hair-test directive followed service.

297. The second Bronx County retaliation action was then commenced.

298. The Department nevertheless continued the prosecution and sought prospective restrictions upon FOSTER'S ability to present evidence challenging the Department's narrative.

299. That sequence establishes not mere notice, but notice followed by deliberate continuation.

THE NEED FOR IMMEDIATE TEMPORARY RELIEF

300. The disciplinary trial is presently scheduled to proceed on September 8, 2026, or is otherwise being actively advanced toward trial.

301. Without temporary relief, the Department may receive testimony, rule upon evidence, close the record, issue findings, prepare a report and recommendation, recommend discipline, or impose employment consequences before this Court can determine the pending application.

302. The threatened injury is not confined to money damages.

303. An adverse disciplinary adjudication could affect FOSTER'S employment, professional standing, reputation, assignments, credibility, disciplinary history, promotional opportunities, pension interests, and ability to continue serving as a police officer.

304. It could also create an administrative record that the City or HEADLEY may attempt to use in this action, the Bronx County actions, other proceedings, or public employment decisions.

305. Even if the eventual use of such findings could later be contested, the creation of the findings would itself materially alter the status quo.

306. Once testimony is received and credibility findings are made, those consequences cannot be fully undone by a later award of damages.

307. Once a report and recommendation are issued, it may be circulated, relied upon, placed into Department records, or considered by decisionmakers.

308. Once discipline is imposed, FOSTER may sustain professional and reputational consequences that cannot be precisely calculated or completely repaired.

309. The requested temporary restraint would not determine the merits of the disciplinary charges.

310. It would preserve the status quo.

311. It would prevent the administrative proceeding from overtaking this Court's consideration of the pending default motion and counterclaims.

312. It would permit the Court to determine whether the disciplinary prosecution should continue while:

- a. HEADLEY remains in default in replying to claims concerning her alleged sexual and retaliatory misconduct;
- b. the Department's prior treatment of FOSTER'S sexual allegations remains unexplained;
- c. IAB Log No. 2026-18936 remains without any disclosed substantive investigation;
- d. neither IAB nor OEI has contacted FOSTER or her counsel;
- e. the two Bronx County retaliation actions remain pending; and
- f. the Department seeks to restrict evidence concerning the alleged source and contamination of its prosecution.

313. A temporary stay would impose minimal prejudice upon the City.

314. The Department would remain free to preserve evidence, maintain its records, communicate with counsel concerning scheduling or settlement, and prepare to proceed if the stay is later lifted.

315. No witness testimony would be lost merely because the trial is temporarily adjourned.

316. No substantive right of the City would be extinguished.

317. By contrast, denying temporary relief would permit the Department to create the very findings and consequences that this application seeks to prevent before the Court can meaningfully review the record.

THE BALANCE OF THE EQUITIES

318. The equities favor preserving the present status quo.

319. FOSTER has repeatedly placed the Department on notice.

320. Her counterclaims have survived a motion to dismiss.

321. HEADLEY failed to reply after this Court denied her motion and notice of entry was served.

322. FOSTER filed a default motion rather than treating HEADLEY'S failure as immaterial.

323. The Department disclosed records showing that HEADLEY was not merely a neutral complainant.

324. FOSTER submitted detailed internal complaints.

325. IAB acknowledged those complaints and created a formal log.

326. Neither IAB nor OEI contacted the alleged victim.

327. The Department continued prosecuting her.

328. The Department then sought to restrict evidence concerning the matters that allegedly contaminated the prosecution.

329. The City cannot claim substantial prejudice from being required to pause the proceeding long enough for this Court to hear and determine the application.

330. FOSTER, however, faces immediate and potentially irreversible prejudice if the Department is permitted to proceed first and answer questions later.

PRESERVATION AND EXPEDITED DISCLOSURE

331. Preservation relief is necessary because the matters at issue involve electronically stored information, internal case-management entries, access logs, communications, mobile-device records, testing-selection records, video, access-control information, investigative files, and records that may be subject to ordinary retention, deletion, recycling, or overwrite protocols.

332. The relevant materials include records concerning:

- a. Department Advocate Case No. C-030622;
- b. IAB Log No. 2024-20012 and Case No. (SIU) M-2024-1217;
- c. IAB Log No. 2024-26542 and Case No. (G51) PW-2024-19;
- d. IAB Log No. 2026-18936;
- e. the May 29 and May 30, 2026 complaints and acknowledgments;
- f. the March 14, 2024 alleged sexual assault;
- g. the prior classification or closure of FOSTER'S sexual allegations;
- h. HEADLEY'S Department-system access and substantiated CPR misuse;
- i. communications concerning whether to continue, adjourn, reassign, or suspend the disciplinary prosecution;
- j. the June 3, 2026 purportedly random hair-test selection and directive; and
- k. the Department's receipt and consideration of the New York County and Bronx County litigation.

333. Expedited sworn disclosure is also necessary because the critical information is exclusively within the City's possession.

334. FOSTER does not know whether IAB Log No. 2026-18936 was assigned.
335. She does not know the identity of any investigator.
336. She does not know whether OEI opened a matter.
337. She does not know who closed or disposed of her earlier sexual allegations.
338. She does not know whether any person interviewed HEADLEY concerning those allegations.
339. She does not know whether the Department Advocate or Trial Commissioner reviewed the complaints.
340. She does not know who authorized continuation of the disciplinary prosecution after the complaints were acknowledged.
341. She does not know who generated, authorized, or reviewed the June 3 hair-testing directive.
342. Those facts bear directly upon the need for provisional relief and cannot be obtained from public records or FOSTER'S personal knowledge.

NO ADEQUATE REMEDY AT LAW

343. Money damages alone are insufficient.
344. The threatened harm includes compelled participation in an allegedly retaliatory and contaminated disciplinary process.
345. It includes the creation of findings concerning honesty, credibility, conduct, and fitness for police service.
346. It includes potential loss of employment, rank, assignments, pay, benefits, promotional opportunities, and professional reputation.

347. It includes potential use of an administrative determination in related litigation and employment decisions.

348. These harms are not readily measurable.

349. They cannot be fully reversed after the disciplinary record is created.

350. Temporary judicial intervention is therefore necessary before, not after, the disciplinary adjudication.

UNDERTAKING

351. FOSTER requests that the Court waive an undertaking or fix a nominal undertaking pursuant to CPLR 6312(b).

352. The requested stay merely preserves the current position of the parties.

353. It does not compel the City to pay money.

354. It does not prevent evidence preservation or lawful preparation.

355. It does not determine the merits of the disciplinary charges.

356. Any monetary injury allegedly resulting from a temporary adjournment would be minimal and speculative.

357. Requiring a substantial undertaking would burden FOSTER'S ability to obtain necessary judicial protection from an employment process controlled entirely by the City.

CONCLUSION

358. This application presents an unusual and compelling sequence.

359. FOSTER alleged that HEADLEY sexually assaulted and retaliated against her.

360. The Department's own records noted those allegations but apparently closed or disposed of them without contacting FOSTER.

361. This Court sustained FOSTER'S counterclaims against dismissal.

362. The Department later disclosed records showing that HEADLEY was also a subject officer and that her conduct, credibility, Department-system use, and retaliatory interest required scrutiny.

363. I submitted detailed complaints warning IAB, OEI, DAO, the Trial Commissioner, and appropriate Department decisionmakers that the continued prosecution was allegedly contaminated and retaliatory.

364. IAB acknowledged receipt, created Log No. 2026-18936, and stated that the assigned unit would contact me.

365. No one did.

366. FOSTER commenced and served the first Bronx retaliation action.

367. The next day, she was ordered to report “ASAP” for a purportedly random hair test.

368. She commenced the second Bronx retaliation action.

369. The Department still continued the disciplinary prosecution.

370. HEADLEY then failed to reply to FOSTER’S counterclaims, and FOSTER moved for a default judgment.

371. The Department now seeks to proceed with the disciplinary trial while restricting evidence concerning HEADLEY’S credibility, motive, alleged misconduct, and role in the investigation.

372. The requested temporary relief is necessary to preserve this Court’s ability to render meaningful relief, maintain the status quo, protect the integrity of the judicial process, and prevent irreparable harm.

373. No prior application for the relief sought herein has been made, except as may otherwise appear in the record.

WHEREFORE, Defendant/Counterclaim-Plaintiff SHATORRA FOSTER respectfully requests that this Court sign the proposed Order to Show Cause, grant the requested temporary restraining order, stay Department Advocate Case No. C-030622 pending the hearing and determination of the application, grant a preliminary injunction, direct preservation and expedited sworn disclosure, waive or fix a nominal undertaking, and grant such other and further relief as the Court deems just and proper.

Dated: July 27, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Defendant/Counterclaim-Plaintiff
SHATORRA FOSTER

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.thesandersfirmpc.com>