

RECEIVED NYSCEF: 07/30/2026
AT I.A.S PART 62 OF THE
SUPREME COURT OF THE STATE
OF NEW YORK, HELD IN AND FOR
THE COUNTY OF NEW YORK AT
THE COURTHOUSE LOCATED
AT 80 ~~CENTRE~~ THOMAS STREET,
NEW YORK NEW YORK ON THE 28
OF July, 20 26.

HON. ARIEL D. CHESLER
J.S.C.
 PRESENT: _____
 J.S.C.

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

-----x
 TREVLYN HEADLEY

Plaintiff,

ORDER TO SHOW CAUSE
 Injunction

MS # 2

-against-

Index No.: 155228/2025

CITY OF NEW YORK, SHATORRA FOSTER, TANIA
 KINSELLA

Defendants
 -----x

**ORDER TO SHOW CAUSE FOR A TEMPORARY RESTRAINING ORDER,
 PRELIMINARY INJUNCTION, STAY, PRESERVATION RELIEF,
 AND EXPEDITED DISCLOSURE**

Upon reading and filing the annexed Affirmation of Eric Sanders, Esq., dated July 28, 2026, the Affidavit of Defendant/Counterclaim-Plaintiff SHATORRA FOSTER, sworn to on July 27, 2026, the exhibits annexed thereto, Defendant/Counterclaim-Plaintiff SHATORRA FOSTER'S Memorandum of Law, the Verified Answer with Counterclaims previously filed in this action, the papers submitted in support of FOSTER'S pending motion for a default judgment against Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY, and all prior pleadings, orders, proceedings, and papers filed herein;

LET Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY, Defendant THE CITY OF NEW YORK, and Defendant TANIA KINSELLA, or their respective counsel, show cause before this Court, at the Supreme Court of the State of New York, County of New York, located at ⁸⁰~~60~~ Centre Street, New York, New York ¹⁰⁰¹³~~10007~~, IAS Part 62, Room 328 on the 28th day of September 2026, at 10 A.m., or as soon thereafter as counsel may be heard, why an Order

should not be entered pursuant to CPLR 2201, 6301, 6311, 6312, 6313, and the Court's inherent authority:

1. Granting Defendant/Counterclaim-Plaintiff SHATORRA FOSTER a preliminary injunction restraining Defendant THE CITY OF NEW YORK, the New York City Police Department, the Police Commissioner, the Department Advocate's Office, the Trial Commissioner's Office, and their respective officers, employees, agents, representatives, attorneys, and all persons acting in active concert or participation with them from commencing, conducting, continuing, advancing, or completing the Department disciplinary trial or any related adjudicative proceeding against FOSTER arising from Department Advocate Case No. C-030622, pending:

- a. determination of FOSTER'S pending motion for a default judgment against Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY;
- b. determination of the claims and counterclaims pending in this action;
- c. meaningful investigation and disposition of the allegations submitted to the NYPD Office of Equity and Inclusion and Internal Affairs Bureau concerning HEADLEY'S alleged sexual misconduct, retaliation, misuse of Department authority, misuse of Department systems, witness influence, and the alleged contamination of the disciplinary investigation; or
- d. such other period as the Court determines necessary to preserve its jurisdiction and prevent the relief sought in this action from being rendered ineffectual;

2. Enjoining Defendant THE CITY OF NEW YORK, the NYPD, the Department Advocate's Office, the Trial Commissioner's Office, and all persons acting on their behalf from receiving testimony, introducing evidence, closing the evidentiary record, issuing findings,

preparing or issuing a report and recommendation, recommending or imposing discipline, or taking any other action that materially advances Department Advocate Case No. C-030622 during the pendency of the injunction;

3. Enjoining Defendant THE CITY OF NEW YORK, the NYPD, and their officers, employees, agents, representatives, and attorneys from issuing, adopting, ratifying, enforcing, or giving administrative, evidentiary, disciplinary, collateral, or preclusive effect to any findings, conclusions, recommendations, or determinations materially derived from the disputed HEADLEY-centered investigative narrative before this Court determines the pending default application and the counterclaims arising from HEADLEY'S alleged conduct;

4. Staying the disciplinary proceeding pursuant to CPLR 2201 pending the ~~hearing~~ ~~and~~ determination of this application and for such further period as the Court deems just and proper;

5. Directing defendant THE CITY OF NEW YORK and the NYPD to preserve, without deletion, destruction, alteration, concealment, overwriting, recycling, loss, modification, or expiration, all hard-copy records and electronically stored information 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. all Special Investigations Unit, Prosecutorial Wall, Group 25, Group 51, Information-and-Intelligence, and Police Accountability Unit materials concerning FOSTER and HEADLEY;

- f. all records concerning FOSTER'S allegation that HEADLEY sexually assaulted her inside an NYPD Headquarters dormitory room on March 14, 2024;
- g. all records reflecting when, how, by whom, and under what classification FOSTER'S sexual-assault, sexual-harassment, sexual-coercion, retaliation, grooming, or abuse-of-authority allegations were recorded, reviewed, investigated, closed, deemed unsubstantiated, classified as informational, or otherwise disposed of;
- h. all records showing whether FOSTER was contacted, interviewed, reinterviewed, asked to provide evidence, or otherwise permitted to participate in any investigation of those allegations;
- i. all May 29 and May 30, 2026 complaints, supplemental complaints, emails, attachments, intake records, acknowledgments, routing records, assignments, endorsements, investigative entries, communications, and other materials submitted to or received by the Office of Equity and Inclusion and Internal Affairs Bureau, including all materials associated with IAB Log No. 2026-18936;
- j. all records showing whether IAB Log No. 2026-18936 was assigned to a unit, group, investigator, supervisor, or command, and all records showing any action or nonaction taken after its creation;
- k. all records showing whether OEI opened a separate matter, assigned an investigator, conducted an intake, referred the matter, or took any other action concerning the May 29 and May 30, 2026 submissions;

- l. all records concerning HEADLEY'S alleged sexual misconduct, sexual harassment, coercion, retaliation, grooming, abuse of authority, Department-resource misuse, computer access, confidential-information misuse, witness contacts, workplace conduct, and treatment of female members of the service;
- m. all records concerning HEADLEY'S November 15, 2023 CPR inquiry of FOSTER and any determination that the inquiry constituted substantiated computer misuse;
- n. all records concerning HEADLEY'S demotion from probationary lieutenant to sergeant, any OEI, OEEI, or related findings, her modified-assignment status, and any disciplinary, integrity, credibility, or workplace-misconduct history bearing upon her role as complainant, subject officer, or source of the disciplinary allegations against FOSTER;
- o. all communications concerning the scheduling, continuation, adjournment, prosecution, reassessment, recusal, reassignment, settlement, or disposition of the disciplinary proceeding against FOSTER;
- p. all communications among or involving the Department Advocate's Office, Trial Commissioner's Office, Internal Affairs Bureau, Office of Equity and Inclusion, Legal Bureau, Medical Division, Special Investigations Unit, Group 25, Group 51, Office of the Police Commissioner, and relevant command personnel concerning FOSTER, HEADLEY, the pending civil actions, or Department Advocate Case No. C-030622;
- q. all communications or records reflecting whether the Department Advocate's Office, Trial Commissioner's Office, Legal Bureau, or Office of the Police

Commissioner received, reviewed, discussed, or acted upon the May 29 and May 30, 2026 complaints and IAB Log No. 2026-18936;

- r. all records concerning the selection, authorization, timing, notification, administration, chain of custody, analysis, reporting, review, and purpose of the June 3, 2026 purported random hair drug test involving FOSTER;
- s. all records concerning the first Bronx County retaliation action, Foster v. City of New York, et al., Index No. 810713/2026E, including service of that action on June 2, 2026;
- t. all records concerning the second Bronx County retaliation action, Foster v. City of New York, et al., Index No. 812396/2026E;
- u. all audit trails, access logs, metadata, emails, text messages, mobile-device records, messaging-platform communications, recorded calls, handwritten notes, memoranda, case-management entries, command logs, access-control records, building-entry records, dormitory records, tour records, assignment records, video records, and other materials concerning the foregoing subjects; and
- v. all records showing whether automatic deletion, recycling, overwriting, or document-destruction protocols were suspended after receipt of the May 29 and May 30, 2026 complaints;

6. Directing defendant THE CITY OF NEW YORK to provide expedited sworn disclosure, through one or more persons with personal knowledge, identifying:

- a. every person who received, reviewed, routed, assessed, endorsed, assigned, investigated, supervised, or otherwise acted upon the May 29 and May 30, 2026 complaints and supplemental submissions;
- b. the date and time IAB Log No. 2026-18936 was created;
- c. the unit or group to which IAB Log No. 2026-18936 was assigned, if any;
- d. the date of any assignment;
- e. the identity and title of every assigned investigator and supervisor;
- f. every investigative, intake, preservation, referral, reassessment, recusal, adjournment, or corrective action taken in response to the complaints;
- g. whether either FOSTER or undersigned counsel was contacted by IAB or OEI after IAB represented that the assigned unit or group would make contact;
- h. why no such contact occurred, if none occurred;
- i. whether OEI opened a separate intake, complaint, file, or investigation;
- j. whether FOSTER'S March 14, 2024 sexual-assault allegation was previously recorded, classified, investigated, closed, deemed unsubstantiated, designated informational, or otherwise disposed of;
- k. the date of any such disposition;
- l. the identity of each investigator and supervisor responsible for the disposition;
- m. whether FOSTER was contacted or interviewed before that disposition;
- n. the evidence relied upon to close, classify, or otherwise dispose of the allegation without an interview of FOSTER;

- o. whether HEADLEY was interviewed concerning FOSTER'S sexual-assault, sexual-harassment, coercion, retaliation, grooming, or abuse-of-authority allegations;
- p. whether video, access-control, building-entry, dormitory, command-log, tour, assignment, or movement records concerning March 14, 2024 were preserved, obtained, reviewed, or lost;
- q. whether the Department Advocate's Office and Trial Commissioner's Office received or reviewed the May 29 and May 30, 2026 complaints, the SIU and Prosecutorial Wall materials, and IAB Log No. 2026-18936;
- r. whether the Department Advocate's Office or Trial Commissioner's Office reassessed the disciplinary prosecution after receiving actual notice of the complaints;
- s. whether either office considered adjournment, recusal, reassignment, independent review, supplemental investigation, withdrawal of charges, or suspension of the disciplinary proceeding;
- t. who authorized continuation of the disciplinary prosecution after receipt of the complaints and the creation of IAB Log No. 2026-18936;
- u. whether the disciplinary prosecution was reassessed after service of the first Bronx County retaliation action and the June 3, 2026 hair-test directive;
- v. whether it was reassessed after commencement of the second Bronx County retaliation action; and

w. whether any official concluded that the Department could fairly continue prosecuting FOSTER before the allegations against HEADLEY and the alleged investigative contamination were meaningfully investigated;

7. Directing Defendant THE CITY OF NEW YORK and the NYPD to file, on or before a date set by the Court, a sworn status report concerning:

- a. the present status of IAB Log No. 2026-18936;
- b. the present status of any OEI matter arising from the May 29 and May 30, 2026 submissions;
- c. whether any investigator has been assigned;
- d. whether any witness has been contacted;
- e. whether any evidence has been requested, preserved, collected, or reviewed;
- f. whether the matter was referred, closed, consolidated, declined, or administratively disposed of; and
- g. the factual and procedural basis for any such action or inaction;

8. Waiving or fixing a nominal undertaking pursuant to CPLR 6312(b), because the requested relief preserves the status quo, prevents an allegedly retaliatory and contaminated disciplinary proceeding from overtaking this Court's adjudication, and imposes no cognizable monetary injury upon Defendants; and

9. Granting such other and further relief as the Court deems just, proper, and equitable.

TEMPORARY RESTRAINING ORDER

SUFFICIENT CAUSE APPEARING THEREFOR, it is hereby:

ADC

ORDERED that, pending the hearing and determination of this Order to Show Cause, Defendant THE CITY OF NEW YORK, the New York City Police Department, the Police Commissioner, the Department Advocate's Office, the Trial Commissioner's Office, and their respective officers, employees, agents, representatives, attorneys, and all persons acting in active concert or participation with them are temporarily restrained from commencing, conducting, continuing, advancing, or completing the disciplinary trial or any related adjudicative proceeding against SHATORRA FOSTER arising from Department Advocate Case No. C-030622; and it is further

J.S.C.

ADC

ORDERED that, pending the hearing and determination of this Order to Show Cause, the foregoing persons and entities are temporarily restrained from receiving testimony, introducing evidence, issuing subpoenas for the purpose of advancing the disciplinary trial, closing the evidentiary record, issuing findings, preparing or issuing a report and recommendation, recommending or imposing discipline, or taking any other action that materially advances the disciplinary adjudication against FOSTER; and it is further

J.S.C.

ADC

ORDERED that nothing contained herein shall prohibit evidence preservation, compliance with existing litigation-hold obligations, production compelled by judicial order, or consensual communications between counsel concerning adjournment, scheduling, settlement, or preservation, provided that no disciplinary hearing or adjudicative proceeding is conducted or materially advanced; and it is further

J.S.C.

ADC

ORDERED that defendant THE CITY OF NEW YORK and the NYPD shall immediately preserve all records and electronically stored information identified above and shall suspend all automatic deletion, recycling, overwriting, expiration, and destruction protocols applicable to those materials; and it is further

J.S.C.

ADC
J.S.C.

ORDERED that defendant THE CITY OF NEW YORK shall immediately issue a written litigation hold and preservation directive to the Office of the Police Commissioner, Department Advocate's Office, Trial Commissioner's Office, Internal Affairs Bureau, Office of Equity and Inclusion, Legal Bureau, Medical Division, Special Investigations Unit, Group 25, Group 51, all personnel associated with IAB Log Nos. 2024-20012, 2024-26542, and 2026-18936, and all other persons or units possessing potentially responsive materials; and it is further

ADC
J.S.C.

ORDERED that this temporary restraint is necessary because the Department's own investigation allegedly noted FOSTER'S sexual-misconduct allegations against HEADLEY but closed or disposed of them without contacting or interviewing FOSTER; detailed written complaints were thereafter submitted to OEI and IAB concerning the active disciplinary prosecution; IAB acknowledged receipt of those complaints and generated IAB Log No. 2026-18936; no IAB or OEI investigator has contacted FOSTER or her counsel; the Department has nevertheless continued advancing the disciplinary prosecution; and permitting that adjudication to proceed before this Court can hear the application may create professional, reputational, evidentiary, employment, procedural, and preclusive consequences that cannot be adequately remedied through money damages alone.

SERVICE AND SUBMISSION SCHEDULE

ORDERED that service of a copy of this Order to Show Cause, together with the papers upon which it is granted, by NYSCEF upon all counsel who have appeared in this action, and by electronic mail upon such counsel at their known email addresses, on or before 7/31/26, 2026, at 5 p.m., shall be deemed good and sufficient service; and it is further

ORDERED that Defendant THE CITY OF NEW YORK shall, immediately upon receipt, transmit a copy of this Order and all supporting papers to:

1. the Office of the Police Commissioner;
2. the NYPD Department Advocate's Office;
3. the NYPD Trial Commissioner's Office;
4. the NYPD Legal Bureau;
5. the NYPD Internal Affairs Bureau Command Center;
6. the unit or group assigned to IAB Log No. 2026-18936;
7. the NYPD Office of Equity and Inclusion;
8. the NYPD Special Investigations Unit;
9. Group 25;
10. Group 51;
11. the NYPD Medical Division; and
12. every official responsible for scheduling, prosecuting, adjudicating, or advancing

Department Advocate Case No. C-030622;

and shall file an affirmation identifying the persons and offices to whom the papers were transmitted; and it is further

ORDERED that answering papers, if any, shall be electronically filed and served on or before

August 24, 2026, at _____ m.; and it is further

ORDERED that reply papers, if any, shall be electronically filed and served on or before

August 31, 2026, at ~~_____ms~~; and it is further

ORDERED that personal appearances are required / ~~appearances shall be conducted virtually~~
~~through~~

**ORAL ARGUMENT
DIRECTED**

ADC

J.S.C.

ENTER:

J.S.C.

HON. ARIEL D. CHESLER
J.S.C.