

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

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TREVLYN HEADLEY

Plaintiff,

AFFIRMATION

-against-

Index No.: 155228/2025

CITY OF NEW YORK, SHATORRA FOSTER, TANIA
KINSELLA

Defendants
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**SUPPLEMENTAL AFFIRMATION IN FURTHER SUPPORT OF
DEFENDANT/COUNTERCLAIM PLAINTIFF SHATORRA J. FOSTER'S
ORDER TO SHOW CAUSE**

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

1. I am the attorney for Defendant/Counterclaim Plaintiff SHATORRA J. FOSTER ("Foster") in this action. I am fully familiar with the facts and procedural history of this matter based upon my representation of Foster, my review of the pleadings and motion papers, and my participation in the related disciplinary proceedings.

2. I submit this Supplemental Affirmation in further support of Foster's proposed Order to Show Cause seeking temporary and preliminary relief concerning the New York City Police Department disciplinary proceeding arising from, and materially intertwined with, the allegations made by Plaintiff/Counterclaim Defendant TREVLYN HEADLEY ("Headley").

3. Foster previously submitted the proposed Order to Show Cause through the New York State Courts Electronic Filing System together with a supporting affirmation, memorandum of law, exhibits, and related papers.

4. The Clerk returned only the proposed Order to Show Cause for the administrative purpose of permitting payment of the required motion fee.

5. Foster's supporting affirmation, memorandum of law, exhibits, and other papers were not rejected, withdrawn, or adjudicated.

6. The Court did not deny the application or otherwise determine its merits.

7. Foster now resubmits the proposed Order to Show Cause with payment of the required fee.

8. In connection with that administrative resubmission, Foster submits a newly obtained and material Departmental determination that directly bears upon the factual and equitable grounds supporting the requested relief.

9. Annexed hereto as Exhibit R is the June 11, 2026 final disciplinary determination issued by Police Commissioner Jessica S. Tisch concerning Sergeant Trevlyn Headley, Tax Registry No. 945808, together with the underlying May 20, 2026 Report and Recommendation of Assistant Deputy Commissioner Vanessa Facio-Lince in Disciplinary Case Nos. C-033349 and C-033457.

10. The determination concerns two disciplinary matters tried before the Office of the Deputy Commissioner of Trials on March 31 and April 1, 2026.

11. In Disciplinary Case No. C-033349, Headley was found guilty of engaging in inappropriate physical contact with a subordinate police officer during a department-sponsored holiday party.

12. The subordinate officer testified that Headley took her hand, caused her to open it, and placed it upon Headley's exposed thigh. The officer testified that the contact was unwanted and made her uncomfortable because Headley was her supervisor.

13. The officer further testified that, after the encounter, Headley confronted her concerning lateness and childcare-related issues, suggested changing her tour, and later singled her out during roll call in front of other officers.

14. The officer testified that she perceived the proposed tour change as a threat and did not make an EEO complaint because she feared retaliation. The matter was reported only after an Integrity Control Officer overheard a workplace conversation and intervened.

15. Headley admitted that she placed the subordinate officer's hand upon her own leg but maintained that the contact was consensual.

16. The tribunal found material inconsistencies between Headley's trial testimony and her earlier EEO interview, declined to credit Headley's account, and credited the subordinate officer's testimony that the contact was unwanted.

17. The tribunal expressly recognized the inherent power imbalance between a lieutenant and a subordinate police officer, rejected the premise that the subordinate officer's silence or failure to resist constituted consent, and found that Headley's conduct crossed professional boundaries and threatened the integrity of the Department.

18. In Disciplinary Case No. C-033457, Headley was also found guilty of making an inappropriate comment concerning the religious attire of another subordinate member of the service.

19. Police Commissioner Tisch approved the guilty findings and imposed a penalty requiring Headley to forfeit forty-five vacation days, receive EEO remedial training, and serve one year of dismissal probation.

20. Foster does not submit the determination as an adjudication of her counterclaims against Headley. It is submitted because it constitutes an official Departmental finding directly

concerning the credibility, supervisory conduct, professional boundaries, and treatment of subordinate officers by the individual whose allegations form a central basis of the disciplinary proceeding against Foster.

21. The determination independently confirms that another subordinate officer feared retaliation from Headley and initially declined to report Headley's conduct for that reason.

22. It also establishes that the Department's own tribunal rejected Headley's consent-based account, identified material inconsistencies in her testimony, and expressly recognized the coercive effect of the supervisory relationship.

23. Those findings bear directly upon Foster's contention that evidence concerning Headley's conduct, motive, credibility, retaliatory capacity, and treatment of subordinate officers cannot fairly be excluded from the disciplinary record while the Department relies upon Headley's allegations against Foster.

24. The determination therefore undermines any contention that evidence concerning Headley is collateral, speculative, or irrelevant to the fairness of the pending disciplinary proceeding.

25. Except for the addition of this Supplemental Affirmation and Exhibit R, Foster's previously submitted supporting affirmation, memorandum of law, exhibits, and related papers remain unchanged and are incorporated herein by reference.

WHEREFORE, Defendant/Counterclaim Plaintiff SHATORRA J. FOSTER respectfully requests that the Court consider this Supplemental Affirmation and Exhibit R together with the previously submitted papers, sign the proposed Order to Show Cause, grant the temporary and preliminary relief requested therein, and grant such other and further relief as the Court deems just, proper, and equitable.

Dated: July 28, 2026
New York, N.Y.

Respectfully submitted,

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

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