

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
OSMAIRYS A. AVILA and RAY SANCHEZ

Plaintiffs,

-against-

Summons

Index No.

Jury Demand

THE CITY OF NEW YORK, JESSICA S. TISCH, EDWARD
A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O.
MORAN, JANICE FALETTE and FRANCISCO ORELLANA

Defendants
-----X

To the Defendant named above:

You are hereby summoned and required to serve a written answer to the attached Verified Complaint upon the Plaintiffs' 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.

Venue is proper in Bronx County pursuant to CPLR 503(a) and CPLR 503(c).

Plaintiffs designate Bronx County as the place of trial because a substantial part of the acts and omissions giving rise to plaintiffs' claims occurred in Bronx County.

Venue is further proper because defendant THE CITY OF NEW YORK is a municipal defendant situated within the City of New York and employed plaintiffs and the individually named defendants at all relevant times.

Venue is further proper because defendant JESSICA S. TISCH, the Police Commissioner of the City of New York, maintains her official office within the City of New York, performs executive NYPD functions within the City of New York, and exercised or failed to exercise supervisory, policymaking, investigative, disciplinary, corrective, and ratification authority concerning the retaliatory conduct alleged herein.

Venue is further proper because defendant EDWARD A. THOMPSON is a New York City Police Department executive, supervisor, officer, or employee whose challenged conduct arose from his official duties within the City of New York, including his supervision, direction, approval, participation in, or ratification of Department investigations and retaliatory actions concerning plaintiffs.

Venue is further proper because defendant JOSEPH A. DIBARTOLOMEO is a New York City Police Department executive, supervisor, officer, or employee whose challenged conduct arose from his official duties within the City of New York, including his supervision, direction, approval, participation in, or ratification of Department investigations and retaliatory actions concerning plaintiffs.

Defendant JUAN O. MORAN was the commanding officer of the NYPD's 46th Precinct in Bronx County, exercised command and supervisory authority over plaintiffs, and engaged in or caused retaliatory conduct arising from his exercise and alleged abuse of that authority in Bronx County.

Venue is further proper because defendant JANICE FALETTE is a New York City Police Department supervisor, investigator, officer, or employee whose challenged conduct arose from her official duties within the City of New York, including her supervision, direction, participation in, or implementation of Department investigations and retaliatory actions concerning plaintiffs.

Venue is further proper because defendant FRANCISCO ORELLANA is a New York City Police Department supervisor, investigator, officer, or employee whose challenged conduct arose from his official duties within the City of New York, including his direct participation in Department investigations and interviews involving plaintiffs.

Venue is further proper because substantial portions of the acts and omissions giving rise to plaintiffs' claims occurred within the City of New York, including Bronx County and New York County, and because plaintiffs suffered retaliatory employment, professional, reputational, economic, and other injuries within the City of New York.

Venue is further proper because the retaliatory conduct alleged herein arose from and was directly connected to plaintiff OSMAIRYS A. AVILA's protected opposition to discrimination, sexual harassment, hostile-work-environment conduct, and retaliation, including her commencement of *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E, in Supreme Court, Bronx County. Plaintiffs allege that, shortly after the commencement of that action, defendants initiated, revived, directed, participated in, or continued Department investigations and related retaliatory actions directed at AVILA and plaintiff RAY SANCHEZ.

Dated: August 15, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Plaintiffs OSMAIRYS A. AVILA
and RAY SANCHEZ

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DEFENDANT ADDRESSES

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Office of the Corporation Counsel
100 Church Street
New York, New York 10007

JESSICA S. TISCH, EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO,
JUAN O. MORAN, JANICE FALETTE and FRANCISCO ORELLANA
c/o Police Department City of New York
Legal Bureau
One Police Plaza
New York, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK
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Defendants
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Plaintiffs OSMAIRYS A. AVILA and RAY SANCHEZ by their attorney THE SANDERS
FIRM, P.C., complaining of defendants THE CITY OF NEW YORK, JESSICA S. TISCH,
EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O. MORAN, JANICE
FALETTE and FRANCISCO ORELLANA, allege as follows:

INTRODUCTION

This is a civil-rights action arising from retaliation carried out through the command,
investigative, disciplinary, and retirement machinery of the New York City Police Department
after plaintiff OSMAIRYS A. AVILA opposed discrimination, sexual harassment, hostile-work-
environment conduct, and retaliation and commenced *Avila, et al. v. City of New York, et al.*,
Index No. 813435/2026E, in Supreme Court, Bronx County.

Plaintiff AVILA is a Latina and Dominican NYPD Sergeant. Plaintiff RAY SANCHEZ
is a retired NYPD Lieutenant Special Assignment, AVILA's romantic partner, and a former
member of service who completed more than twenty years with the Department before his
retirement became effective on August 11, 2026.

Before AVILA commenced the prior action, defendant JUAN O. MORAN knew of the AVILA-SANCHEZ relationship, had developed a personal and sexual interest in AVILA, and had already used his command authority to mistreat SANCHEZ because SANCHEZ was AVILA's romantic partner. That conduct included denying SANCHEZ authorized overtime, attempting to force him from the 46th Precinct, marginalizing him within the command, monitoring him, photographing him, and referring allegations concerning him to Internal Affairs.

After AVILA commenced protected civil-rights litigation against defendants THE CITY OF NEW YORK, JESSICA S. TISCH, and MORAN, defendants EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JANICE FALETTE, and FRANCISCO ORELLANA resurrected historical allegations concerning the AVILA-SANCHEZ relationship and SANCHEZ's attendance-recording practices. The relationship had already been investigated in 2025, AVILA did not work directly under SANCHEZ, and the attendance allegations did not claim that SANCHEZ failed to work or received compensation for work not performed. Plaintiffs allege that these stale allegations supplied a pretext for renewed Internal Affairs scrutiny and served no legitimate investigative need warranting the process defendants constructed.

On July 29, 2026, defendants EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JANICE FALETTE, and FRANCISCO ORELLANA attempted to question AVILA and SANCHEZ simultaneously at separate locations using approximately twenty predetermined questions concerning overlapping matters. Investigators were to communicate through WhatsApp while the interviews were underway, compare plaintiffs' responses in real time, identify perceived discrepancies, and use any resulting inconsistency as a disciplinary predicate against SANCHEZ immediately before his retirement. Plaintiffs allege that WhatsApp

was selected to conceal the coordination and avoid the ordinary Department communication trail reflecting how the supposedly separate interviews were being synchronized.

That interview structure was disrupted when defendants EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JANICE FALETTE, and FRANCISCO ORELLANA learned that the same attorney represented both plaintiffs. DIBARTOLOMEO reacted angrily, stating words to the effect of, “How can he represent both of them? That’s a conflict.” Despite written notice of investigative conflicts involving IAB Group 51, a demand for screening and reassignment, and an express preservation demand, defendants compelled both plaintiffs to proceed. The resulting interviews lasted approximately ten minutes for SANCHEZ and five minutes for AVILA and failed to produce the disciplinary predicate defendants sought.

Plaintiffs allege that the July 29 process was designed not merely to investigate, but to punish and quell protected activity. It subjected AVILA to renewed Internal Affairs scrutiny after she sued, placed SANCHEZ under immediate threat of discipline because of his relationship with AVILA, and demonstrated that the Department could reach AVILA through the person closest to her.

When defendants EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JANICE FALETTE, and FRANCISCO ORELLANA failed to suspend SANCHEZ before retirement, the retaliation continued through defendants CITY and TISCH. After SANCHEZ’s retirement became effective, the CITY and TISCH treated unresolved Department allegations as though misconduct had already been adjudicated. No court, administrative tribunal, hearing officer, or other adjudicative body had sustained the allegations against SANCHEZ. Nevertheless, the CITY and TISCH issued him a restricted retired identification card marked “No Firearm,” withheld his unrestricted retired identification card, H.R. 218-related

documentation and Good Guy Letter, and used or threatened to use the unresolved disciplinary process to impair other retirement-related rights and accrued benefits.

The distinction between accusation and adjudication is central to this action. The mere pendency of Department charges did not establish misconduct and did not authorize the CITY and TISCH to convert unresolved accusations into punishment without the process required to support the deprivation imposed.

In *Perros v. County of Nassau*, No. 15-CV-5598 (GRB), Dkt. 155 (E.D.N.Y. Sept. 3, 2025), the Eastern District of New York recognized that a Good Guy Letter is a meaningful law-enforcement retirement benefit upon which other benefits may depend and that restrictive retirement credentials can operate as a visible stigma within the law-enforcement community. Plaintiffs allege that the CITY and TISCH similarly used retirement administration here as an instrument of continuing retaliation after the Internal Affairs process failed to produce the disciplinary result defendants sought.

Plaintiffs allege that defendants THE CITY OF NEW YORK, JESSICA S. TISCH, EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O. MORAN, JANICE FALETTE, and FRANCISCO ORELLANA used their respective command, investigative, disciplinary, and administrative authority to punish protected activity, deter its continuation, and retaliate against AVILA and SANCHEZ under the New York State Human Rights Law, Executive Law § 296, and the New York City Human Rights Law, Administrative Code § 8-107, including through individual aiding-and-abetting liability.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to Article VI, § 7 of the New York State Constitution because this is a civil action seeking legal and equitable

relief for violations of the New York State Human Rights Law, Executive Law § 296, and the New York City Human Rights Law, Administrative Code § 8-107.

2. This Court has jurisdiction over defendant THE CITY OF NEW YORK because it is a municipal corporation organized and existing under the laws of the State of New York, conducts business within the State of New York, operates the New York City Police Department, and employed plaintiffs and the individual defendants at all relevant times.

3. This Court has jurisdiction over defendant JESSICA S. TISCH because, at all relevant times, she was the Police Commissioner of the City of New York, maintained her official office and performed executive NYPD functions within the City of New York, including New York County, and exercised executive authority over the NYPD policies, practices, supervision, discipline, internal investigations, retaliation prevention, and retirement-related administrative actions challenged in this action.

4. This Court has jurisdiction over defendant EDWARD A. THOMPSON because, at all relevant times, he was employed by the NYPD and exercised executive, supervisory, investigative, or administrative authority over the Internal Affairs Bureau and the Department investigations and retaliatory conduct challenged in this action within the City of New York.

5. This Court has jurisdiction over defendant JOSEPH A. DIBARTOLOMEO because, at all relevant times, he was employed by the NYPD, exercised supervisory, investigative, or administrative authority within the Internal Affairs Bureau, and personally participated in, directed, supervised, approved, or ratified portions of the retaliatory investigative conduct alleged herein within the City of New York.

6. This Court has jurisdiction over defendant JUAN O. MORAN because, at all relevant times, he was employed by the NYPD, served as the commanding officer of the 46th

Precinct in Bronx County, exercised supervisory and command authority over plaintiffs and other members of service, knew of plaintiffs' personal relationship, and committed, caused, participated in, or contributed to the retaliatory conduct alleged herein within the City of New York, including Bronx County.

7. This Court has jurisdiction over defendant JANICE FALETTE because, at all relevant times, she was employed by the NYPD, served as the Commanding Officer of Internal Affairs Bureau Group 51, exercised supervisory and investigative authority over Department investigations concerning plaintiffs, and personally participated in the retaliatory investigative conduct alleged herein within the City of New York.

8. This Court has jurisdiction over defendant FRANCISCO ORELLANA because, at all relevant times, he was employed by the NYPD, exercised investigative authority within the Internal Affairs Bureau, and personally participated in Department interviews and investigative conduct concerning both plaintiffs within the City of New York.

9. This Court has jurisdiction over the individual defendants because, at all relevant times, they were New York City Police Department officials, executives, supervisors, investigators, officers, or employees who worked, acted, supervised, investigated, retaliated, aided, abetted, approved, implemented, ratified, or failed to act within the City of New York in connection with the events alleged herein.

10. Venue is proper in Bronx County pursuant to CPLR 503(a) and CPLR 503(c).

11. Plaintiffs designate Bronx County as the place of trial because a substantial part of the acts and omissions giving rise to plaintiffs' claims occurred in Bronx County and arose from plaintiffs AVILA's and SANCHEZ's employment at the NYPD's 46th Precinct in Bronx County.

12. Defendant JUAN O. MORAN was the commanding officer of the NYPD's 46th Precinct in Bronx County, exercised command and supervisory authority over plaintiffs, knew of the personal relationship between AVILA and SANCHEZ, and allegedly engaged in or caused retaliatory conduct arising from his exercise and abuse of command authority in Bronx County.

13. Plaintiff AVILA's protected activity underlying this action arose from alleged discrimination, sexual harassment, hostile-work-environment conduct, and retaliation occurring at the 46th Precinct in Bronx County and culminated in the commencement of *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E, in Supreme Court, Bronx County.

14. Venue is further proper because defendant THE CITY OF NEW YORK is a municipal defendant situated within the City of New York; because defendant JESSICA S. TISCH, the Police Commissioner of the City of New York, maintains her official office and performs executive NYPD functions within the City of New York; and because defendants EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JANICE FALETTE, and FRANCISCO ORELLANA performed supervisory, investigative, administrative, or enforcement functions within the City of New York in connection with the retaliatory conduct alleged herein.

15. Venue is further proper because the challenged acts and omissions, including the revival or continuation of Department allegations concerning plaintiffs' personal relationship, the coordinated Internal Affairs Bureau investigation, the July 29, 2026 Department interviews, the alleged attempts to create disciplinary exposure, and the retirement-related actions directed against SANCHEZ, occurred within the City of New York and arose from events and protected activity substantially connected to Bronx County.

16. The retaliatory acts alleged herein occurred within the territorial scope of the New York State Human Rights Law and the New York City Human Rights Law because plaintiffs

were employed by the NYPD within the City of New York, worked in or were affected by conduct arising from the 46th Precinct in Bronx County, were subjected to Department investigations and employment-related consequences within the City of New York, and suffered retaliatory, professional, reputational, economic, and other injuries within the City of New York.

PROCEDURAL REQUIREMENTS

17. Plaintiffs have commenced this action within the applicable statute of limitations.
18. Plaintiffs' claims arise under the New York State Human Rights Law, Executive Law § 296, and the New York City Human Rights Law, Administrative Code § 8-107 et seq.
19. The applicable statute of limitations for claims brought under the New York State Human Rights Law and the New York City Human Rights Law is three years from the date the cause of action accrued.
20. The retaliatory conduct alleged herein occurred within three years of the filing of this action.
21. No Notice of Claim is required as a condition precedent to the commencement of this action because plaintiffs' claims are brought pursuant to the New York State Human Rights Law and the New York City Human Rights Law, which do not require service of a Notice of Claim under General Municipal Law § 50-e, General Municipal Law § 50-i, or any other notice-of-claim statute as a prerequisite to suit.
22. Plaintiffs have satisfied all conditions precedent necessary to maintain this action, or such conditions have been waived, excused, or are inapplicable.
23. Plaintiffs demand a trial by jury on all issues so triable.

PLAINTIFFS

24. Plaintiff OSMAIRYS A. AVILA is a female resident of Bronx County, over the age of eighteen.

25. Plaintiff AVILA is Latina and Dominican.

26. At all relevant times, plaintiff AVILA was, and remains, employed by the New York City Police Department as a Sergeant.

27. During the relevant period, plaintiff AVILA was assigned to the NYPD's 46th Precinct in Bronx County and served under the command authority, supervision, influence, and control of defendant JUAN O. MORAN.

28. Plaintiff AVILA engaged in protected activity by opposing and reporting alleged discrimination, sexual harassment, hostile-work-environment conduct, and retaliation and by commencing *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E, in Supreme Court, Bronx County.

29. Plaintiff RAY SANCHEZ is a male resident of Bronx County, over the age of eighteen.

30. Plaintiff SANCHEZ is a retired member of the New York City Police Department who attained the rank and designation of Lieutenant Special Assignment.

31. Plaintiff SANCHEZ served more than twenty years with the NYPD before his retirement became effective on August 11, 2026.

32. During the relevant period, plaintiff SANCHEZ performed supervisory and specialized law-enforcement duties, including a temporary assignment to the Bronx Robbery Task Force.

33. At all relevant times material to this action, plaintiffs AVILA and SANCHEZ were involved in a consensual romantic relationship known to defendant MORAN.

34. Plaintiffs AVILA and SANCHEZ bring claims arising from the retaliatory conduct alleged herein under the New York State Human Rights Law and the New York City Human Rights Law.

DEFENDANTS

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

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

37. At all relevant times, defendant THE CITY OF NEW YORK was plaintiffs' employer within the meaning of the New York State Human Rights Law and the New York City Human Rights Law.

38. At all relevant times, defendant THE CITY OF NEW YORK acted through the NYPD, its executives, supervisors, Internal Affairs Bureau personnel, commanding officers, investigators, officers, employees, agents, departments, bureaus, divisions, and representatives.

39. Defendant JESSICA S. TISCH is the Police Commissioner of the City of New York and is sued in her individual and official capacities.

40. At all relevant times, defendant TISCH was employed by defendant THE CITY OF NEW YORK and acted under color of her authority as Police Commissioner.

41. At all relevant times, defendant TISCH exercised executive authority over the NYPD, including authority over discipline, supervision, internal investigations, equal-employment practices, anti-harassment enforcement, retaliation prevention, Department

Advocate functions, retirement-related administrative decisions, and the maintenance of lawful workplace conditions.

42. Defendant TISCH is sued individually for her direct participation in, approval of, ratification of, and/or aiding and abetting of the retaliatory conduct alleged herein.

43. Defendant EDWARD A. THOMPSON is a New York City Police Department executive, supervisor, officer, or employee assigned to or exercising authority over the Internal Affairs Bureau.

44. At all relevant times, defendant THOMPSON exercised supervisory, investigative, administrative, command, or executive authority over Internal Affairs Bureau personnel and Department investigations.

45. Defendant THOMPSON is sued individually for his direct participation in, approval of, ratification of, and/or aiding and abetting of the retaliatory conduct alleged herein.

46. Defendant JOSEPH A. DIBARTOLOMEO is a New York City Police Department executive, supervisor, officer, or employee assigned to or exercising authority within the Internal Affairs Bureau.

47. At all relevant times, defendant DIBARTOLOMEO exercised supervisory, investigative, administrative, command, or executive authority in connection with Department investigations.

48. Defendant DIBARTOLOMEO is sued individually for his direct participation in, approval of, ratification of, and/or aiding and abetting of the retaliatory conduct alleged herein.

49. Defendant JUAN O. MORAN is a Deputy Inspector employed by the New York City Police Department.

50. At all relevant times material to this action, defendant MORAN was employed by defendant THE CITY OF NEW YORK and acted under color of his authority as an NYPD Deputy Inspector and commanding officer.

51. Defendant MORAN served as the commanding officer of the NYPD's 46th Precinct in Bronx County and exercised command authority, supervisory authority, disciplinary influence, assignment authority, scheduling influence, overtime influence, personnel influence, and practical control over subordinate members of service.

52. Defendant MORAN is sued individually for his direct participation in, causation of, and/or aiding and abetting of the retaliatory conduct alleged herein.

53. Defendant JANICE FALETTE is a New York City Police Department supervisor, officer, or employee assigned to the Internal Affairs Bureau.

54. At all relevant times, defendant FALETTE served as the Commanding Officer of Internal Affairs Bureau Group 51 and exercised supervisory, command, investigative, and administrative authority over Group 51 personnel and investigations.

55. Defendant FALETTE is sued individually for her direct participation in, approval of, ratification of, and/or aiding and abetting of the retaliatory conduct alleged herein.

56. Defendant FRANCISCO ORELLANA is a New York City Police Department supervisor, investigator, officer, or employee assigned to or acting through the Internal Affairs Bureau.

57. At all relevant times, defendant ORELLANA exercised investigative authority in connection with Department investigations concerning members of service.

58. Defendant ORELLANA is sued individually for his direct participation in and/or aiding and abetting of the retaliatory conduct alleged herein.

59. At all relevant times, the individual defendants were agents, employees, supervisors, executives, commanding officers, investigators, officers, or representatives of defendant THE CITY OF NEW YORK and the NYPD.

60. At all relevant times, each defendant acted directly, through agents, or in concert with other defendants, and each defendant is liable for the acts and omissions alleged herein to the extent permitted by the New York State Human Rights Law, the New York City Human Rights Law, and applicable law.

BACKGROUND

A. Historical Notice of Sexual Misconduct, Retaliation, and Institutional Failure Within the 46th Precinct

61. Before the retaliatory conduct challenged in this action occurred, defendants THE CITY OF NEW YORK and JESSICA S. TISCH were already on notice that the NYPD's 46th Precinct had been associated with serious allegations of sexual misconduct, supervisory abuse, retaliation, reporting failures, and investigative irregularities.

62. The most direct institutional backdrop was *N.T. v. City of New York and Jeremy Scheublin, Individually*, Index No. 804313/2026E, filed in Supreme Court, Bronx County.

63. The *N.T.* action alleged sex and gender discrimination, sexual harassment, hostile work environment, and retaliation under the New York State Human Rights Law and the New York City Human Rights Law arising from conduct inside the 46th Precinct.

64. The *N.T.* action alleged that former 46th Precinct Commanding Officer Inspector JEREMY SCHEUBLIN sexually assaulted a subordinate female officer while both were on duty and in uniform inside the 46th Precinct.

65. The *N.T.* action further alleged that SCHEUBLIN used rank, office access, assignment power, workplace pressure, and command authority to pursue, isolate, sexualize, intimidate, and retaliate against a subordinate female member of service.

66. The *N.T.* action alleged that retaliation extended beyond the female complainant.

67. It alleged that Lieutenant Steven M. Mellerson, who reported the sexual-assault allegation, was retaliatorily transferred to the midnight tour despite his seniority within the command.

68. It further alleged that the complainant was stripped of her partner, subjected to sudden tour changes and pre-tour assignments, and given undesirable or punishment posts after reporting the misconduct.

69. Those allegations placed defendants CITY and TISCH on notice that retaliation within the 46th Precinct could be directed not only against a complainant, but also against members who reported, supported, assisted, or became associated with protected complaints.

70. The *N.T.* action also alleged failures by supervisors to report inappropriate conduct to the Office of Equity and Inclusion despite their responsibilities as mandated reporters of sexual harassment.

71. The *N.T.* action further alleged facts suggesting investigative interference and intimidation, including allegations concerning movement of surveillance-camera equipment after the sexual-assault complaint.

72. Those allegations placed defendants CITY and TISCH on notice that misconduct involving command leadership could implicate not only supervisory abuse, but also the integrity of internal reporting and investigative processes.

73. The *N.T.* action further alleged that, despite the sexual-assault allegation and criminal referral, SCHEUBLIN remained on full duty, remained armed, continued exercising supervisory authority, and remained within the same command structure as the female officer who accused him.

74. The prior allegations therefore placed defendants CITY and TISCH on notice that the 46th Precinct required heightened scrutiny, supervision of supervisors, credible anti-harassment enforcement, reliable reporting protections, and meaningful safeguards against retaliation.

75. Against that institutional backdrop, defendant TISCH selected, approved, assigned, retained, supervised, or permitted defendant JUAN O. MORAN to serve as commanding officer of the 46th Precinct.

76. MORAN entered a command that defendants CITY and TISCH already knew had been associated with serious allegations of sexual misconduct, supervisory abuse, retaliation, reporting failures, and institutional breakdown.

77. Plaintiff OSMAIRYS A. AVILA was thereafter assigned to the 46th Precinct as an NYPD Sergeant under MORAN's command authority.

78. Plaintiff RAY SANCHEZ was an NYPD Lieutenant Special Assignment and was involved in a consensual romantic relationship with AVILA.

79. In approximately mid-January 2026, defendant MORAN pulled SANCHEZ aside and told him that MORAN knew SANCHEZ and AVILA were dating.

80. SANCHEZ found MORAN's knowledge and interest unusual and concerning because he did not understand how MORAN had obtained information concerning his personal relationship or why the commanding officer had taken an interest in it.

81. SANCHEZ confirmed to MORAN that he and AVILA were involved in a romantic relationship.

82. Defendant MORAN therefore had actual knowledge of the AVILA-SANCHEZ relationship months before AVILA engaged in the protected activity underlying this action.

83. Thereafter, plaintiff AVILA opposed and reported alleged discrimination, sexual harassment, hostile-work-environment conduct, and retaliation by defendant MORAN.

84. On July 9, 2026, plaintiff AVILA, together with Pamela Sosa and Brittany N. Romero, commenced *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E, in Supreme Court, Bronx County.

85. The *Avila* action named defendants CITY, TISCH, and MORAN and alleged violations of the New York State Human Rights Law and New York City Human Rights Law arising from discrimination, sexual harassment, hostile-work-environment conduct, and retaliation.

86. The *Avila* action further alleged that MORAN openly discussed members reporting him to IAB and OEI and stated words to the effect of, “You want to call IAB and EEO on me? I have friends everywhere. You’re going to pay.”

87. The *Avila* action further alleged that MORAN stated words to the effect of, “If they thought I was bad, I can be worse.”

88. Those allegations supplied defendants CITY and TISCH with additional direct notice that AVILA claimed a commanding officer of the 46th Precinct had threatened retaliation against members who reported him through official Department channels.

89. By the time the retaliatory events challenged in this action occurred, defendants CITY and TISCH therefore had historical notice from the *N.T.* action, direct notice from the

Avila action, and actual institutional knowledge that retaliation, abuse of supervisory authority, and fear of reporting were recurring concerns associated with the 46th Precinct.

90. Plaintiffs allege that this historical notice is relevant to defendants' knowledge, foreseeability, retaliatory motive, failure to prevent retaliation, aiding and abetting, and institutional responsibility for the conduct alleged herein.

B. Moran's Sexual Interest in Avila and His Resulting Mistreatment of Sanchez

91. Defendant JUAN O. MORAN developed a personal and sexual interest in plaintiff OSMAIRYS A. AVILA while serving as the commanding officer of the 46th Precinct.

92. Plaintiff AVILA experienced MORAN's personal and sexual interest directly.

93. MORAN used his command position to create private access to AVILA, question her concerning her personal life, discuss his own marriage and personal life, and blur the boundary between legitimate supervision and personal pursuit.

94. During a closed-door interaction with AVILA, MORAN told her words to the effect of, "I love feisty."

95. MORAN also told AVILA words to the effect of, "I'm good. I get to hang out whenever I want. My wife doesn't know anything."

96. MORAN further told AVILA words to the effect of, "I love a strong Latina."

97. MORAN's comments and conduct communicated personal interest, sexual availability, and sexualized attention toward AVILA, a subordinate female Sergeant under his command authority.

98. MORAN continued seeking personal access to AVILA even after she attempted to end their private interaction and leave his office.

99. Multiple members of the Department separately informed plaintiff RAY SANCHEZ that MORAN was romantically interested in AVILA.

100. By approximately mid-January 2026, MORAN also knew that AVILA and SANCHEZ were involved in a romantic relationship.

101. MORAN thereafter treated SANCHEZ as an obstacle to his personal and sexual interest in AVILA.

102. MORAN used his command authority to punish, economically disadvantage, humiliate, marginalize, monitor, and attempt to force SANCHEZ from the command because SANCHEZ was AVILA's romantic partner.

103. From approximately February through August 2026, SANCHEZ was temporarily assigned to the Bronx Robbery Task Force, where he supervised operations involving the apprehension of dangerous and violent robbery suspects.

104. As part of that specialized assignment, SANCHEZ was authorized to earn arrest-supervision overtime.

105. During the same period, Department members were authorized by defendant JESSICA S. TISCH to earn approximately sixty-five or more hours of overtime per month.

106. Despite those authorizations, MORAN repeatedly refused to approve or sign SANCHEZ's overtime slips.

107. On one occasion, Lieutenant Franklin Salinas presented MORAN with several overtime slips earned by SANCHEZ.

108. MORAN returned the slips with an expression of disgust and anger and stated, "Fuck that guy. He's not getting any money from me. I'm not signing that. You can give it back to him."

109. In or about April 2026, SANCHEZ personally presented MORAN with an overtime slip reflecting one hour and forty-eight minutes of overtime earned while apprehending a robbery suspect operating a moped.

110. MORAN threw the overtime slip back at SANCHEZ and yelled, “I don’t care what work you do. I won’t sign your slips. You can’t get any money here. I want you to leave my command.”

111. MORAN’s conduct was not a neutral budgetary decision.

112. MORAN deliberately used his authority over overtime to deprive SANCHEZ of compensation and pressure him to leave the command because of SANCHEZ’s relationship with AVILA.

113. SANCHEZ estimates that MORAN’s refusal to approve authorized overtime caused him to lose approximately \$80,000 in overtime compensation.

114. Because the lost overtime was pensionable, SANCHEZ further estimates that the resulting reduction in his monthly pension benefit is approximately \$1,000.

115. MORAN’s efforts to marginalize SANCHEZ extended beyond overtime compensation.

116. On April 22, 2026, SANCHEZ parked his vehicle in his assigned “SOL” parking space at the 46th Precinct.

117. While SANCHEZ’s vehicle was already parked in that assigned space, MORAN directed a member of the administrative staff to photograph it.

118. The designation for the parking space was then changed from “SOL” to “Cop of the Month.”

119. An email was subsequently distributed throughout the command stating that no one was permitted to park in the space because it was reserved for the Cop of the Month.

120. The email included a photograph of SANCHEZ's vehicle with the vehicle circled, creating the false appearance that SANCHEZ had knowingly parked in a space reserved for someone else.

121. The email was distributed throughout the command, including to officers' subordinate to SANCHEZ.

122. SANCHEZ was removed from the email chain and therefore was unable to see or respond to the command-wide message identifying his vehicle.

123. MORAN took away SANCHEZ's assigned parking space and did not provide him with a replacement.

124. MORAN used the parking-space incident to embarrass SANCHEZ, undermine his standing as a supervisor, and further marginalize him within the command.

125. On May 8, 2026, MORAN removed SANCHEZ's assigned office and gave it to the Training Sergeant, notwithstanding that the Training Sergeant already had an office.

126. As a result, SANCHEZ became the only supervisor in the command without an assigned office.

127. MORAN's removal of SANCHEZ's office further diminished his status and authority before his subordinates and fellow supervisors.

128. MORAN also repeatedly intruded upon SANCHEZ in the lieutenant's locker room.

129. MORAN had private bathroom facilities available to him and passed approximately four other bathrooms before reaching the lieutenant's locker room.

130. Nevertheless, MORAN repeatedly entered the lieutenant's locker room shortly after SANCHEZ or other lieutenants entered.

131. On one occasion, while SANCHEZ and Lieutenant Salinas were inside the locker room, MORAN entered and stated, "I just have to make sure you guys aren't jerking off in here."

132. On another occasion, MORAN entered the lieutenant's locker room carrying cake and stated, "Don't judge me. I like cake. Salinas, do you want some of my cake?"

133. MORAN's repeated entry into the subordinate officers' locker room and his sexually inappropriate commentary were intrusive, inappropriate, and consistent with his broader effort to monitor and unsettle SANCHEZ.

134. Throughout this same period, MORAN repeatedly monitored precinct surveillance cameras and took photographs of SANCHEZ.

135. MORAN submitted photographs and allegations concerning SANCHEZ to the Internal Affairs Bureau.

136. MORAN also contacted the borough command and blamed SANCHEZ for negatively affecting the command's overtime budget and allotment.

137. An audit of SANCHEZ's overtime subsequently established that SANCHEZ had not been earning or receiving the overtime compensation authorized for the specialized work he was performing.

138. SANCHEZ was thereafter instructed to submit his overtime slips to another supervisor and avoid dealing directly with MORAN because MORAN had a "personal" issue with him.

139. MORAN's conduct toward SANCHEZ formed a continuous pattern.

140. MORAN knew that SANCHEZ was AVILA's romantic partner.

141. MORAN had his own personal and sexual interest in AVILA.

142. MORAN then used the authority and machinery available to him as commanding officer to deprive SANCHEZ of compensation, attempt to force him from the command, remove his office and parking privileges, embarrass him before subordinates, intrude upon him in the workplace, monitor him through surveillance equipment, photograph him, and refer allegations concerning him to Internal Affairs.

143. MORAN's mistreatment of SANCHEZ was directly connected to SANCHEZ's relationship with AVILA and MORAN's sexual interest in her.

144. This preexisting pattern of hostility toward SANCHEZ is material to the retaliatory conduct that followed because, once AVILA opposed MORAN's conduct and commenced protected civil-rights litigation against him, MORAN already had an established motive to target SANCHEZ and to use the AVILA-SANCHEZ relationship as a vehicle for retaliation against both plaintiffs.

C. Defendants' Coordinated July 29, 2026 Internal Affairs Operation Against Avila and Sanchez

145. Shortly after plaintiff AVILA commenced *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E, defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA caused, directed, supervised, and participated in coordinated Internal Affairs interviews of AVILA and SANCHEZ.

146. The interview process was not undertaken in response to newly discovered misconduct.

147. Internal Affairs had already questioned SANCHEZ in approximately September 2025 concerning his romantic relationship with AVILA.

148. Nevertheless, after AVILA commenced protected civil-rights litigation against the CITY, TISCH, and MORAN, the Department resurrected the same historical relationship as a subject of investigation.

149. The resurrected allegations included claims that SANCHEZ had improperly fraternized with AVILA.

150. AVILA did not work directly under SANCHEZ, and SANCHEZ did not exercise direct supervisory authority over AVILA.

151. The investigation also included allegations concerning SANCHEZ's use of manual attendance entries rather than electronic scanning.

152. There was no allegation that SANCHEZ failed to report for duty, did not perform the work reflected by those entries, or received compensation for time he did not work.

153. The attendance allegation concerned the method by which SANCHEZ recorded his presence at work, not whether he actually worked.

154. Plaintiffs allege that these historical matters supplied a pretext for placing AVILA and SANCHEZ back under Internal Affairs scrutiny after AVILA engaged in protected activity.

155. The absence of newly discovered substantive misconduct, the prior investigation of the relationship, and the timing immediately following AVILA's lawsuit demonstrate that the July 29 interview process served no legitimate investigative need warranting the coordinated procedure defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA constructed.

156. Defendant DIBARTOLOMEO set the July 29, 2026 interview process in motion.

157. AVILA was directed to appear at 12:00 noon at 233 Broadway in Manhattan.

158. SANCHEZ was directed to appear at the same exact time at 315 Hudson Street.

159. The simultaneous scheduling at separate locations was intentional.

160. AVILA and SANCHEZ were to be isolated from one another and questioned separately concerning the same or overlapping historical allegations.

161. Defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA prepared approximately twenty predetermined questions for use during the interviews.

162. The investigators conducting the interviews were to communicate with one another while the interviews were underway.

163. That coordination was to occur through WhatsApp.

164. Plaintiffs allege that WhatsApp was selected to conceal the real-time coordination among the participating Internal Affairs personnel and avoid the ordinary Department communication trail that would disclose how the supposedly separate interviews were being synchronized.

165. Through WhatsApp, the investigators were to exchange information concerning the questions posed to each plaintiff and the answers each plaintiff provided.

166. The investigators could thereby compare AVILA's and SANCHEZ's answers in real time, identify perceived differences in wording, chronology, recollection, or detail, and use those differences to formulate additional questions.

167. The interview process was therefore not structured simply to obtain two independent accounts.

168. It was structured as a coordinated comparison of the statements of two romantic partners.

169. Plaintiffs allege that defendants intended to identify a discrepancy between their answers that could be characterized as dishonesty, lack of candor, a false statement, or other disciplinary misconduct.

170. The principal disciplinary target of that process was SANCHEZ.

171. SANCHEZ was approaching retirement after more than twenty years of NYPD service, with his retirement scheduled to become effective on August 11, 2026.

172. The interview process occurred only thirteen days before his retirement became effective.

173. Plaintiffs allege that defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA intended to use any purported discrepancy between AVILA's and SANCHEZ's separately obtained statements as a basis to suspend SANCHEZ before he could retire.

174. The threat was particularly coercive because the Department could use the interview process itself to place SANCHEZ's career and impending retirement in jeopardy while simultaneously placing AVILA under renewed Internal Affairs scrutiny shortly after she commenced protected litigation.

175. On July 28, 2026, plaintiffs' counsel informed defendants FALETTE and ORELLANA that he represented both AVILA and SANCHEZ in connection with the Department interviews.

176. On the morning of July 29, 2026, defendant FALETTE confirmed in writing that AVILA was scheduled for 12:00 noon at 233 Broadway and SANCHEZ was scheduled for 12:00 noon at 315 Hudson Street.

177. FALETTE then asked counsel whether he represented both plaintiffs “so we can make it work.”

178. At approximately 8:10 a.m., counsel confirmed that he represented both AVILA and SANCHEZ.

179. Within minutes, FALETTE proposed changing the interview arrangement so that both plaintiffs would instead appear at 315 Hudson Street.

180. Common representation disrupted the original process because defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA could no longer isolate AVILA and SANCHEZ at separate locations while questioning them simultaneously outside the observation of the same attorney.

181. Common counsel would be able to observe both interviews, identify overlapping questions, recognize efforts to exploit differences between the plaintiffs’ accounts, and document the manner in which the investigation was being conducted.

182. Defendant DIBARTOLOMEO reacted angrily upon learning that Sanders represented both plaintiffs and stated words to the effect of, “How can he represent both of them? That’s a conflict.”

183. DIBARTOLOMEO’s reaction was consistent with the disruption that common representation caused to the planned interview process.

184. Before the interviews proceeded, plaintiffs’ counsel placed defendant FALETTE on written notice of specific investigative conflicts affecting IAB Group 51 and demanded executive-level review before either plaintiff was questioned.

185. Counsel advised FALETTE that he represented now-retired Lieutenant Emilio C. Rodriques in *Rodriques v. City of New York, et al.*, Index No. 155174/2025, and represented

AVILA, Pamela Sosa, and Brittany N. Romero in *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E.

186. Counsel further advised FALETTE that she was identified as a potential fact witness in Christina Ortiz's pending litigation against Rodriques.

187. Specifically, counsel identified allegations in the Ortiz complaint that FALETTE, while serving as Commanding Officer of IAB Group 51, contacted Ortiz in September 2023, personally recruited her to Group 51, and later received Ortiz into the group after Ortiz accepted the position in December 2023.

188. Counsel explained that those allegations made FALETTE a potential witness concerning material issues in the Ortiz litigation, including the availability of the Group 51 position, the timing and substance of FALETTE's communications with Ortiz, Ortiz's reasons for accepting the assignment, whether Ortiz's transfer was voluntary, and whether Rodriques actually caused that transfer.

189. Counsel expressly advised FALETTE that the circumstances created an investigative conflict because Group 51 was attempting to interrogate AVILA and SANCHEZ while its commanding officer was a potential witness in pending litigation against another client represented by the same attorney.

190. Counsel further objected that the proposed interviews had been characterized by FALETTE merely as involving an "unrelated matter," even though that characterization omitted the litigation and institutional relationships bearing directly upon whether FALETTE and Group 51 could impartially conduct, supervise, review, or otherwise participate in the investigation.

191. Counsel demanded that FALETTE immediately consult appropriate executive staff and arrange for the matter to be reassigned to an IAB group having no involvement in the

pending litigation, no supervisory relationship with Ortiz, and no connection to the underlying claims.

192. Counsel specifically directed that neither FALETTE nor any member of Group 51 should conduct, supervise, attend, review, receive, approve, discuss, or otherwise participate in any interview, statement, investigative report, worksheet, referral, finding, recommendation, or disposition involving AVILA or SANCHEZ.

193. Counsel further demanded that Ortiz and all members within her direct or indirect chain of command be screened from the investigation and denied access to statements, reports, recordings, worksheets, database entries, findings, or other investigative materials generated concerning AVILA or SANCHEZ.

194. Counsel also placed the Department on an express preservation demand requiring preservation of all communications, referrals, worksheets, logs, database entries, electronic messages, instructions, notes, recordings, and electronically stored information concerning the initiation, assignment, proposed interviews, conflict review, screening, and reassignment of the investigation.

195. Counsel made clear that AVILA and SANCHEZ would cooperate with a legitimate and conflict-free Department investigation, but objected to compelling them to submit to interviews conducted, supervised, reviewed, or influenced by a potential witness in pending litigation or by an IAB group employing and supervising an adverse litigant in another pending action.

196. Counsel therefore requested confirmation that the interviews would be rescheduled until executive staff determined how the Department intended to proceed and the necessary screening measures had been implemented.

197. Defendant FALETTE did not advise counsel that Group 51 would be screened or that the matter would be reassigned.

198. Instead, FALETTE responded that she had spoken with her “Executive supervisor” and directed that “Sgt. Avila and Lt. Sanchez are notified to appear today and will be expected to.”

199. Plaintiffs allege that the “Executive supervisor” referenced by FALETTE was defendant DIBARTOLOMEO.

200. Thus, after receiving detailed written notice of the investigative conflicts, a demand for screening and reassignment, and an express preservation demand, FALETTE and DIBARTOLOMEO rejected the requested safeguards and compelled both plaintiffs to proceed with the July 29 interviews under the same challenged investigative structure.

201. Defendants FALETTE and ORELLANA were present for and participated in both interviews.

202. Their participation in both interviews placed them in a position to know precisely what questions were asked of each plaintiff and how each plaintiff responded.

203. Defendant DIBARTOLOMEO was physically present in the Internal Affairs office during the interview process.

204. SANCHEZ was again questioned concerning his relationship with AVILA despite having already been questioned concerning that relationship in September 2025.

205. SANCHEZ’s adversarial interview lasted approximately ten minutes.

206. AVILA’s adversarial interview lasted approximately five minutes.

207. The abbreviated interviews bore little resemblance to the original process involving approximately twenty questions, simultaneous interrogation at separate locations, real-time coordination through WhatsApp, and comparison of the plaintiffs' answers.

208. Plaintiffs allege that common representation prevented defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA and others from executing the interview process as originally designed.

209. Defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA did not obtain the discrepancy they intended to use as a disciplinary predicate against SANCHEZ and did not suspend him before his retirement became effective.

210. Plaintiffs allege that the July 29 interview process was not a legitimate investigation of newly discovered misconduct but the use of historical and previously investigated allegations as a pretext for retaliation.

211. The process subjected AVILA to renewed Internal Affairs scrutiny because she had opposed discrimination, sexual harassment, hostile-work-environment conduct, and retaliation and had commenced litigation against the CITY, TISCH, and MORAN.

212. The process simultaneously subjected SANCHEZ to the threat of immediate disciplinary action because of his intimate relationship with AVILA and because disciplinary action against him provided defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA with an additional means of reaching and punishing AVILA.

213. By placing both plaintiffs under coordinated Internal Affairs interrogation and threatening SANCHEZ with discipline immediately before retirement, defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA used the Department's compulsory investigative process to impose consequences upon protected activity.

214. Such use of the investigative process was capable of deterring AVILA from continuing to complain, litigate, cooperate with counsel, and pursue her civil-rights claims and was capable of deterring SANCHEZ from supporting, associating with, or assisting AVILA in connection with those protected activities.

215. Plaintiffs allege that this deterrent effect was not incidental to the interview process; it was its retaliatory purpose.

216. The historical allegations supplied the pretext, the coordinated interviews supplied the mechanism, and the threatened disciplinary consequences supplied the means by which defendants sought to punish and quell plaintiffs' protected activity.

D. The City and Tisch's Post-Retirement Retaliation Through the Denial and Restriction of Sanchez's Retirement Rights and Benefits

217. Plaintiff SANCHEZ's retirement from the NYPD became effective on August 11, 2026, following more than twenty years of service.

218. At the time his retirement became effective, no court, administrative tribunal, or other adjudicative body had sustained any allegation of misconduct against SANCHEZ arising from the matters resurrected by defendants in July 2026.

219. No hearing had resulted in a finding that SANCHEZ improperly fraternized with AVILA.

220. No hearing had resulted in a finding that SANCHEZ made a false statement.

221. No hearing had resulted in a finding that SANCHEZ failed to work an assigned tour, received compensation for time not worked, or committed misconduct through his use of manual attendance entries.

222. The allegations remained exactly that: allegations.

223. The existence of Department charges or an open disciplinary investigation was not itself an adjudication of misconduct.

224. Nor did the unilateral act of designating SANCHEZ as having “retired pending charges” transform unresolved accusations into adjudicated facts.

225. Nevertheless, defendants THE CITY OF NEW YORK and JESSICA S. TISCH used those unresolved allegations as the basis for impairing SANCHEZ’s retirement status, credentials, accrued benefits, and future economic interests.

226. Plaintiffs allege that the CITY and TISCH could not lawfully transform mere accusations into punishment without the process necessary to establish the factual and legal predicate for the deprivation imposed.

227. Government may investigate alleged misconduct.

228. It may bring disciplinary charges.

229. But the filing or pendency of those charges does not, standing alone, adjudicate guilt or supply an unrestricted license to confiscate, withhold, impair, or diminish rights and benefits already earned or otherwise available to the employee.

230. Before government may deprive an individual of a protected property or liberty interest, constitutional due process ordinarily requires notice and a meaningful opportunity to be heard appropriate to the nature of the interest at stake.

231. On August 14, 2026, three days after SANCHEZ’s retirement became effective, he reported to One Police Plaza at approximately 10:50 a.m. to surrender Department-issued equipment and complete his retirement processing.

232. SANCHEZ expected to receive the retirement credentials and documentation associated with his separation from service, including his unrestricted retired NYPD identification card, H.R. 218-related documentation, and Good Guy Letter.

233. Instead, SANCHEZ was forced to remain at One Police Plaza for approximately five hours while other retired members arrived, completed their processing, received their documents, and departed.

234. SANCHEZ remained the only retiree waiting for an explanation.

235. When SANCHEZ inquired concerning the delay, a department employee informed him that Internal Affairs had placed a hold on his retirement documents.

236. At approximately 3:58 p.m., SANCHEZ was finally permitted to leave One Police Plaza.

237. The CITY and TISCH issued SANCHEZ only a restricted retired NYPD identification card prominently marked “No Firearm.”

238. The CITY and TISCH withheld SANCHEZ’s unrestricted firearm-authorized retired identification card.

239. The CITY and TISCH withheld his H.R. 218-related retirement documentation.

240. The CITY and TISCH withheld his Good Guy Letter.

241. A Pension Section employee informed SANCHEZ that Lieutenant Moises Contreras of the Department Advocate’s Office had authorized issuance of only the restricted retired identification card.

242. The asserted Department justification was that SANCHEZ had “retired pending charges.”

243. That assertion did not constitute a judicial determination.

244. It did not constitute an administrative adjudication after a hearing.
245. It did not constitute a sustained disciplinary finding.
246. It did not establish that any allegation against SANCHEZ was true.
247. It represented only the CITY and TISCH's unilateral characterization of an unresolved internal disciplinary matter.
248. Plaintiffs allege that the CITY and TISCH nevertheless treated that unilateral designation as though SANCHEZ had already been found guilty of misconduct.
249. In doing so, they converted accusation into punishment without first obtaining an adjudication sufficient to support the deprivation imposed.
250. The CITY and TISCH further asserted or exercised authority to use the same unresolved allegations to impair other retirement-related rights and benefits, including terminal leave and other accrued economic benefits associated with SANCHEZ's service.
251. Such accrued benefits are not investigative tools.
252. They are not disciplinary leverage.
253. They are not property that government may seize, diminish, or withhold merely because an accusation remains pending.
254. Plaintiffs allege that any attempt by the CITY and TISCH to impair accrued compensation, terminal leave, retirement benefits, or other protected economic interests required lawful process directed to the deprivation itself, not merely the existence of unresolved Department charges.
255. *Perros v. County of Nassau* demonstrates the practical and legal significance of such retirement actions.

256. In *Perros*, the Eastern District of New York recognized that issuance of a Good Guy Letter was a retirement benefit upon which other benefits depended and that withholding it had concrete consequences for retired law-enforcement officers.

257. The court further recognized that restrictive retirement credentials visibly communicated to other law-enforcement personnel that the retiree was not permitted to carry a firearm, a stigmatizing effect the plaintiffs described as a “scarlet letter.”

258. The *Perros* court ultimately found the asserted justification for the denials pretextual and concluded that the responsible official had vindictively used the administrative process to impose bureaucratic retaliation upon retired officers.

259. The same distinction is material here.

260. The CITY and TISCH did not merely continue investigating SANCHEZ.

261. They used the existence of the unresolved investigation itself to impose consequences.

262. They marked his retirement credentials.

263. They withheld documents material to retired law-enforcement status.

264. They placed accrued and retirement-related economic interests at risk.

265. And they did so without first obtaining an adjudication establishing the misconduct supposedly justifying those deprivations.

266. Plaintiffs allege that the asserted “retired pending charges” rationale was pretextual and became the administrative mechanism through which the CITY and TISCH continued retaliating against SANCHEZ after his active NYPD service had ended.

267. The retaliatory significance is particularly apparent because defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA had failed to obtain the disciplinary result sought through the July 29 interview process.

268. SANCHEZ was not suspended before retirement.

269. No supposed discrepancy between his statement and AVILA's statement resulted in an adjudicated finding of misconduct.

270. Yet after his retirement became effective, the CITY and TISCH obtained through administrative restriction what defendants THOMPSON, DIBARTOLOMEO, FALETTE, and ORELLANA had failed to obtain through adjudication: tangible professional, reputational, and economic consequences.

271. Plaintiffs allege that the CITY and TISCH thereby used unresolved Department accusations as a substitute for lawful adjudication and as an instrument of continuing retaliation against SANCHEZ and, through him, AVILA.

CONCLUSION

272. Plaintiffs allege that defendants THE CITY OF NEW YORK, JESSICA S. TISCH, EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O. MORAN, JANICE FALETTE and FRANCISCO ORELLANA used the NYPD's command, investigative, disciplinary, and retirement processes as instruments of retaliation after AVILA opposed discrimination, sexual harassment, hostile-work-environment conduct, and retaliation and commenced protected civil-rights litigation.

273. MORAN's preexisting hostility toward SANCHEZ because of his relationship with AVILA was followed by the resurrection of historical allegations, coordinated Internal

Affairs interviews designed to create disciplinary exposure, and post-retirement restrictions imposed upon SANCHEZ.

274. When the July 29, 2026 interview process failed to produce a basis to suspend SANCHEZ before retirement, defendants CITY and TISCH continued the retaliation by treating unresolved and unadjudicated Department allegations as though misconduct had been established.

275. The CITY and TISCH thereby used accusation as a substitute for adjudication to restrict SANCHEZ's retirement credentials and impair rights and benefits associated with more than twenty years of service.

276. The conduct directed against SANCHEZ also operated as retaliation against AVILA by demonstrating that her protected activity could produce consequences not only for her, but for her romantic partner.

277. Plaintiffs allege that defendants CITY, TISCH, THOMPSON, DIBARTOLOMEO, MORAN, FALETTE and ORELLANA's conduct was intended to punish protected activity, deter its continuation, and discourage plaintiffs and others from opposing discrimination, harassment, and retaliation within the NYPD.

278. As a direct and proximate result, plaintiffs sustained economic loss, emotional distress, humiliation, reputational injury, impairment of professional standing, interference with retirement rights and benefits, and other damages recoverable under the NYSHRL and NYCHRL.

VIOLATIONS AND CLAIMS ALLEGED

COUNT I

Retaliation in Violation of the New York State Human Rights Law Executive Law § 296 Against All Defendants

279. Plaintiffs repeat and reallege the preceding allegations as though fully set forth herein.

280. Plaintiff AVILA engaged in protected activity by opposing and reporting discrimination, sexual harassment, hostile-work-environment conduct, and retaliation and by commencing *Avila, et al. v. City of New York, et al.*, Index No. 813435/2026E.

281. Defendants knew of AVILA's protected activity.

282. After AVILA engaged in protected activity, defendants subjected AVILA and SANCHEZ to retaliatory conduct, including renewed Internal Affairs scrutiny, coordinated interviews designed to create disciplinary exposure against SANCHEZ, and post-retirement restrictions imposed through unresolved and unadjudicated Department allegations.

283. The retaliatory conduct directed at SANCHEZ was connected to his intimate relationship with AVILA and provided defendants with an additional means of punishing and deterring AVILA because of her protected activity.

284. Defendants' conduct was materially adverse and causally connected to AVILA's protected activity.

285. Defendant THE CITY OF NEW YORK is liable for the retaliatory conduct committed through its NYPD officials, executives, supervisors, investigators, Department Advocate personnel, and other agents.

286. Defendant JESSICA S. TISCH participated in, approved, permitted, continued, or ratified the retaliatory conduct, including the use of Department investigative and retirement processes against plaintiffs, and aided and abetted the violations alleged herein.

287. Defendant EDWARD A. THOMPSON exercised executive and supervisory authority over the Internal Affairs process directed at AVILA and SANCHEZ and participated in, approved, directed, supervised, continued, or ratified that retaliatory process.

288. Defendant JOSEPH A. DIBARTOLOMEO exercised direct supervisory authority over the July 29, 2026 Internal Affairs operation, participated in the decision to compel the interviews to proceed, and aided and abetted the retaliatory conduct alleged herein.

289. Defendant JUAN O. MORAN caused, initiated, contributed to, or aided and abetted the retaliatory conduct by targeting SANCHEZ because of his relationship with AVILA, referring allegations concerning SANCHEZ to Internal Affairs, and using his authority and Department relationships against plaintiffs.

290. Defendant JANICE FALETTE personally participated in the July 29, 2026 Internal Affairs process, coordinated the interviews, rejected counsel's request for screening and reassignment after consulting executive supervision, participated in both interviews, and aided and abetted the retaliatory conduct alleged herein.

291. Defendant FRANCISCO ORELLANA personally participated in the investigation and in both July 29, 2026 interviews and aided and abetted the retaliatory conduct alleged herein.

292. The individual defendants are liable under Executive Law § 296 for their personal participation in, causation of, and aiding and abetting of the retaliatory conduct alleged herein.

293. As a direct and proximate result, plaintiffs suffered economic loss, emotional distress, humiliation, reputational injury, impairment of professional standing, interference with retirement-related rights and benefits, and other compensable damages.

COUNT II
Retaliation in Violation of the New York City Human Rights Law
Administrative Code § 8-107
Against All Defendants

294. Plaintiffs repeat and reallege the preceding allegations as though fully set forth herein.

295. Plaintiff AVILA engaged in protected activity by opposing and reporting discrimination, sexual harassment, hostile-work-environment conduct, and retaliation and by commencing protected civil-rights litigation.

296. Defendants knew of AVILA's protected activity.

297. Defendants thereafter subjected AVILA and SANCHEZ to conduct reasonably likely to deter a person from engaging in, continuing, supporting, or assisting protected activity.

298. That conduct included the resurrection of historical allegations as a pretext for renewed Internal Affairs scrutiny, coordinated interviews designed to create disciplinary exposure against SANCHEZ immediately before retirement, and post-retirement restrictions imposed through unresolved and unadjudicated Department allegations.

299. Defendant THE CITY OF NEW YORK is liable for the retaliatory conduct committed through its NYPD officials, executives, supervisors, investigators, Department Advocate personnel, and other agents.

300. Defendant JESSICA S. TISCH participated in, approved, permitted, continued, or ratified the retaliatory conduct and aided and abetted the use of Department investigative, disciplinary, and retirement processes against plaintiffs.

301. Defendant EDWARD A. THOMPSON exercised executive and supervisory authority over the Internal Affairs process and participated in, approved, directed, supervised, continued, or ratified the retaliatory investigation of AVILA and SANCHEZ.

302. Defendant JOSEPH A. DIBARTOLOMEO directly supervised and participated in the July 29, 2026 Internal Affairs operation, participated in the decision to compel the interviews to proceed despite the conflicts raised by counsel, and aided and abetted the retaliatory conduct.

303. Defendant JUAN O. MORAN targeted SANCHEZ because of his relationship with AVILA, referred allegations concerning SANCHEZ to Internal Affairs, and caused, contributed to, or aided and abetted the retaliatory use of Department processes against both plaintiffs.

304. Defendant JANICE FALETTE personally coordinated and participated in the July 29, 2026 interview process, rejected the requested screening and reassignment after consulting executive supervision, participated in both interviews, and aided and abetted the retaliatory conduct.

305. Defendant FRANCISCO ORELLANA personally participated in the investigation and in both July 29, 2026 interviews and aided and abetted the retaliatory conduct.

306. The individual defendants are liable under Administrative Code § 8-107 for their personal participation in, causation of, and aiding and abetting of the retaliatory conduct alleged herein.

307. Defendants' conduct disadvantaged plaintiffs and was reasonably likely to deter continued opposition to discrimination, harassment, retaliation, and other protected activity.

308. As a direct and proximate result, plaintiffs suffered economic loss, emotional distress, humiliation, reputational injury, impairment of professional standing, interference with retirement-related rights and benefits, and other compensable damages.

JURY TRIAL

309. Plaintiffs OSMAIRYS A. AVILA and RAY SANCHEZ hereby demand a trial by jury of all issues so triable as of right.

PRAYER FOR RELIEF

WHEREFORE, OSMAIRYS A. AVILA and RAY SANCHEZ respectfully demand judgment against defendants THE CITY OF NEW YORK, JESSICA S. TISCH, EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O. MORAN, JANICE FALETTE and FRANCISCO ORELLANA jointly and severally where permitted by law, as follows:

- a. Declaring that defendants violated plaintiffs' rights under the New York State Human Rights Law, Executive Law § 296;
- b. Declaring that defendants violated plaintiffs' rights under the New York City Human Rights Law, Administrative Code § 8-107;
- c. Awarding plaintiffs' compensatory damages in an amount to be determined at trial;
- d. Awarding plaintiffs' damages for emotional distress, humiliation, embarrassment, anxiety, fear, loss of dignity, loss of workplace safety, reputational harm, career harm, and other non-economic injuries in an amount to be determined at trial;
- e. Awarding plaintiffs back pay, front pay, lost wages, lost overtime, lost benefits, pension-related losses, and other economic damages where applicable and in an amount to be determined at trial;
- f. Awarding punitive damages against defendants JESSICA S. TISCH, EDWARD A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O. MORAN, JANICE FALETTE and FRANCISCO ORELLANA to the fullest

extent permitted by the New York State Human Rights Law, the New York City Human Rights Law, and applicable law;

- g. Awarding plaintiffs' pre-judgment interest and post-judgment interest to the fullest extent permitted by law;
- h. Awarding plaintiffs' reasonable attorneys' fees, costs, expenses, and disbursements pursuant to the New York State Human Rights Law, the New York City Human Rights Law, and any other applicable law;
- i. Entering injunctive relief requiring defendants to cease and desist from engaging in sexual harassment, discrimination, hostile-work-environment conduct, retaliation, aiding and abetting, and any other unlawful employment practices against plaintiffs;
- j. Entering injunctive relief requiring defendants to remove, correct, expunge, seal, or otherwise neutralize any retaliatory, discriminatory, or unsupported personnel documentation, UF49 documentation, Risk Management documentation, sick-leave scrutiny documentation, transfer-related documentation, or other records arising from or connected to the unlawful conduct alleged herein;
- k. Entering injunctive relief requiring defendants to restore plaintiffs to the terms, conditions, privileges, assignments, opportunities, command standing, and employment benefits they would have enjoyed absent defendants' unlawful conduct, to the extent practicable;
- l. Entering injunctive relief prohibiting defendants and their agents, employees, supervisors, executives, officers, representatives, and all persons acting in

concert with them from retaliating against plaintiffs for filing, prosecuting,
participating in, or supporting this action;

m. Awarding such other and further legal, equitable, declaratory, and injunctive
relief as this Court deems just, proper, and equitable.

Dated: August 15, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Plaintiffs OSMAIRYS A. AVILA
and RAY SANCHEZ

THE SANDERS FIRM, P.C.
30 Wall Street, 8th Floor
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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 plaintiffs 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 Plaintiffs because the Plaintiffs are 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 pursuant to CPLR 2106.

Dated: August 15, 2026
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders
Attorney for Plaintiffs OSMAIRYS A. AVILA
and RAY SANCHEZ

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

INDEX NO.:

OSMAIRYS A. AVILA and RAY SANCHEZ

Plaintiffs,

-against-

THE CITY OF NEW YORK, JESSICA S. TISCH, EDWARD
A. THOMPSON, JOSEPH A. DIBARTOLOMEO, JUAN O.
MORAN, JANICE FALETTE and FRANCISCO ORELLANA

Defendants

SUMMONS WITH VERIFIED COMPLAINT

Duly submitted by:

By: s/Eric Sanders
Attorney for Plaintiffs OSMAIRYS A. AVILA
and RAY SANCHEZ

THE SANDERS FIRM, P.C.

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