

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

-----X  
MICHAEL LIN

Summons

Plaintiff,

Index No.

-against-

Jury Demand

NEW YORK STATE DIVISION OF STATE POLICE;  
STEVEN G. JAMES; STEVEN W. KOVELESKIE;  
GREGORY C. LISCHAK; ROSS A. HANSEN;  
CHRISTOPHER P. CASALE; JOSHUA E. STAHL;  
TATIANA I. WILSON; DAVID J. SZALDA; POLICE  
BENEVOLENT ASSOCIATION NEW YORK STATE  
TROOPERS, INC.; JOSHUA P. KAYE; and ANDREW  
C. DAVIS

Defendants  
-----X

To the Defendants named above:

You are hereby summoned and required to serve a written answer to the attached Verified Complaint upon plaintiff's attorney at the address stated 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 date of service.

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.

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

Venue is designated in New York County pursuant to CPLR 503(a) because a substantial part of the events and omissions giving rise to plaintiff's claims occurred in New York County. The discriminatory and retaliatory course of conduct alleged in the Verified Complaint arose from and materially affected plaintiff's employment with New York State Police Troop NYC and included employment-related and disciplinary conduct occurring in New York County, including actions undertaken at SP Manhattan. Although other components of defendants' investigation and disciplinary process occurred in New Jersey, Fishkill, New York, and Albany, New York, those geographically dispersed acts formed part of the same continuing course of investigative, disciplinary, and employment decision-making challenged in this action.

Venue is not designated based upon plaintiff's residence.

Dated: September 7, 2026  
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders  
Attorney for Plaintiff MICHAEL LIN

**THE SANDERS FIRM, P.C.**  
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New York, NY 10005  
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DEFENDANT ADDRESSESNEW YORK STATE DIVISION OF STATE POLICE<sup>1</sup>

New York State Police Headquarters  
1220 Washington Avenue, Building 22  
Albany, New York 12226

## NEW YORK STATE DIVISION OF STATE POLICE

c/o Managing Attorney's Office  
Office of the New York State Attorney General  
Empire State Plaza  
Justice Building, 2nd Floor  
Albany, New York 12224

## STEVEN G. JAMES, STEVEN W. KOVELESKIE, GREGORY C. LISCHAK, ROSS A. HANSEN, and DAVID J. SZALDA

New York State Police  
1220 Washington Avenue, Building 22  
Albany, New York 12226

## CHRISTOPHER P. CASALE, JOSHUA E. STAHL, TATIANA I. WILSON

New York State Police  
Troop NYC Headquarters  
36 Thomas Street  
New York, New York 10007

## POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC.

120 State Street  
Albany, New York 12207

## JOSHUA P. KAYE

c/o Police Benevolent Association of the New York State Troopers, Inc.  
120 State Street  
Albany, New York 12207

## ANDREW C. DAVIS

c/o Police Benevolent Association of the New York State Troopers, Inc.  
120 State Street  
Albany, New York 12207

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<sup>1</sup> "NEW YORK STATE DIVISION OF STATE POLICE is also commonly known as and referred to as the NEW YORK STATE POLICE. The terms are used interchangeably herein."

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

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MICHAEL LIN

Verified Complaint

Plaintiff,

Index No.

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NEW YORK STATE DIVISION OF STATE POLICE;  
STEVEN G. JAMES; STEVEN W. KOVELESKIE;  
GREGORY C. LISCHAK; ROSS A. HANSEN;  
CHRISTOPHER P. CASALE; JOSHUA E. STAHL;  
TATIANA I. WILSON; DAVID J. SZALDA; POLICE  
BENEVOLENT ASSOCIATION NEW YORK STATE  
TROOPERS, INC.; JOSHUA P. KAYE; and ANDREW  
C. DAVIS

Defendants  
-----X

The Plaintiff MICHAEL LIN through his attorney The Sanders Firm, P.C., files this  
Verified Complaint against defendants NEW YORK STATE DIVISION OF STATE POLICE;  
STEVEN G. JAMES; STEVEN W. KOVELESKIE; GREGORY C. LISCHAK; ROSS A.  
HANSEN; CHRISTOPHER P. CASALE; JOSHUA E. STAHL; TATIANA I. WILSON; DAVID  
J. SZALDA; POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC.;  
JOSHUA P. KAYE; and ANDREW C. DAVIS respectfully set forth and allege that:

**INTRODUCTION**

Plaintiff MICHAEL LIN is an Asian-American man of Chinese national origin and a  
former New York State Trooper assigned to Troop NYC, including SP Brooklyn. He served the  
NEW YORK STATE DIVISION OF STATE POLICE a/k/a NEW YORK STATE POLICE  
("NYSP") for nearly seven years before being terminated on September 18, 2025, following a  
prolonged internal investigation and disciplinary proceeding that plaintiff alleges was infected by

race and national-origin discrimination, selective investigative treatment, retaliatory escalation, unequal administration of discipline, and materially deficient union representation.

The challenged course of conduct began after an August 2024 off-duty incident in New Jersey and expanded far beyond the circumstances of that incident. Defendants STEVEN W. KOVELESKIE, GREGORY C. LISCHAK, and ROSS A. HANSEN conducted and supervised a Professional Standards Bureau investigation that subjected plaintiff to a compelled target interrogation and expanded into residency, administrative, and disciplinary issues. Plaintiff alleges that the same investigation identified numerous other Troop NYC members whose conduct presented readily available comparative evidence, yet plaintiff was subjected to a uniquely expansive and termination-oriented disciplinary process.

The discriminatory and retaliatory treatment did not end with the investigation. Defendant DAVID J. SZALDA exercised substantial authority over the disciplinary process, including the scheduling of plaintiff's disciplinary hearing, the timing and continuation of plaintiff's unpaid status, plaintiff's request to use annual leave to preserve income and health coverage for his family, the prosecution of the disciplinary charges, and the presentation of evidence at the disciplinary hearing. Plaintiff alleges that SZALDA scheduled the proceeding while knowing plaintiff's assigned PBA attorney was unavailable, threatened the consequences of proceeding without substitute counsel, manipulated subsequent hearing dates in a manner that prolonged plaintiff's unpaid status, and denied plaintiff's request to use accrued annual leave without identifying written authority supporting that denial.

Defendants JOSHUA E. STAHL and TATIANA I. WILSON participated in the escalation of the disciplinary process after plaintiff sought favorable witness evidence. On July 2, 2025, after plaintiff requested statements from Chinese-speaking family witnesses who

possessed favorable information, STAHL and WILSON appeared without advance notice at plaintiff's New Jersey residence late at night, awakened and alarmed his family, directed him to report to SP Manhattan, and participated in the service of amended disciplinary charges under circumstances plaintiff alleges were retaliatory and materially different from ordinary administrative service. Plaintiff further alleges that subsequent investigative treatment selectively preserved evidence adverse to him while favorable witness information was not handled with comparable diligence.

Defendant CHRISTOPHER P. CASALE, as Major of Troop NYC, occupied a command-level role during plaintiff's disciplinary dispute and was responsible for responding to plaintiff's grievance concerning the challenged unpaid status and related treatment. Plaintiff alleges that CASALE delayed acting upon that grievance until August 14, 2025, notwithstanding plaintiff's return to duty status on August 12, thereby participating in and ratifying the continued operation of the challenged disciplinary process rather than providing timely corrective review.

The PBA defendants were not passive observers. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC. was plaintiff's bargaining representative throughout the investigation and disciplinary process. Defendant JOSHUA P. KAYE personally attended plaintiff's compelled interrogation, acquired direct knowledge of the manner in which the investigation was being conducted, represented that he would seek mitigation and negotiate with senior NYSP leadership, obtained sixteen favorable commendation and performance materials from plaintiff for that purpose, and later admitted during a recorded conversation that he had not undertaken the negotiation he represented he would pursue. Defendant ANDREW C. DAVIS, while plaintiff was challenging the scheduling and economic consequences of the disciplinary proceeding, warned plaintiff that he was "poking the bear."

Plaintiff alleges that the PBA, KAYE, and DAVIS exercised their own representational authority in a discriminatory and retaliatory manner and facilitated or acquiesced in the unequal treatment imposed upon him.

The disciplinary process ultimately culminated in a September 10–11, 2025 hearing before a NYSP disciplinary board. Plaintiff alleges that evidentiary objections were rejected, materially prejudicial evidence was permitted, favorable defense issues were constrained, and the process continued against the backdrop of the selective investigative, scheduling, representational, and disciplinary treatment alleged throughout this Verified Complaint. On September 17, 2025, the Board found plaintiff guilty of the amended charges and recommended termination. The following day, defendant Superintendent STEVEN G. JAMES accepted that recommendation and terminated plaintiff's employment.

Plaintiff does not challenge merely the ultimate disciplinary determination. He challenges the entire course through which defendants exercised investigative, supervisory, disciplinary, representational, adjudicatory, and final decision-making authority against him. Plaintiff alleges that race and Chinese national origin were motivating factors in the manner in which that authority was exercised and that his objections to unequal and discriminatory treatment generated additional retaliation during the investigation, disciplinary proceeding, and after his termination.

The distinction is material because the defendants exercised different forms of authority. NYSP acted as plaintiff's employer. JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA personally participated in different stages of the challenged employment and disciplinary process. The PBA acted as plaintiff's labor organization, while KAYE and DAVIS exercised representational authority on its behalf. Plaintiff therefore does not

seek to impose liability upon the PBA merely because NYSP allegedly discriminated against him; he challenges the PBA defendants' own representational conduct as part of the discriminatory and retaliatory course alleged herein.

This action seeks relief exclusively under the New York State Human Rights Law and the New York City Human Rights Law. It is not an Article 78 proceeding seeking review of whether NYSP possessed some evidentiary basis to discipline plaintiff. The issue is whether defendants exercised the considerable discretion embedded throughout the investigative, charging, representational, scheduling, evidentiary, disciplinary, and termination process differently against an Asian-American trooper of Chinese national origin, retaliated against him when he challenged that treatment, and ultimately used that process to terminate his employment.

### **JURISDICTION AND VENUE**

1. This Court has subject-matter jurisdiction over this action because plaintiff MICHAEL LIN asserts claims arising under the New York State Human Rights Law, N.Y. Exec. Law § 296, including claims for race discrimination, national-origin discrimination, hostile work environment, retaliation, aiding and abetting, and related legal and equitable relief.

2. Plaintiff further asserts claims under the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107, including claims for race discrimination, national-origin discrimination, hostile work environment, retaliation, aiding and abetting, and related relief arising from defendants' conduct occurring within, directed toward, and having its employment impact in New York City.

3. This Court has jurisdiction over defendant NEW YORK STATE POLICE because it was plaintiff's employer, plaintiff was assigned to Troop NYC/SP Brooklyn, and the



challenged discriminatory and retaliatory employment practices arose from and affected plaintiff's employment with NYSP in New York City.

4. This Court has jurisdiction over defendants STEVEN G. JAMES, STEVEN W. KOVELESKIE, GREGORY C. LISCHAK, ROSS A. HANSEN, CHRISTOPHER P. CASALE, JOSHUA E. STAHL, TATIANA I. WILSON, and DAVID J. SZALDA because, at all relevant times, each acted as an officer, supervisor, investigator, attorney, command official, or decisionmaker of NYSP and personally participated in, aided, abetted, facilitated, ratified, or otherwise contributed to the discriminatory and retaliatory employment practices alleged herein.

5. This Court has jurisdiction over defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC. because it served as plaintiff's exclusive bargaining representative and labor organization during the challenged disciplinary process and, through its officers, representatives, and agents, allegedly participated in, facilitated, acquiesced in, or failed to provide nondiscriminatory representation concerning the employment practices challenged in this action.

6. This Court has jurisdiction over defendants JOSHUA P. KAYE and ANDREW C. DAVIS because, at all relevant times, each acted as an officer, board member, representative, or agent of the PBA and personally participated in, facilitated, aided, abetted, or acquiesced in the discriminatory and retaliatory conduct alleged herein.

7. Venue is proper in New York County pursuant to CPLR 503(a) because a substantial part of the events and omissions giving rise to plaintiff's claims occurred in New York County. Plaintiff was assigned to Troop NYC, and material portions of the challenged disciplinary and employment process occurred within New York City, including conduct at SP

Manhattan and actions by Troop NYC command personnel affecting plaintiff's employment, pay status, disciplinary exposure, union representation, and continued employment.

8. The investigation and disciplinary process was geographically dispersed and included conduct occurring in New York City, Fishkill, Albany, and New Jersey. Those events were not separate or unrelated occurrences. Plaintiff alleges that they constituted successive components of a single discriminatory and retaliatory employment process that originated from and materially affected his employment with Troop NYC and culminated in his termination from NYSP.

9. Venue is further proper in New York County because defendants CASALE, STAHL, and WILSON acted in connection with Troop NYC, defendant SZALDA participated in the prosecution and administration of plaintiff's disciplinary proceedings, and material employment consequences challenged herein were imposed upon plaintiff while he remained assigned to Troop NYC.

10. Plaintiff's NYCHRL claims bear the requisite nexus to New York City because plaintiff worked for NYSP within New York City and alleges that defendants' discriminatory and retaliatory conduct altered the terms, conditions, and privileges of that employment, subjected him to inferior and less favorable treatment in New York City, and ultimately deprived him of his Troop NYC employment.

11. Plaintiff does not bring this action as an Article 78 proceeding seeking judicial review of the disciplinary determination in isolation. Plaintiff brings a plenary statutory civil-rights action under the NYSHRL and NYCHRL challenging discriminatory and retaliatory employment practices occurring throughout the investigation, disciplinary prosecution, representation, adjudication, and termination process.

12. Plaintiff alleges that defendants' conduct caused the loss of his employment, compensation, benefits, professional standing, law-enforcement career opportunities, and other economic and noneconomic injuries. New York County is therefore a proper venue for adjudication of plaintiff's statutory discrimination and retaliation claims.

**PROCEDURAL HISTORY AND CONDITIONS PRECEDENT**

13. On March 2, 2026, plaintiff MICHAEL LIN timely filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission, New York District Office, arising from the discriminatory and retaliatory employment practices challenged in this action. The EEOC assigned Charge No. 520-2026-03828.

14. The Charge alleged discrimination based upon plaintiff's race and national origin, retaliation, and hostile work environment arising from his employment with NEW YORK STATE POLICE and the investigative and disciplinary process culminating in his termination on September 18, 2025.

15. The Charge has been processed by the EEOC. To the extent the Charge was transmitted to the New York State Division of Human Rights pursuant to the EEOC's dual-filing or work-sharing procedures, the EEOC retained responsibility for processing the matter.

16. Plaintiff did not elect to pursue an independent administrative adjudication of his NYSHRL claims before the New York State Division of Human Rights.

17. Defendant NEW YORK STATE POLICE participated in the EEOC proceeding and, on September 4, 2026, submitted a Position Statement denying plaintiff's allegations of discrimination and retaliation and defending the investigation, disciplinary prosecution, and termination challenged herein.

18. In its Position Statement, NYSP acknowledged that plaintiff had been a sworn New York State Trooper assigned to Troop NYC in New York City and that his Charge principally challenged discrimination and retaliation arising from the investigation, charging process, disciplinary hearing, and termination of his employment.

19. NYSP further acknowledged that the disciplinary process included an internal investigation by its Professional Standards Bureau, a compelled statement taken from plaintiff, formal and amended disciplinary charges, a two-day disciplinary hearing, and a final determination terminating plaintiff's employment.

20. On September 17, 2025, the Hearing Board issued its Findings and Recommendation. On September 18, 2025, defendant STEVEN G. JAMES accepted the Hearing Board's determination and terminated plaintiff from the New York State Police effective immediately.

21. Plaintiff has requested issuance of a Notice of Right to Sue in connection with EEOC Charge No. 520-2026-03828.

22. Plaintiff does not assert a cause of action under Title VII in this action. Plaintiff brings this plenary action under the New York State Human Rights Law and New York City Human Rights Law.

23. Plaintiff's NYSHRL and NYCHRL causes of action are not dependent upon completion of the federal administrative process as a prerequisite to commencement of this action.

24. Plaintiff does not bring this action as a CPLR Article 78 proceeding seeking ordinary administrative review of the NYSP disciplinary determination in isolation. Rather, plaintiff challenges defendants' discriminatory and retaliatory conduct throughout the

investigation, disciplinary prosecution, union representation, employment administration, adjudication, and termination process.

25. Plaintiff has satisfied all conditions precedent applicable to the NYSHRL and NYCHRL causes of action asserted herein, and no further administrative exhaustion is required before plaintiff may pursue those claims in this Court.

### **PLAINTIFF**

26. Plaintiff MICHAEL LIN is an Asian-American man of Chinese national origin and a former sworn member of the NEW YORK STATE POLICE.

27. Prior to his termination on September 18, 2025, plaintiff held the rank of Trooper and was assigned to Troop NYC in New York City, including SP Brooklyn.

28. Plaintiff entered NYSP service in approximately 2019 and served for nearly seven years before his termination.

29. During his tenure, plaintiff worked in multiple assignments, including SP Liberty and Troop NYC, and performed law-enforcement duties subject to NYSP rules, regulations, supervisory authority, disciplinary procedures, and the collective-bargaining agreement governing represented members.

30. Plaintiff alleges that, because of his race and Chinese national origin, he was subjected to discriminatory treatment during his NYSP employment, including racially charged stereotyping and materially harsher treatment in the investigation, charging, disciplinary, and termination process.

31. At all relevant times, plaintiff was represented for collective-bargaining purposes by defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC.

32. Plaintiff alleges that the PBA and its representatives failed to provide him with neutral and nondiscriminatory representation during the challenged disciplinary process and instead participated in, facilitated, or acquiesced in the unequal treatment alleged herein.

33. As a result of defendants' conduct, plaintiff lost his employment as a New York State Trooper, salary, benefits, professional standing, and future law-enforcement career opportunities, and suffered emotional and reputational harm.

### **DEFENDANTS**

34. Defendant NEW YORK STATE POLICE is a law-enforcement agency of the State of New York that employed plaintiff as a sworn Trooper until his termination on September 18, 2025. At all relevant times, NYSP acted through its officers, supervisors, investigators, legal personnel, command staff, and final disciplinary authorities, including the individual defendants named herein. NYSP acknowledges that plaintiff was assigned to Troop NYC in New York City and that the investigation, charging process, disciplinary hearing, and termination challenged in this action arose from that employment relationship.

35. Defendant STEVEN G. JAMES was, at all relevant times, the Superintendent of the New York State Police and possessed final authority over plaintiff's continued employment. On September 18, 2025, JAMES accepted the Hearing Board's findings and recommendation, found plaintiff guilty of the disciplinary charges, and terminated plaintiff from NYSP effective immediately.

36. Defendant STEVEN W. KOVELESKIE was, at all relevant times, a Captain employed by NYSP and a supervisory participant in the Professional Standards Bureau investigation of plaintiff. On August 12, 2024, KOVELESKIE assigned defendant LISCHAK to the investigation, and KOVELESKIE thereafter personally participated in plaintiff's compelled

target interrogation and questioned plaintiff concerning alleged violations of NYSP rules and regulations.

37. Defendant GREGORY C. LISCHAK was, at all relevant times, a Lieutenant employed by NYSP and an investigator assigned to the Professional Standards Bureau, Southern Regional Office. LISCHAK conducted substantial portions of the administrative investigation, conducted plaintiff's October 1, 2024 compelled interrogation in Fishkill, and participated in the collection, documentation, and evaluation of witness and other investigative evidence challenged in this action.

38. Defendant ROSS A. HANSEN was, at all relevant times, a Lieutenant employed by NYSP and participated with KOVELESKIE and LISCHAK in the investigation and compelled interrogation of plaintiff. The interrogation transcript identifies HANSEN as one of the NYSP officials authorized to question plaintiff during the October 1, 2024 target interrogation.

39. Defendant CHRISTOPHER P. CASALE was, at all relevant times, a Major assigned to Troop NYC and possessed supervisory and command responsibilities affecting plaintiff's employment and disciplinary status. Plaintiff alleges that CASALE received or was responsible for addressing plaintiff's grievance concerning defendant STAHL's conduct and plaintiff's unpaid status, but delayed responding in a manner that impaired plaintiff's ability to obtain timely relief.

40. Defendant JOSHUA E. STAHL was, at all relevant times, a Captain assigned to Troop NYC and personally participated in the disciplinary process challenged herein. Plaintiff alleges that, on the evening of July 2, 2025, STAHL and defendant WILSON appeared unannounced at plaintiff's family residence in Union, New Jersey, after which STAHL directed

plaintiff to report to SP Manhattan while plaintiff was suspended without pay. Plaintiff further alleges that STAHL participated in the late-night service of amended disciplinary charges and thereafter generated materially disputed documentation concerning those events.

41. Defendant TATIANA I. WILSON was, at all relevant times, a Sergeant assigned to Troop NYC and personally participated with STAHL in the July 2, 2025 events at plaintiff's New Jersey residence and the ensuing disciplinary activity. Plaintiff further alleges that WILSON and STAHL were initially identified as NYSP witnesses for the disciplinary hearing but were later removed after NYSP received rebuttal evidence concerning their anticipated testimony.

42. Defendant DAVID J. SZALDA was, at all relevant times, Division Counsel or an attorney acting on behalf of NYSP in connection with plaintiff's disciplinary prosecution. Plaintiff alleges that SZALDA exercised substantial authority over the scheduling and prosecution of the disciplinary matter, including scheduling plaintiff's hearing while his assigned PBA attorney was unavailable, administering or prolonging plaintiff's unpaid status, denying plaintiff's request to use annual leave, participating in the formulation and prosecution of the amended charges, and questioning plaintiff's wife during the disciplinary hearing.

43. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC. is a labor organization that represented plaintiff and other members of the New York State Police for purposes of collective bargaining, disciplinary representation, and other terms and conditions of employment. NYSP itself acknowledges that the PBA is a separate labor organization whose representatives act on behalf of the union and its members.

44. Defendant JOSHUA P. KAYE was, at all relevant times, a PBA representative and Board Member who represented plaintiff during portions of the disciplinary investigation.



KAYE was present during plaintiff's October 1, 2024 compelled interrogation and participated in that proceeding as plaintiff's PBA representative. Plaintiff further alleges that KAYE represented that he would pursue negotiation and mitigation on plaintiff's behalf, requested plaintiff's commendations and performance materials for that purpose, and later admitted that he had not undertaken the negotiation he previously represented he would perform.

45. Defendant ANDREW C. DAVIS was, at all relevant times, a PBA Board Member and representative involved in matters concerning plaintiff's disciplinary process and employment status. Plaintiff alleges that, during the dispute concerning disciplinary scheduling and unpaid status, DAVIS cursed at plaintiff and warned him that he was "poking the bear," which plaintiff understood as a warning against continuing to challenge the treatment being imposed upon him.

46. At all relevant times, the individual NYSP defendants acted within the scope of their employment or authority with NYSP and personally participated in, aided, abetted, facilitated, approved, ratified, or failed to remedy the discriminatory and retaliatory practices alleged herein.

47. At all relevant times, the individual PBA defendants acted within the scope of their positions or authority with the PBA and personally participated in, aided, abetted, facilitated, acquiesced in, or failed to remedy the discriminatory and retaliatory practices alleged herein.

### **BACKGROUND**

#### **New York State Police**

48. Defendant NEW YORK STATE POLICE is a centralized, statewide law-enforcement agency established in 1917 and organized under a Superintendent appointed by the

Governor, with a mission framed in its own public materials as to “serve, protect & defend the people of New York” while “preserving the rights and dignity of all.”

49. The New York State Archives notes that the 1917 law creating the Department of State Police was designed to provide law enforcement in rural areas and included a limitation—still recognized in the Archives’ description—restricting use of the State Police within city limits absent a specific order of the Governor.

### **Agency Demographics**

50. Publicly available sworn-personnel data show that the New York State Police remain overwhelmingly White and male in its sworn ranks. In the Division of Criminal Justice Services (“DCJS”) sworn-personnel census for 2024, the New York State Police reported 5,148 sworn members, of whom 4,500 were recorded as White, approximately 87.4%; 285 as Black, approximately 5.5%; and 363 as Other, approximately 7.1%.

51. DCJS also reported 4,484 sworn members recorded as male, approximately 87.1%, and 664 recorded as female, approximately 12.9%, with Hispanic reported separately as an ethnicity, comprising 438 sworn members, approximately 8.5%.

52. This composition is materially consistent with prior DCJS sworn-personnel reporting. For example, the DCJS 2020 sworn-personnel table reported 4,866 NYSP sworn members, with 4,280 White members, approximately 88.0%; 212 Black members, approximately 4.4%; and 374 members classified as Other, approximately 7.7%.

53. The same 2020 data reported 4,330 male sworn members, approximately 89.0%, and 536 female sworn members, approximately 11.0%, reflecting persistent underrepresentation of certain racial groups within the sworn workforce even as the overall sworn headcount increased.

54. DCJS sworn-personnel data for 2024 reports NYSP race in aggregated categories of “White,” “Black,” and “Other” and does not disaggregate Asian troopers as a separate category. Accordingly, the precise percentage of Asian sworn members is not publicly quantifiable from the DCJS NYSP row alone, although Asians are necessarily a subset of the “Other” category.

55. Separately, public reporting on NYSP recruiting states that Asian participation among trooper test-takers increased from 4.16% in 2017 to 5.97% in 2022, underscoring that even as the agency sought to diversify its pipeline, Asian representation within the sworn ranks remains an issue that must be confirmed through personnel data and discovery.

#### **Historical Underrepresentation and Why it Matters to Discretionary Discipline Decisions**

56. The agency’s persistent underrepresentation of minorities—particularly within the sworn workforce—provides a critical interpretive frame for evaluating discretionary discipline decisions in this matter. DCJS sworn-personnel reporting reflects that the NYSP has remained overwhelmingly White and male over time, and public reporting reflects longstanding concerns that the agency’s demographics do not mirror the population it polices.

57. Separately, public reporting on NYSP recruitment indicates that the agency has attempted to diversify the applicant pipeline, including increased Asian participation among trooper test-takers, underscoring that diversification has been treated as a recognized institutional need rather than an incidental goal.

58. This historical underrepresentation matters in a discipline case because it operates in tandem with the disciplinary system’s structural features.

59. The NYCLU’s FOIL-based analysis and the NYT/New York Focus investigation describe a discipline system characterized by internal control, discretionary routing, inconsistent

penalties, and limited transparency—an architecture in which subjective judgments, including who is treated as credible, what is escalated as “serious,” how charges are selected and stacked, and what penalty is chosen, can determine outcomes in ways that are difficult to audit after the fact.

60. In an institution where Asian troopers are not even separately disaggregated in the agency-level DCJS race categories because Asians are included within “Other,” underrepresentation is not just numerical; it can also function as invisibility in the records used to evaluate “normal” treatment—making it more likely that atypical escalation against an Asian trooper will be treated as an isolated “one-off” rather than tested against an auditable baseline.

61. Accordingly, the underrepresentation context does not substitute for proof of discrimination; it explains why the factfinder must examine how defendants exercised discretion at each decision point in this case. The case-specific proof is set forth below through comparator discipline outcomes and the selective escalation reflected in the investigation, charge selection, adjudication, and termination pipeline applied to plaintiff.

### **Persistent Racial Problems Within the Agency**

62. Independent reporting has documented longstanding concerns about race-based disparities and discriminatory culture within the New York State Police. A June 1, 2021 Associated Press investigation reported that minority troopers described discrimination within the ranks as persistent, including accounts of racial slurs, racially degrading imagery, and a workplace culture that some troopers characterized as systemically racist and insufficiently disciplined.

63. The same reporting described the agency’s long-running diversity deficit as historically significant, including that the United States Department of Justice sued New York in

1977 over discriminatory hiring and promotion practices within the State Police and that a federal court imposed remedial recruitment goals that were later dissolved and ultimately lifted.

64. This history is not pleaded as proof that any adverse action in this case was automatically discriminatory; it is pleaded as institutional context for evaluating discretionary decision points—including investigative scope, charge selection, credibility determinations, and penalty selection—where subjective judgments can operate without consistent guardrails. The case-specific basis for discrimination is alleged below through comparator discipline outcomes and deviations in the investigative and charging process applied to plaintiff.

### **Discipline System and Accountability Failures**

#### **A. NYCLU FOIL-Based Findings Show Low Substantiation Rates and Predominantly Low-Level Discipline**

65. Independent oversight reporting has raised sustained concerns that the New York State Police’s internal disciplinary system rarely produces meaningful accountability, including in matters implicating discriminatory conduct.

66. In July 2023, the NYCLU reported that, after obtaining tens of thousands of NYSP records through FOIL, the records reflected nearly 20,000 reported acts of misconduct and over 5,000 recorded use-of-force incidents from 2000 to 2020, and that misconduct allegations involving civilian harm—including unlawful searches, use of force, and discrimination—were substantiated at particularly low rates.

67. The NYCLU reported, for example, that only 7% of nearly 2,300 misconduct investigations referencing use-of-force incidents were “founded,” and only 5% of roughly 500 investigations referencing racial or religious discrimination were founded.

68. Even when misconduct was founded, the NYCLU reported that serious discipline was uncommon: of 7,476 founded investigations, 52% resulted in a “slap on the wrist” consisting

of reprimand, censure, or counseling; 13% resulted in suspension without pay; 10% resulted in probation; and 2% resulted in termination.

**B. Persistent Transparency Resistance and Litigation Over Officer Identities and Underlying Records**

69. The NYCLU further reported that the records NYSP produced were limited and that NYSP refused to disclose the names of officers in categories of misconduct investigations, prompting ongoing litigation to obtain unredacted data and underlying records that NYSP allegedly continues to withhold from public view.

70. This contested posture is relevant to accountability because it restricts the ability of the public, and in many cases affected individuals, to evaluate whether discipline is being imposed consistently across units, decisionmakers, and categories of misconduct.

**C. New York Times / New York Focus Findings on Discretionary Discipline and Lack of Formal Guidelines**

71. Independent investigative reporting has also found that the NYSP disciplinary system has historically operated without formal, agencywide disciplinary guidelines and has therefore produced discretionary and inconsistent outcomes even in matters involving serious misconduct.

72. A January 28, 2026 investigation by New York Focus, in collaboration with The New York Times, reported that—unlike other large New York police agencies that maintain explicit investigative steps and disciplinary matrices—the State Police “has no such formal disciplinary guidelines,” and that misconduct investigations and discipline are frequently discretionary, resulting in numerous cases where troopers engaged in serious conduct yet remained employed.

73. The reporting further described how some matters were handled at lower levels of scrutiny, including troop-level processes that may rely on informal supervisory resolution rather than standardized internal affairs procedures, reinforcing the risk that misconduct can be routed into minimal review and that penalties can vary sharply for similar categories of wrongdoing.

74. The same reporting noted that the agency represented it began developing a formal disciplinary model in 2025 that was not yet complete at the time of publication, underscoring that the absence of clear, standardized discipline guidance has persisted for years.

#### **D. Pleading Use**

75. This institutional record is pleaded as context for evaluating discretionary decision points in this case—including investigation scope, charging decisions, credibility determinations, findings, and penalty selection—where internal discretion, inconsistent discipline outcomes, and limited transparency can shape, and at times obscure, disparate treatment.

#### **Ryder Cup / Two-Tier Discipline Controversy**

76. In late 2025, NYSP leadership faced public scrutiny over allegations that senior officials misused law-enforcement credentials or complimentary access to obtain improper admission to the Ryder Cup tournament on Long Island for themselves and, in some instances, family members.

77. The controversy prompted an internal review and a referral to the New York State Inspector General at the Governor's direction.

78. Reporting identified the officials at the center of the inquiry as First Deputy Superintendent R. Christopher West, a Black male, and Colonel Darrin S. Pitkin, a White male,

and described the incident as fueling “two-tier” concerns about how discipline is applied within the agency.

79. Reporting further described the incident as prompting resignations and internal controversy and was cited by the troopers’ union as evidence of a “two-tiered system” in which discipline is perceived as unevenly applied across ranks.

### **Assessment of the Agency’s Disciplinary System and How It Frames This Case**

80. The NYCLU’s FOIL-based analysis and the New York Times/New York Focus investigation collectively describe a disciplinary system defined by internal control, discretionary routing, inconsistent penalties, and limited transparency—features that are not merely academic, but directly relevant to how discrimination can operate in discipline cases.

81. The NYCLU reported that NYSP investigates itself, substantiates civilian-facing misconduct and discrimination allegations at particularly low rates, and imposes serious penalties in only a small fraction of founded matters, with most outcomes resulting in reprimand, censure, or counseling rather than termination.

82. The NYT/New York Focus reporting likewise described the absence of formal, agencywide disciplinary guidelines, the discretionary assignment of matters for higher or lower scrutiny, and penalty variability even within similar misconduct categories.

83. These findings matter here for a concrete reason: in a system with weak standardization and high discretion, discrimination rarely announces itself through an overt policy; it manifests through decision-point disparities—what gets escalated for “formal” treatment versus handled informally, how charges are selected and stacked, how credibility is weighed, and what penalty is chosen when a range of sanctions is demonstrably available.



84. The NYCLU's data and the NYT/New York Focus reporting also make clear that, even where misconduct is founded, termination is comparatively uncommon—reinforcing that termination is a discretionary endpoint that requires scrutiny when similarly serious misconduct has historically resulted in lesser penalties.

85. Accordingly, the proper analytical frame in this matter is not simply whether plaintiff was accused of rule violations, but whether defendants exercised NYSP's discretionary discipline machinery in a selective and punitive manner against an Asian trooper of Chinese national origin—including by escalating the investigation, stacking charges to support a termination-grade outcome, and adopting termination despite comparator outcomes demonstrating that NYSP has repeatedly imposed serious discipline short of dismissal for high-severity misconduct categories.

### **Charging Party**

86. Plaintiff MICHAEL LIN self-identifies as Asian-American (Chinese) and is a former New York State Trooper assigned to Troop NYC / SP Brooklyn.

87. Plaintiff alleges that he was subjected to racially discriminatory treatment and a hostile work environment, including racial hazing and racially charged stereotyping, beginning in or about January 2019 and continuing through his termination on September 18, 2025.

88. Plaintiff further alleges that this ongoing pattern of discriminatory conduct and unequal treatment culminated in defendants' selective and punitive use of NYSP's investigative, charging, and adjudicatory process to terminate him on September 18, 2025.

#### **A. 2019 — NYSP Academy (Racial Hazing of an Asian Recruit)**

89. During plaintiff's time at the New York State Police Academy in January 2019, plaintiff witnessed racially biased conduct by Division staff toward another Asian recruit, Trooper Santisouk J. Rasaphone, on his birthday.

90. Plaintiff observed that Trooper Rasaphone, an Asian male, was forced to wear a balloon on his wrist for the entire day—including during physical training, running outdoors around the University at Albany where members of the public could observe, during meals, and throughout other activities—as a form of humiliation.

91. Plaintiff alleges that no other recruits, including White recruits who had birthdays around the same time, were subjected to similar treatment.

92. Plaintiff pleads this incident as early evidence that racial bias existed within the Division's internal culture from the Academy stage.

**B. 2022 — SP Liberty Assignment (Racialized Stereotyping and Hostile Joking)**

93. While assigned to SP Liberty in 2022, plaintiff's partner was Trooper Cameron Fryer, a Black male.

94. During this period, plaintiff alleges that he was subjected to racially charged jokes and nicknames, including being called "Rush Hour 3," mocking plaintiff's Asian ethnicity and referencing a film trope about an Asian and Black police duo.

95. Plaintiff pleads that the nickname carried racial undertones and created discomfort in the workplace.

96. Plaintiff further pleads that he did not report the conduct because he feared retaliation and because the Division has a reputation for punishing members who speak up about discrimination.

**C. 2022 — Systemic Anchor: Federal Jury Verdict Confirming Investigative Weaponization and Retaliatory Discipline (Nelson & Lyons)**

97. A recent federal jury verdict provides an external, judicially tested anchor for the core theory in this action: that NYSP's investigative and disciplinary machinery can be used selectively as a tool of targeting and retaliation rather than neutral accountability.

98. In May 2022, following a federal civil-rights trial in White Plains, a jury awarded a combined \$3.25 million to two former State Police members—Seamus A. Lyons and Noel N.J. Nelson—after rejecting NYSP's asserted administrative justification tied to missing or stolen drug evidence and crediting the plaintiffs' theory that they were scapegoated and forced out.

99. Reporting further states that the jury awarded punitive damages against former Superintendent Joseph D'Amico, a White male, reinforcing that the verdict was not limited to a mere technical error but reflected a finding of wrongful intent in how the investigation and discipline were pursued.

100. This verdict is pleaded as institutional notice and context for evaluating defendants' exercise of discretion in plaintiff's matter, where NYSP likewise used discretionary investigative and charging choices to pursue a termination-oriented outcome notwithstanding comparator outcomes showing that serious misconduct is frequently resolved through lesser penalties.

**D. August 10, 2024 — New Jersey Arrest Followed by Selective Residency Enforcement**

101. On August 10, 2024, plaintiff was arrested in New Jersey.

102. The New Jersey criminal matter was dismissed on May 19, 2025.

103. Plaintiff alleges that despite dismissal, NYSP initiated and escalated a residency-focused investigation against him—even though he had been vetted and cleared years earlier—

using residency enforcement selectively as a punitive tool rather than a neutral qualification check.

**E. October 1, 2024 — Compelled “Target” Statement at the Professional Standards Bureau (PSB) – Fishkill (Coercive Framing; Unequal Treatment; Union Nonfeasance)**

104. On October 1, 2024, at the Professional Standards Bureau, Southern Regional Office in Fishkill, New York, plaintiff gave a compelled “Target” statement that began at 10:12 a.m.

105. The investigators were Lieutenant GREGORY C. LISCHAK, a White male; Lieutenant ROSS A. HANSEN, a White male; and Captain STEVEN W. KOVELESKIE, a White male. Plaintiff’s PBA representative was defendant JOSHUA P. KAYE, a White male, and the PBA attorney was John Tuppen, a White male.

106. Plaintiff alleges that defendant KOVELESKIE asked whether plaintiff had “violated any rules or regulations” before any formal charges were served; when plaintiff did not understand the question, KOVELESKIE rephrased it in a manner designed to guide plaintiff toward self-incrimination.

107. Plaintiff alleges that defendant KAYE did not intervene to protect plaintiff’s rights.

108. Plaintiff alleges that other troopers investigated by the same officers—including Evantz Charmant, Mark Vixama, and Matthew Lipke—were not asked the same incriminating question, and that plaintiff’s interrogation was conducted more harshly than similarly situated members.

109. Plaintiff alleges that after the compelled statement, defendant KAYE advised that he would negotiate with Deputy Superintendent Colonel West, a Black male, and requested

anything useful for negotiation; plaintiff provided sixteen letters of commendation and performance information, including high DWI arrest performance within Troop NYC while navigating dual NYPD/NYSP paperwork and procedures without formal training resources.

110. Plaintiff alleges that on a recorded line, on the date plaintiff references as February 20, defendant KAYE later admitted that he lied about negotiating with Colonel West for an hour, stating that he did not want to “get into a pissing match” and that doing so would have been a disservice to other members. Plaintiff pleads this as evidence of denial of fair representation and coercive interrogation tactics.

**F. April 24–25, 2025 — Charges and Specifications Served (SP Brooklyn)**

111. At the conclusion of the investigation, on April 24, 2025, NYSP initiated Charges and Specifications against plaintiff.

112. Plaintiff was served with the Charges and Specifications at SP Brooklyn on April 25, 2025.

**G. May–June 2025 — Retaliatory Scheduling and Unpaid Suspension Mechanics**

113. Plaintiff alleges that Division Counsel DAVID J. SZALDA, a White male, scheduled plaintiff’s disciplinary hearing for June 11, 2025 while knowing that plaintiff’s assigned PBA attorney John Tuppen was on pre-approved leave.

114. Plaintiff alleges that when he refused to proceed with a substitute attorney he had never met, he was threatened with suspension without pay.

115. Plaintiff alleges that on May 23, 2025, SZALDA moved the hearing date to June 23, 2025 in a manner designed to trigger a 30-day unpaid suspension period under Division payroll procedure, without providing a written interpretation or responding to requests for clarification.

116. Plaintiff alleges that on the same day defendant ANDREW C. DAVIS, a White male and PBA representative, cursed at him and warned that he was “poking the bear.”

117. Plaintiff alleges that although Tuppen returned by July 2, SZALDA delayed the hearing again to July 24–25, prolonging plaintiff’s unpaid status.

118. Plaintiff alleges that when he requested annual leave to maintain income and health coverage for his wife and three children, SZALDA denied the request without citing written policy.

119. Plaintiff pleads these actions as retaliation and intentional manipulation of scheduling and pay status to force disadvantage in the disciplinary process.

120. NYSP issued Amended Charges and Specifications dated July 1, 2025, and plaintiff was served on July 2, 2025.

121. The Amended Charges included, in substance: engaging in misconduct under Regulation 8A8(1); absence or abandonment from duty under Regulation 5.5; consuming alcohol while on duty under Regulation 8H1-1; facilitating a New Jersey open-container or passenger-alcohol violation under Regulation 8A7; vehicle and plate violations under Regulation 8A7 with VTL § 402 references; nonresidency allegations tied to Public Officers Law §§ 3(1) and 30(1)(d) and Division Regulation 9.11(a); multiple counts styled as Offering a False Instrument for Filing in the Second Degree under Penal Law § 175.30; neglect of duty under Regulation 8A9(4); and conduct tending to bring discredit upon the Division under Regulation 8A8(2).

**H. July 2–3, 2025 — Retaliation for Requesting Favorable Witness Statements; Coercive Late-Night Service; Fabrication and Suppression of Favorable Witnesses**

122. On the morning of July 2, 2025, plaintiff emailed the Division requesting favorable witness statements from Jane Lee, his aunt, and Chuen Lin, his mother.

123. At approximately 9:45 p.m. that night, defendant JOSHUA E. STAHL, a White male, and defendant TATIANA I. WILSON arrived unannounced at plaintiff's family home in Union, New Jersey, waking his children and alarming his family, without prior notice to plaintiff or union counsel. They identified themselves only after being questioned by plaintiff's wife, Rowena Lin.

124. Plaintiff alleges that STAHL demanded that he meet that night and compelled him to report to SP Manhattan at approximately 11:30 p.m. while he was suspended without pay.

125. Plaintiff alleges that the late-night service of amended charges was used as retaliation for requesting favorable witness statements and as a predicate to further investigation, and that he was not afforded an opportunity to answer the amended charges consistent with NYSP Rule 3.7.

126. Plaintiff alleges that STAHL sent a false email at 2:18 a.m. on July 3, 2025, falsely claiming plaintiff reported his location and falsely claiming STAHL saw plaintiff driving a manual-transmission vehicle that plaintiff cannot operate.

127. Plaintiff alleges that defendant LISCHAK produced a memo recounting a nine-month-old interaction with Jane Lee dated September 25, 2024, and that Lee's notarized letter and video confirm she was manipulated into allowing entry and that LISCHAK selectively recorded witnesses, recording plaintiff's mother but not Jane Lee.

128. Plaintiff alleges that hostile witness statements were documented immediately while favorable Chinese-language witnesses were suppressed for months, and pleads this selective documentation as probative of discriminatory and retaliatory intent.

129. Plaintiff alleges that he filed a grievance regarding STAHL's conduct and the unpaid status and that defendant CHRISTOPHER P. CASALE, a White male, delayed

responding until August 14 despite returning from vacation on August 12, impairing plaintiff's remedies.

### **I. September 10–11, 2025 — Hearing**

130. NYSP commenced plaintiff's disciplinary hearing on September 10, 2025 and concluded it on September 11, 2025, at the New York State Police Academy, 1220 Washington Avenue, State Campus, Albany, New York.

131. The Hearing Board consisted of Lieutenant Colonel Paul M. DeQuatro, Presiding Officer; Major Andre J. Ray; and Captain Kyle J. Kroeger.

132. Plaintiff alleges that during the hearing, union counsel objections under Rule 3.9(d) were overruled; hearsay evidence, including Karen Chang's statement, was accepted; and Division Counsel SZALDA questioned plaintiff's wife on irrelevant and emotionally abusive topics, including alleged infidelity.

133. Plaintiff alleges that defendants STAHL and WILSON were initially scheduled to testify against him but were removed after the Division received rebuttal evidence, impairing plaintiff's ability to confront that testimony and present full context.

134. On September 17, 2025, the Hearing Board issued findings and recommendations concluding that plaintiff was guilty of all charges and recommending termination.

135. On September 18, 2025, defendant STEVEN G. JAMES issued a determination accepting the Hearing Board's findings and recommendations, finding plaintiff guilty of all charges, and terminating plaintiff from the Division of State Police effective immediately.

### **The PBA Represented LIN Throughout the Investigation and Disciplinary Process**



136. Plaintiff was a member of the bargaining unit represented by defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC. (“PBA”) during the investigation and disciplinary process challenged herein.

137. Through that representation, the PBA acquired direct knowledge of the allegations against plaintiff, the Professional Standards Bureau investigation, the compelled interrogation, the disciplinary charges, the potential employment consequences, and plaintiff’s efforts to obtain mitigation and a negotiated resolution.

138. Defendant JOSHUA P. KAYE acted as plaintiff’s PBA representative during plaintiff’s October 1, 2024 compelled “target” interrogation at the Professional Standards Bureau, Southern Regional Office in Fishkill.

139. KAYE was present while defendants KOVELESKIE, LISCHAK, and HANSEN questioned plaintiff and therefore had direct knowledge of the manner in which plaintiff was interrogated and treated during the investigation.

140. Plaintiff alleges that KAYE did not intervene during the challenged questioning or otherwise object when plaintiff was subjected to the accusatory interrogation alleged herein.

141. Following the compelled interrogation, KAYE represented to plaintiff that he would negotiate with Deputy Superintendent Colonel R. Christopher West concerning mitigation and requested materials that could be used in that effort.

142. In reliance upon that representation, plaintiff provided KAYE with sixteen letters of commendation and performance-related information, including information concerning plaintiff’s DWI enforcement performance within Troop NYC and other favorable employment history.

143. Plaintiff alleges that KAYE later admitted during a recorded telephone conversation that he had not engaged in the negotiation he represented he would undertake and stated that he did not want to “get into a pissing match” and believed doing so would be a disservice to other members.

144. Defendant ANDREW C. DAVIS likewise acted as a PBA official during plaintiff’s disciplinary dispute concerning hearing scheduling, unpaid status, and the consequences of the disciplinary process.

145. On May 23, 2025, while plaintiff was challenging the scheduling and unpaid-status consequences imposed upon him, DAVIS cursed at plaintiff and warned him that he was “poking the bear.”

146. Plaintiff alleges that the statement reflected the PBA’s knowledge that plaintiff’s continued objections could provoke adverse treatment rather than an expectation that the PBA would protect a bargaining-unit member challenging unequal or improper treatment.

147. The PBA continued representing plaintiff during the disciplinary process, including through assigned counsel, while possessing direct knowledge of plaintiff’s complaints concerning the investigation, charging decisions, hearing scheduling, unpaid status, witness evidence, and other challenged treatment.

**The PBA’s Representational Failure Was Distinct from NYSP’s  
Discrimination and Retaliation Against LIN**

148. Plaintiff does not seek to impose liability upon the PBA merely because NYSP or its employees discriminated or retaliated against him.

149. Plaintiff alleges that the PBA, KAYE, and DAVIS committed their own unlawful acts and omissions while exercising representational authority over an investigation and disciplinary process in which plaintiff was challenging discriminatory and unequal treatment.

150. The PBA acquired direct knowledge through its representation of plaintiff, including KAYE's personal attendance at the compelled interrogation, the materials plaintiff supplied for mitigation, communications concerning possible negotiation, and the union's participation throughout the disciplinary process.

151. The PBA knew that plaintiff was being subjected to a broad Professional Standards Bureau investigation, that the investigation had expanded to other Troop NYC members, and that plaintiff was being exposed to termination through an increasingly punitive disciplinary process.

152. The PBA further knew that plaintiff was challenging the scheduling of his hearing, the imposition and prolongation of unpaid status, the denial of annual leave, and other aspects of his treatment.

153. Rather than merely failing to obtain a favorable result, plaintiff alleges that KAYE represented that he would undertake mitigation and negotiation on plaintiff's behalf and later admitted that he had not done what he represented he would do.

154. Plaintiff further alleges that DAVIS responded to plaintiff's continued objections not with neutral representation, but by warning that plaintiff was "poking the bear."

155. Plaintiff challenges the manner in which the PBA exercised its own representational authority, not its inability to guarantee plaintiff a favorable disciplinary outcome.

156. The PBA defendants' liability arises from their own alleged discriminatory and retaliatory exercise of representational authority and their participation in, facilitation of, or acquiescence in the unequal treatment alleged herein.

**The Duty of Fair Representation Is Material to LIN's  
NYSHRL and NYCHRL Claims Against the PBA**

157. A labor organization exercising exclusive representational authority may not treat a bargaining-unit member arbitrarily, discriminatorily, or in bad faith.

158. Under the NYSHRL and NYCHRL, a labor organization may be held liable where it exercises its representational authority in a discriminatory manner, retaliates against a member for protected activity, causes or attempts to cause an employer to discriminate, or aids and abets prohibited conduct.

159. The duty-of-fair-representation standard is material to plaintiff's NYSHRL and NYCHRL claims because the challenged conduct occurred while the PBA was exercising representational authority on plaintiff's behalf during an active investigation and disciplinary proceeding.

160. Plaintiff does not plead mere negligence, dissatisfaction with litigation strategy, or disagreement with the outcome of his disciplinary proceeding.

161. Plaintiff alleges that the PBA possessed discretion to make legitimate representational and strategic decisions, but that such discretion did not permit arbitrary, discriminatory, retaliatory, or bad-faith treatment in the exercise of its representational functions. The source section makes this same distinction between permissible strategic discretion and discriminatory or retaliatory exercise of representational authority.

162. Plaintiff alleges that KAYE's failure to undertake the mitigation and negotiation he represented he would perform, together with DAVIS's "poking the bear" warning while plaintiff challenged his treatment, must be evaluated as part of the PBA's own conduct toward an Asian-American member of Chinese national origin during a termination-grade disciplinary proceeding.

163. Plaintiff further alleges that the PBA defendants' conduct must be evaluated together with their knowledge of plaintiff's complaints, the seriousness of the employment consequences he faced, the contemporaneous investigation of other Troop NYC members, and the PBA's representational authority to advocate on his behalf.

**Race and National Origin Were Motivating Factors in the  
PBA's Representational Treatment of LIN**

164. Plaintiff alleges that his Asian race and Chinese national origin were motivating factors in the materially deficient and unequal representation provided by the PBA defendants.

165. Plaintiff does not rely solely upon the quality of the representation he received. He alleges that KAYE and DAVIS exercised their representational authority in a manner that facilitated or acquiesced in the selectively punitive treatment imposed upon him by NYSP.

166. KAYE was personally present for the compelled interrogation plaintiff alleges was conducted more harshly than the questioning of other members investigated by the same personnel, yet did not intervene during the challenged questioning.

167. KAYE thereafter represented that he would pursue mitigation with senior NYSP leadership, obtained favorable employment materials from plaintiff for that purpose, and later admitted that he had not undertaken the promised negotiation.

168. DAVIS, while plaintiff continued challenging the scheduling and economic consequences of the disciplinary process, warned plaintiff that he was "poking the bear."

169. Plaintiff alleges that these acts and omissions, considered together with the discriminatory and retaliatory treatment alleged throughout this Verified Complaint, support an inference that the PBA defendants did not provide plaintiff the neutral and nondiscriminatory representation to which a bargaining-unit member was entitled.

170. Plaintiff therefore alleges that the PBA, KAYE, and DAVIS are liable for their own discriminatory and retaliatory conduct and, where applicable, for aiding and abetting the discriminatory and retaliatory conduct of others.

### Comparator Data

| Disposition date | Comparator                 | Race / National Origin | Troop / Unit (as shown in record) | Top offense theme                                                                                                                                                                                                  | Outcome (as recorded)                         |
|------------------|----------------------------|------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| 2004-09-16       | Sgt. Kevin M. Anger        | TBD                    | Troop A (Batavia)                 | False / inaccurate reporting (integrity)                                                                                                                                                                           | Censure + 4-day suspension (10/13–10/16/2004) |
| 2006-01-19       | Trooper William B. Garland | TBD                    | Troop C (Sidney)                  | Consumed alcohol in a State Police-funded hotel while on State Fair Detail; participated in inappropriate anal sexual conduct with semi-conscious female with other troopers while using Division-issued handcuffs | Letter of censure + 5-day suspension          |
| 2010-04-12       | Trooper Jayson H. Colvin   | TBD                    | Troop C (Sidney)                  | Permitted a female acquaintance in barracks bedroom, lied to supervisors, seen in secluded area while on duty                                                                                                      | Letter of censure + 2-day suspension          |
| 2010-07-15       | Trooper Aaron              | TBD                    | Troop A                           | Domestic                                                                                                                                                                                                           | Censure + 8-                                  |

| Disposition date    | Comparator                    | Race / National Origin | Troop / Unit (as shown in record)              | Top offense theme                                                                                                     | Outcome (as recorded)                                              |
|---------------------|-------------------------------|------------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
|                     | Q. Destro                     |                        | (Batavia)                                      | abuse, stalking behavior, sexual intercourse while on duty, dishonesty in PSB                                         | day suspension (8/2–8/9/2010)                                      |
| 2012-05-07          | Trooper Dean E. Nolte         | TBD                    | Troop A (Batavia)                              | Dereliction / failure to respond in investigation + related conduct                                                   | Censure + 2-day suspension (5/28–5/29/2012)                        |
| 2012-05-30          | Inv. William P. Waszkielewicz | TBD                    | Seneca Allegany Casino Gaming Unit (Salamanca) | Misuse of duty time / early departure                                                                                 | Censure + 2.5 hrs sick leave charged + 1 day annual leave deducted |
| 2012 (DCN 20120024) | Trooper William R. Stavisky   | TBD                    | (IAB file)                                     | Improper solicitation / ticket-fixing / influence                                                                     | Founded finding reflected in IAB tracking record                   |
| 2012 (DCN 20120024) | Trooper Peter A. Steixner     | TBD                    | (IAB file)                                     | Same incident universe                                                                                                | Closed–Unfounded reflected in IAB tracking record                  |
| 2013-05-31          | Trooper John H. Szymkowiak    | TBD                    | Troop A (Batavia)                              | Multiple misconducts while on duty; interfered with criminal investigation; ran for Fire Chief election while on duty | Censure + 4-day suspension (6/17–6/20/2013)                        |
| 2013-11-05          | Sgt. Kevin M. Anger           | TBD                    | Troop A (Batavia)                              | Positive drug test, accessed pornography                                                                              | 4-day suspension for lying, lost 3 annual leave                    |

| Disposition date | Comparator              | Race / National Origin | Troop / Unit (as shown in record) | Top offense theme                                                                                                                          | Outcome (as recorded)                                                        |
|------------------|-------------------------|------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
|                  |                         |                        |                                   | on a Division computer, and lied during an investigation against personnel                                                                 | days for positive drug test, 8 leave days for accessing porn                 |
| 2017-04-10       | Trooper Mark R. Jones   | TBD                    | Troop A (Batavia)                 | Handed a loaded firearm to an intoxicated civilian inside an SP barracks and shot a round off                                              | Censure + 30-day suspension (5/1–5/30/2017) + probationary status            |
| 2019-03-21       | Trooper Sergio J. Cruz  | TBD                    | Troop A (Batavia)                 | Arrested for intoxicated driving and hit a civilian                                                                                        | Censure + 90-day suspension (served in blocks) + probationary status         |
| 2019-07-23       | Trooper Brandon M. Voss | TBD                    | Troop A (Batavia)                 | Failed to secure weapon, evidence, and purposely damaged civilian property                                                                 | Suspended for 30 days; 3 different personal conduct findings within 3 months |
| 2019-10-01       | Trooper Dean E. Nolte   | TBD                    | Troop A (Batavia)                 | Failed to return to duty for an investigation of a drive-by shooting, gave misleading statements, arrested while intoxicated in Canada and | Censure + 60-day suspension (served in blocks)                               |



| Disposition date | Comparator                   | Race / National Origin | Troop / Unit (as shown in record) | Top offense theme                               | Outcome (as recorded)                                                                     |
|------------------|------------------------------|------------------------|-----------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------|
|                  |                              |                        |                                   | reported it right away                          |                                                                                           |
| 2023-09-19       | Trooper John G. Jackson, Jr. | TBD                    | Troop NYC                         | Multi-charge misconduct resolved by guilty plea | Censure + 35-day suspension (9/22–10/26/2023) + 6-month probation + \$4,332 reimbursement |
| 2023-10-05       | Trooper Justin L. Skrapits   | TBD                    | Troop NYC                         | Time theft / false timekeeping + false filing   | Censure + 45-day suspension (11/2–12/16/2023) + \$6,434 restitution                       |

**The Thomas H. Mungeer Comparator  
(Contemporaneous Integrity Breach Resolved Through Negotiated Mercy)**

171. On January 10, 2023, New York State Police investigators executed a search warrant at the Albany headquarters of the New York State Troopers PBA as part of an ongoing inquiry into past wrongdoing by former top officials.

172. Thomas H. Mungeer, a White male, submitted retirement paperwork with an effective retirement date of October 1, 2025.

173. On Friday, October 24, 2025, the New York State Police arrested Mungeer at Troop G Headquarters in Latham, New York, and charged him with Grand Larceny in the Third Degree, a class D felony, arising from the alleged misappropriation of union funds while he served as PBA president.

174. On January 6, 2026, an Albany County Court disposition permitted Mungeer to plead guilty to felony grand larceny after admitting stealing \$25,621 in union funds, under a

negotiated agreement that allows the felony plea to be withdrawn and replaced with a misdemeanor petit larceny plea after one year of interim probation, along with restitution and forfeiture of police credentials.

175. This investigative and adjudicatory arc is pleaded as a contemporaneous comparator illustrating negotiated mercy in a high-severity integrity matter, contrasted with NYSP's termination-oriented handling of plaintiff, culminating in termination on September 18, 2025, without any comparable negotiated pathway to a reduced disposition or probationary resolution.

176. Under New York's public pension framework, pension forfeiture is not automatic; rather, Article V, § 7 of the New York Constitution and Retirement and Social Security Law ("RSSL") Article 3-B provide a post-conviction mechanism under which the district attorney or attorney general may commence an action seeking pension reduction or forfeiture based on a felony conviction related to public office.

177. In that statutory context, a negotiated disposition that permits withdrawal of a felony plea and substitution of a misdemeanor plea after interim probation functions as a structural pathway to mitigate or avoid the pension-forfeiture exposure that can attach to a final felony conviction and sentence.

#### **Transparency and Information-Control Context (FOIL)**

178. Plaintiff further pleads that the Division's discipline system and the ability to test comparator outcomes are burdened by information-control practices that restrict access to underlying misconduct and discipline records.

179. On September 26, 2025, NYSP's Records Access Officer issued a "first partial response" to multiple FOIL requests submitted by plaintiff in February 2025 and August 2025

seeking disciplinary records for fourteen current and former members, including Justin Skrapits, Peter Steixner, Thomas Mungeer, Evantz Charmant, Joshua Kaye, Gregory Lischak, Matthew Lipke, Dean E. Nolte, Brandan Voss, and others, stating that certain information was redacted and additional records were withheld under Public Officers Law § 87(2)(b), (f), and (g), and that production would occur on a rolling basis with appeals only after “final production.”

180. In addition, the New York Court of Appeals has held that agencies may not categorically withhold all law-enforcement disciplinary records relating to complaints not deemed substantiated under FOIL’s personal privacy exemption, and must instead evaluate records individually and justify redactions or withholding with particularized reasons. *Matter of New York Civ. Liberties Union v. City of Rochester*, 2025 NY Slip Op 01010 (Feb. 20, 2025).

181. Plaintiff pleads this FOIL posture as context for why comparator and decision-chain transparency must be scrutinized in evaluating selective and punitive discipline.

**September 4, 2026 — Position Statement as Further Evidence of Discrimination, Ratification, Pretext, and Post-Charge Retaliation**

182. On September 4, 2026, after plaintiff had engaged in protected activity by filing EEOC Charge No. 520-2026-03828, NYSP submitted a sixteen-page Position Statement to the EEOC denying that plaintiff had been subjected to discrimination, retaliation, or a hostile work environment and requesting dismissal of the Charge.

183. By the time NYSP submitted the Position Statement, it possessed the complete underlying Professional Standards Bureau investigation, the compelled-interrogation record, the original and amended Charges and Specifications, the disciplinary-hearing record, the Hearing Board findings, the Superintendent’s determination, the July 2025 correspondence concerning plaintiff’s requested witnesses, and the disciplinary materials NYSP itself selected to submit as comparator evidence.

184. Plaintiff alleges that the Position Statement did more than deny liability. NYSP affirmatively presented factual characterizations to a federal civil-rights enforcement agency concerning the investigation, comparator treatment, witness evidence, disciplinary procedures, and reasons for plaintiff's termination that were materially incomplete, misleading, or inconsistent with information contained in NYSP's own records.

185. NYSP represented to the EEOC that plaintiff's allegations concerning discriminatory investigative treatment amounted merely to disagreement with how the investigation was conducted and asserted that plaintiff had identified no facts connecting investigative decisions to race or national origin. NYSP further contended that investigators were not required to ask members identical questions and characterized the differences plaintiff identified as legally insignificant.

186. That presentation omitted a material feature of NYSP's own investigation. NYSP's Administrative Investigation Report establishes that the same investigation expanded beyond plaintiff and identified numerous additional Troop NYC members as investigative targets, including Matthew Lipke, German Tyuryayev, Evantz Charmant, Sean Kim, Brandon Rasado, Manuel Ortiz, Anthony Rawlins, Paul Cardona, Michael Olivieri, and Vincent Peluso.

187. NYSP's own report further states that Lipke was initially questioned as a witness, admitted that he had not partnered with his assigned partner, and was then converted into a target; that PSB thereafter conducted a 60-day review of Troop NYC Zone 3 personnel; and that Tyuryayev admitted failing to partner on several occasions, including while working overtime, and taking no enforcement action on those occasions.

188. Plaintiff alleges that these individuals constitute an obvious contemporaneous comparison group because they arose from the same investigation, within the same Troop NYC

operational environment, and were investigated by overlapping NYSP personnel. Plaintiff alleges that NYSP nevertheless omitted any meaningful discussion of their investigative treatment, charging outcomes, disciplinary dispositions, or continued employment when presenting its comparator defense to the EEOC.

189. Instead, NYSP argued that plaintiff's comparator evidence was unreliable, emphasized that the race and national origin of several comparators remained listed as "TBD," and selected former Trooper Peter A. Steixner, a White male who was also terminated following a residency determination, as what NYSP described as the comparator "most relevant" to plaintiff's circumstances.

190. Plaintiff alleges that this presentation was materially selective. The comparator issue is not limited to whether NYSP can identify another trooper who was ultimately terminated for a residency violation. Plaintiff challenges the exercise of discretion throughout the investigative and disciplinary process, including who was escalated, how broadly each investigation was pursued, how questioning was conducted, how charges were formulated and stacked, what evidence was pursued or preserved, what negotiated or lesser dispositions were available, and what penalty was ultimately selected.

191. Plaintiff further alleges that NYSP knew that his comparator information was necessarily preliminary because NYSP itself controlled the underlying disciplinary records and had produced responsive FOIL materials only partially and on a rolling basis. NYSP nevertheless used the incompleteness of protected-class information within those records as an affirmative basis to attack plaintiff's comparator showing before the EEOC.

192. NYSP also represented categorically that it "followed all applicable procedures" concerning plaintiff's disciplinary proceeding, including hearing scheduling, suspension and pay

status, and the denial of annual leave, while simultaneously characterizing plaintiff's allegations concerning those matters as mere disagreements over administration of the disciplinary process.

193. Plaintiff alleges that this categorical representation concealed rather than answered the factual allegations presented to the EEOC. NYSP did not identify in the Position Statement the written procedure authorizing the challenged scheduling sequence, the basis for selecting dates that allegedly triggered or prolonged plaintiff's unpaid status, or the written policy supporting the denial of plaintiff's request to use annual leave.

194. NYSP further represented that the late-night service of the Amended Charges bore no connection to plaintiff's request for favorable witness statements and stated that NYSP personnel merely attempted to serve plaintiff at the location where he was believed to reside before arranging service at a New York City State Police facility.

195. Plaintiff alleges that this sanitized description omitted the circumstances actually challenged: Captain STAHL and Sergeant WILSON appeared unannounced at plaintiff's family residence at approximately 9:45 p.m.; plaintiff was thereafter compelled to report to SP Manhattan at approximately 11:30 p.m. while suspended without pay; and the events occurred only hours after plaintiff requested favorable witness evidence concerning Jane Lee and Chuen Lin. Plaintiff had expressly placed those facts before the EEOC.

196. NYSP also represented to the EEOC that "no statements of any sort were suppressed" and that "all statements requested by Complainant and otherwise required to be produced were provided to him."

197. Plaintiff alleges that this representation was materially misleading because his claim did not concern only whether NYSP eventually transmitted some form of information. His allegation concerned the differential manner in which favorable and adverse witnesses were

interviewed, recorded, memorialized, preserved, and disclosed—including his allegation that LISCHAK recorded plaintiff's mother but did not record Jane Lee, while adverse information was documented promptly and favorable Chinese-language evidence was not handled in the same manner.

198. NYSP's Position Statement likewise expressly disclaimed responsibility for the conduct of the PBA defendants, emphasizing that the PBA is a separate labor organization and that its representatives act on behalf of the union and its members rather than on behalf of NYSP.

199. Plaintiff pleads that representation as further support for naming the PBA and its participating officials directly in this action. NYSP itself has taken the position that the PBA defendants constitute separate actors whose conduct cannot be attributed to NYSP; plaintiff accordingly seeks to hold those defendants accountable for their own alleged discriminatory, retaliatory, aiding-and-abetting, and representational conduct under the NYSHRL and NYCHRL.

200. Plaintiff further alleges that NYSP's Position Statement constitutes institutional ratification of the conduct challenged in this action. Rather than disclaiming, correcting, investigating, or remedying the challenged investigative, scheduling, witness-handling, disciplinary, and termination practices after receiving plaintiff's discrimination Charge, NYSP reviewed those allegations and affirmatively defended the conduct as proper, nondiscriminatory, and consistent with agency procedure.

201. Plaintiff pleads NYSP's September 4, 2026 Position Statement as additional evidence of pretext because the agency's post hoc defense selectively characterizes the record, minimizes or omits contemporaneous comparator evidence generated by its own investigation, and converts disputed discretionary decisions into asserted neutral necessities without fully addressing how comparable members were treated at the same decision points.

202. Plaintiff further pleads the Position Statement as post-Charge retaliatory conduct to the extent NYSP knowingly or recklessly supplied materially misleading factual representations or material omissions to the EEOC for the purpose of defeating, discrediting, or obstructing plaintiff's protected discrimination complaint after NYSP had actual notice that plaintiff was invoking statutory civil-rights protections.

203. Plaintiff does not allege that an employer commits retaliation merely by denying an EEOC charge or presenting a legal defense. Rather, plaintiff alleges that after he invoked the protections of the civil-rights laws, NYSP used its exclusive possession of the underlying disciplinary and comparator records to present a materially distorted account of disputed events to the governmental agency charged with investigating his discrimination complaint.

204. Plaintiff pleads this post-Charge conduct, together with the underlying discriminatory and retaliatory acts alleged herein, as further evidence of defendants' continuing hostility to plaintiff's protected opposition to discrimination, their ratification of the challenged treatment, and their continuing effort to prevent meaningful scrutiny of the discretionary disciplinary process that resulted in his termination.

### **CONCLUSION**

205. Plaintiff alleges that NEW YORK STATE DIVISION OF STATE POLICE, through defendants STEVEN G. JAMES, STEVEN W. KOVELESKIE, GREGORY C. LISCHAK, ROSS A. HANSEN, CHRISTOPHER P. CASALE, JOSHUA E. STAHL, TATIANA I. WILSON, and DAVID J. SZALDA, subjected him to discriminatory and retaliatory treatment throughout the investigation, charging, scheduling, unpaid-status, evidentiary, disciplinary, adjudicatory, and termination process because of his Asian race and



Chinese national origin and because he opposed what he reasonably believed to be discriminatory and unequal treatment.

206. Plaintiff further alleges that defendants POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., JOSHUA P. KAYE, and ANDREW C. DAVIS committed their own discriminatory and retaliatory acts and omissions while exercising representational authority on plaintiff's behalf.

207. Plaintiff does not seek to impose liability upon the PBA defendants merely because NEW YORK STATE DIVISION OF STATE POLICE allegedly discriminated or retaliated against him. Rather, plaintiff challenges the manner in which the PBA defendants exercised their own representational authority, including their conduct during the compelled interrogation, mitigation and negotiation efforts, disciplinary scheduling disputes, and plaintiff's continuing objections to discriminatory and unequal treatment.

208. Plaintiff alleges that the challenged conduct was not confined to the ultimate termination decision, but instead arose through a continuing course of discretionary investigative, supervisory, disciplinary, representational, prosecutorial, evidentiary, and decision-making conduct in which defendants exercised materially different forms of authority over plaintiff.

209. That course of conduct culminated on September 18, 2025, when defendant JAMES accepted the disciplinary board's recommendation and terminated plaintiff's employment.

210. As a direct and proximate result of defendants' conduct, plaintiff suffered loss of employment, wages, benefits, professional standing, future employment opportunities, emotional distress, humiliation, reputational injury, and other economic and noneconomic damages.

211. Plaintiff therefore seeks all legal, equitable, declaratory, injunctive, and statutory relief available under the New York State Human Rights Law and the New York City Human Rights Law, including compensatory and economic damages, reinstatement or front pay where appropriate, correction or expungement of discriminatory and retaliatory employment records where legally available, punitive damages against those defendants against whom such relief may lawfully be imposed, attorneys' fees, costs, interest, and such other relief as the Court deems just and proper.

### **VIOLATIONS AND CLAIMS ALLEGED<sup>2</sup>**

#### **FIRST CAUSE OF ACTION**

#### **Race and National-Origin Discrimination**

#### **New York State Human Rights Law**

#### **Executive Law §§ 296(1)(a), 296(1)(c), and 296(6)**

212. Plaintiff repeats and realleges the preceding allegations as though fully set forth herein.

213. Plaintiff is Asian-American and of Chinese national origin and is therefore protected from discrimination under the NYSHRL.

214. Defendant NEW YORK STATE DIVISION OF STATE POLICE, as plaintiff's employer, discriminated against plaintiff because of his race and national origin in the terms, conditions, and privileges of his employment, including through the investigation, charging, scheduling, unpaid-status, evidentiary, disciplinary, adjudicatory, and termination process, in violation of Executive Law § 296(1)(a).

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<sup>2</sup> "All NYSP individual defendants are sued in their individual capacities only. Defendants JOSHUA P. KAYE and ANDREW C. DAVIS are sued both individually and in their official capacities as officials of the POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC."

215. Defendants JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA, sued in their individual capacities only, personally participated in, facilitated, implemented, or gave effect to the discriminatory conduct alleged herein and, to the extent they aided, abetted, incited, compelled, or coerced discriminatory conduct committed by others, are liable under Executive Law § 296(6).

216. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., as plaintiff's labor organization, discriminated against plaintiff in the exercise of its representational authority because of his race and national origin, including through the representation provided during the investigation, compelled interrogation, mitigation and negotiation process, and disciplinary proceedings, in violation of Executive Law § 296(1)(c).

217. Defendants KAYE and DAVIS, sued individually and in their official capacities as PBA officials, personally participated in, facilitated, or aided and abetted the discriminatory representational treatment alleged herein and are liable under Executive Law § 296(6).

218. As a direct and proximate result of defendants' unlawful conduct, plaintiff suffered economic and noneconomic damages.

**SECOND CAUSE OF ACTION**  
**Race- and National-Origin-Based Harassment**  
**New York State Human Rights Law**  
**Executive Law §§ 296(1)(h) and 296(6)**

219. Plaintiff repeats and realleges the preceding allegations as though fully set forth herein.

220. Plaintiff is Asian-American and of Chinese national origin and was subjected to discriminatory harassment because of those protected characteristics.

221. Defendant NEW YORK STATE DIVISION OF STATE POLICE subjected plaintiff to inferior terms, conditions, or privileges of employment because of his race and

national origin through a continuing course of discriminatory investigative, disciplinary, scheduling, evidentiary, and employment-related conduct that exceeded petty slights and trivial inconveniences, in violation of Executive Law § 296(1)(h).

222. Defendants JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA, sued in their individual capacities only, personally participated in, facilitated, implemented, or gave effect to the discriminatory course of conduct alleged herein and, to the extent they aided, abetted, incited, compelled, or coerced discriminatory conduct committed by others, are liable under Executive Law § 296(6).

223. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., while exercising representational authority on plaintiff's behalf, subjected plaintiff to discriminatory treatment because of his race and national origin in violation of Executive Law § 296(1)(h).

224. Defendants KAYE and DAVIS, sued individually and in their official capacities as PBA officials, personally participated in, facilitated, or aided and abetted the discriminatory representational treatment alleged herein and are liable under Executive Law § 296(6).

225. As a direct and proximate result of defendants' unlawful conduct, plaintiff suffered economic and noneconomic damages.

**THIRD CAUSE OF ACTION**  
**Retaliation**  
**New York State Human Rights Law**  
**Executive Law §§ 296(1)(e), 296(7), and 296(6)**

226. Plaintiff repeats and realleges the preceding allegations as though fully set forth herein.

227. Plaintiff engaged in protected activity throughout the investigation and disciplinary process by opposing what he reasonably believed to be discriminatory and unequal

treatment, including the manner in which defendants exercised investigative, disciplinary, scheduling, evidentiary, and representational authority against him.

228. Plaintiff continued engaging in protected activity following his termination, including through the filing and prosecution of EEOC Charge No. 520-2026-03828.

229. Defendant NEW YORK STATE DIVISION OF STATE POLICE retaliated against plaintiff because of his protected activity through adverse and deterrent treatment occurring during and after the disciplinary process, in violation of Executive Law §§ 296(1)(e) and 296(7).

230. Defendants JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA, sued in their individual capacities only, personally participated in, implemented, facilitated, ratified, or gave effect to retaliatory conduct because of plaintiff's protected activity and, to the extent they aided, abetted, incited, compelled, or coerced retaliatory conduct committed by others, are additionally liable under Executive Law § 296(6).

231. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., through the exercise of its own representational authority, retaliated against plaintiff because of his protected opposition to discriminatory and unequal treatment, in violation of Executive Law §§ 296(1)(e) and 296(7).

232. Defendants KAYE and DAVIS, sued individually and in their official capacities as PBA officials, personally participated in retaliatory conduct against plaintiff because of his protected activity and, to the extent they aided, abetted, incited, compelled, or coerced retaliatory conduct committed by others, are additionally liable under Executive Law § 296(6).

233. Defendants' retaliatory conduct was reasonably likely to deter plaintiff or another person from opposing discriminatory practices or exercising rights protected by the NYSHRL.

234. As a direct and proximate result of defendants' unlawful conduct, plaintiff suffered economic and noneconomic damages.

**FOURTH CAUSE OF ACTION**  
**Race and National-Origin Discrimination**  
**New York City Human Rights Law**  
**Administrative Code §§ 8-107(1)(a), 8-107(1)(c), and 8-107(6)**

235. Plaintiff repeats and realleges the preceding allegations as though fully set forth herein.

236. Plaintiff is Asian-American and of Chinese national origin and is therefore protected from discrimination under the NYCHRL.

237. Defendants JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA, sued in their individual capacities only, are not alleged to be plaintiff's employer under the NYCHRL. Each personally participated, as an employee or agent of NEW YORK STATE DIVISION OF STATE POLICE, in discriminatory conduct that caused plaintiff to be treated less well because of his race and national origin, in violation of Administrative Code § 8-107(1)(a).

238. To the extent JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA aided, abetted, incited, compelled, or coerced discriminatory conduct committed by others, they are additionally liable under Administrative Code § 8-107(6).

239. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., as plaintiff's labor organization, discriminated against plaintiff in the exercise of its representational authority because of his race and national origin, in violation of Administrative Code § 8-107(1)(c).

240. Defendants KAYE and DAVIS, sued individually and in their official capacities as PBA officials and agents, personally participated in or facilitated discriminatory

representational treatment prohibited by Administrative Code § 8-107(1)(c), and, to the extent they aided, abetted, incited, compelled, or coerced discriminatory conduct committed by others, are additionally liable under Administrative Code § 8-107(6).

241. As a direct and proximate result of defendants' unlawful conduct, plaintiff suffered economic and noneconomic damages.

**FIFTH CAUSE OF ACTION**  
**Race- and National-Origin-Based Harassment**  
**New York City Human Rights Law**  
**Administrative Code §§ 8-107(1)(a), 8-107(1)(c), and 8-107(6)**

242. Plaintiff repeats and realleges the preceding allegations as though fully set forth herein.

243. Plaintiff is Asian-American and of Chinese national origin and was subjected to discriminatory harassment because of those protected characteristics.

244. Defendants JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA, sued in their individual capacities only, are not alleged to be plaintiff's employer under the NYCHRL. Each personally participated, as an employee or agent of NEW YORK STATE DIVISION OF STATE POLICE, in discriminatory conduct that caused plaintiff to be treated less well because of his race and national origin and that exceeded petty slights and trivial inconveniences, in violation of Administrative Code § 8-107(1)(a).

245. To the extent JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA aided, abetted, incited, compelled, or coerced discriminatory conduct committed by others, they are additionally liable under Administrative Code § 8-107(6).

246. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., while exercising representational authority on plaintiff's behalf, subjected

plaintiff to discriminatory treatment because of his race and national origin in violation of Administrative Code § 8-107(1)(c).

247. Defendants KAYE and DAVIS, sued individually and in their official capacities as PBA officials and agents, personally participated in or facilitated discriminatory representational treatment and, to the extent they aided, abetted, incited, compelled, or coerced discriminatory conduct committed by others, are additionally liable under Administrative Code § 8-107(6).

248. As a direct and proximate result of defendants' unlawful conduct, plaintiff suffered economic and noneconomic damages.

**SIXTH CAUSE OF ACTION**  
**Retaliation**  
**New York City Human Rights Law**  
**Administrative Code §§ 8-107(7) and 8-107(6)**

249. Plaintiff repeats and realleges the preceding allegations as though fully set forth herein.

250. Plaintiff engaged in protected activity throughout the investigation and disciplinary process by opposing what he reasonably believed to be discriminatory and unequal treatment, including the manner in which defendants exercised investigative, disciplinary, scheduling, evidentiary, and representational authority against him.

251. Plaintiff continued engaging in protected activity following his termination, including through the filing and prosecution of EEOC Charge No. 520-2026-03828.

252. Defendants JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA, sued in their individual capacities only, personally participated in, implemented, facilitated, ratified, or gave effect to retaliatory conduct because of plaintiff's protected activity, in violation of Administrative Code § 8-107(7).



253. To the extent JAMES, KOVELESKIE, LISCHAK, HANSEN, CASALE, STAHL, WILSON, and SZALDA aided, abetted, incited, compelled, or coerced retaliatory conduct committed by others, they are additionally liable under Administrative Code § 8-107(6).

254. Defendant POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC., through the exercise of its own representational authority, retaliated against plaintiff because of his protected opposition to discriminatory and unequal treatment, in violation of Administrative Code § 8-107(7).

255. Defendants KAYE and DAVIS, sued individually and in their official capacities as PBA officials, personally participated in, facilitated, encouraged, or acquiesced in retaliatory conduct against plaintiff, in violation of Administrative Code § 8-107(7), and, to the extent they aided, abetted, incited, compelled, or coerced retaliatory conduct committed by others, are additionally liable under Administrative Code § 8-107(6).

256. Defendants' retaliatory conduct was reasonably likely to deter plaintiff or another person from opposing discriminatory practices or exercising rights protected by the NYCHRL.

257. As a direct and proximate result of defendants' unlawful conduct, plaintiff suffered economic and noneconomic damages.

### **JURY TRIAL**

258. Plaintiff MICHAEL LIN demands a trial by jury of all issues in this action that are so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff MICHAEL LIN respectfully demands judgment against defendants NEW YORK STATE DIVISION OF STATE POLICE; STEVEN G. JAMES; STEVEN W. KOVELESKIE; GREGORY C. LISCHAK; ROSS A. HANSEN; CHRISTOPHER

P. CASALE; JOSHUA E. STAHL; TATIANA I. WILSON; DAVID J. SZALDA; POLICE BENEVOLENT ASSOCIATION NEW YORK STATE TROOPERS, INC.; JOSHUA P. KAYE; and ANDREW C. DAVIS, jointly and severally where legally applicable, as follows:

- a. awarding plaintiff compensatory damages in an amount to be determined at trial;
- b. awarding plaintiff economic damages, including lost wages, lost benefits, lost seniority, lost pension-related value where legally recoverable, and other consequential economic damages;
- c. awarding plaintiff damages for emotional distress, humiliation, reputational harm, loss of professional standing, and continuing dignitary injury;
- d. awarding punitive damages against the individual defendants, and against any other defendant against whom such relief is legally available, to the fullest extent permitted by law;
- e. declaring that defendants violated plaintiff's rights under the New York State Human Rights Law and New York City Human Rights Law;
- f. directing defendants, where legally authorized and appropriate, to reinstate plaintiff to employment with restoration of salary, benefits, seniority, pension-related credits, and all other employment rights and privileges, or, alternatively, awarding front pay;
- g. directing defendants, where legally authorized and appropriate, to correct, withdraw, amend, expunge, or cease reliance upon discriminatory or retaliatory disciplinary findings, records, reports, notations, communications, database entries, or other employment records arising from the unlawful conduct alleged herein;

- h. enjoining defendants from engaging in further discrimination or retaliation against plaintiff and from maintaining or implementing discriminatory or retaliatory disciplinary practices affecting plaintiff;
- i. awarding plaintiff pre-judgment and post-judgment interest;
- j. awarding plaintiff reasonable attorneys' fees, costs, and disbursements to the extent permitted by law; and
- k. awarding such other and further legal, equitable, declaratory, injunctive, and statutory relief as this Court deems just and proper.

Dated: September 7, 2026  
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders  
Attorney for Plaintiff MICHAEL LIN

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

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

**ATTORNEY VERIFICATION**

STATE OF NEW YORK

ss:

COUNTY OF WESTCHESTER

ERIC SANDERS, ESQ., affirms as follows:

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

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

The affirmant further states that this verification is made by the affirmant and not by the Plaintiff because the affirmant maintains law offices in both New York County and Westchester County, and this verification is executed in Westchester County where affirmant maintains an office, the Plaintiff being currently absent from said county.

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

Dated: September 7, 2026  
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders  
Attorney for Plaintiff MICHAEL LIN

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

INDEX NO.:

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MICHAEL LIN

Plaintiff,

-against-

NEW YORK STATE DIVISION OF STATE POLICE;  
STEVEN G. JAMES; STEVEN W. KOVELESKIE;  
GREGORY C. LISCHAK; ROSS A. HANSEN;  
CHRISTOPHER P. CASALE; JOSHUA E. STAHL;  
TATIANA I. WILSON; DAVID J. SZALDA; POLICE  
BENEVOLENT ASSOCIATION NEW YORK STATE  
TROOPERS, INC.; JOSHUA P. KAYE; and ANDREW  
C. DAVIS

Defendants

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**SUMMONS WITH VERIFIED COMPLAINT**

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*Duly submitted by:*

By: s/Eric Sanders  
Attorney for Plaintiff MICHAEL LIN

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