

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

-----X
IVETTE SANTIAGO-MENDEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, and
NEW YORK CITY POLICE DEPARTMENT,
RAYMOND KELLY, Commissioner of the NYC Police
Department,
LIEUTENANT JOHN AHERN,
LIEUTENANT GREG FAUGHNAN,
CAPTAIN TIMOTHY KELLY,
INSPECTOR KENNETH CULLY,
INSPECTOR JAMES SHEA, and
CAPTAIN JOHN MCNALLY,
all being sued in their individual and professional capacities,

Defendants.

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SUMMONS

Index No.:

Plaintiff designates
NEW YORK
COUNTY as the place
of trial.
The basis of venue is
the location where
incident occurred.

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to serve an Answer on the plaintiff's attorney(s)
within twenty (20) days after the service of this Summons and Verified Complaint, exclusive of
the day of service (or within 30 days after the service is complete if this Summons is not
personally delivered to you within the State of New York); and in case of your failure to appear
or answer, judgment will be taken against you by default for the relief demanded in the Verified
Complaint:

Dated: Lake Success, New York
August 26, 2013

Attorneys for Plaintiff:
Cronin & Byczek, LLP

By: 

Moshe C. Bobker, Esq.
Attorneys for Plaintiff
1983 Marcus Avenue, Suite C-120
Lake Success, New York 11042
(516) 358-1700

TO: CITY OF NEW YORK

Law Department
100 Church Street
New York, NY 10007

NEW YORK CITY POLICE DEPARTMENT

One Police Plaza
New York, NY 10038

RAYMOND KELLY

Commissioner of the NYC Police Department
One Police Plaza
New York, NY 10038

LIEUTENANT JOHN AHERN

Manhattan Robbery Squad
34 ½ East 12th Street
New York, NY 10003

LIEUTENANT GREG FAUGHNAN

Manhattan North Narcotics
34 ½ East 12th Street
New York, NY 10003

CAPTAIN TIMOTHY KELLY

Manhattan Robbery Squad
34 ½ East 12th Street
New York, NY 10003

INSPECTOR KENNETH CULLY

Manhattan North Narcotics
34 ½ East 12th Street
New York, NY 10003

INSPECTOR JAMES SHEA

Manhattan Robbery Squad
34 ½ East 12th Street
New York, NY 10003

CAPTAIN JOHN MCNALLY

Manhattan Robbery Squad
34 ½ East 12th Street
New York, NY 10003

NEW YORK STATE SUPREME COURT
COUNTY OF NEW YORK

-----X
IVETTE SANTIAGO-MENDEZ,

Plaintiff,

- against -

CITY OF NEW YORK,
NEW YORK CITY POLICE DEPARTMENT,
RAYMOND KELLY, Commissioner of the NYC Police
Department,
LIEUTENANT JOHN AHERN,
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CAPTAIN TIMOTHY KELLY,
INSPECTOR KENNETH CULLY,
INSPECTOR JAMES SHEA, and
CAPTAIN JOHN MCNALLY,
all being sued in their individual and professional capacities,

Defendants.

-----X

Plaintiff, IVETTE SANTIAGO-MENDEZ, by her attorneys CRONIN & BYCZEK, LLP, complaining of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, each being sued in their individual and official capacities as an employee of the CITY, allege, upon information and belief, that:

NATURE OF ACTION

1. This is an action for equitable relief and money damages on behalf of plaintiff IVETTE SANTIAGO-MENDEZ, (hereinafter referred to as "Plaintiff") who was, and who is prospectively deprived of her statutory and constitutional rights as a result of the defendants'

**VERIFIED
COMPLAINT**
Jury Demand

policies and practices of discrimination based upon her race, gender and national origin, and hostile work environment. Said policies were implemented under color of law.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to New York State Executive Law § 296 and New York City Administrative Code § 8-101 et seq.

PLAINTIFF

3. Plaintiff is a female citizen of the United States and a resident of Nassau County, State of New York. At all times relevant to this action, Plaintiff is a member of the New York City Police Department where she has served as a Police Officer and Detective for over twenty (20) years. Plaintiff is Hispanic national origin, who opposes the discriminating and retaliatory custom, policy and practices of the City of New York.

DEFENDANTS

4. Defendant CITY OF NEW YORK (“CITY”) is a municipal entity created and authorized under the laws of the CITY and State of New York. CITY is authorized by law to maintain a Police Department (“NYPD”) that acts as its agent and for which it is ultimately responsible.
5. Defendant NEW YORK CITY POLICE DEPARTMENT (“NYPD”) operates under the direct authority of the CITY and is the official CITY agency and maintains control offices at One Police Plaza, New York, New York.
6. Defendant RAYMOND KELLY (“KELLY”) was at all relevant times the Commissioner of the NYPD and is sued in his individual and official capacity.
7. Defendant LIEUTENANT JOHN AHERN (“AHERN”), a white male, was at all relevant times a Lieutenant for the New York City Police Department and is acting in

such capacity at all times relevant herein. Defendant AHERN was at all relevant times Plaintiff's supervisor and is sued in his individual and official capacity.

8. Defendant LIEUTENANT GREG FAUGHNAN ("FAUGHNAN"), a white male, was at all relevant times a Lieutenant for the New York City Police Department and is acting in such capacity at all times relevant herein. Defendant FAUGHNAN was at all relevant times Plaintiff's supervisor and is sued in his individual and official capacity.
9. Defendant CAPTAIN TIMOTHY KELLY ("KELLY"), a white male, was at all relevant times a Captain for the New York City Police Department and is acting in such capacity at all times relevant herein. Defendant KELLY was at all relevant times Plaintiff's supervisor and is sued in his individual and official capacity.
10. Defendant INSPECTOR KENNETH CULLY ("CULLY"), a white male, was at all relevant times an Inspector for the New York City Police Department and is acting in such capacity at all times relevant herein. Defendant CULLY was at all relevant times Plaintiff's supervisor and is sued in his individual and official capacity.
11. Defendant INSPECTOR JAMES SHEA ("SHEA"), a white male, was at all relevant times an Inspector for the New York City Police Department and is acting in such capacity at all times relevant herein. Defendant SHEA was at all relevant times Plaintiff's supervisor and is sued in his individual and official capacity.
12. Defendant CAPTAIN JOHN MCNALLY ("MCNALLY"), a white male, was at all relevant times a Captain for the New York City Police Department and is acting in such capacity at all times relevant herein. Defendant MCNALLY was at all relevant times Plaintiff's supervisor and is sued in his individual and official capacity.

PROCEDURAL REQUIREMENTS

13. Plaintiff has filed suit with this Court within the applicable statute of limitations period.
14. Plaintiff is not required to exhaust any administrative procedures prior to suit under New York State Executive Law § 296 or New York City Administrative Code § 8-101 et seq.
15. On or about August 9, 2012, Plaintiff submitted a complaint with the New York State Division of Human Rights.
16. On or about August 23, 2013, Plaintiff requested a Notice of Closure for Administrative Convenience from the New York State Division of Human Rights, a copy of which is forthcoming.

FACTUAL BACKGROUND

17. Plaintiff SANTIAGO-MENDEZ is a Hispanic female who complained of race, gender and national origin discrimination, harassment, and hostile work environment. Said information was known to all defendants.
18. Plaintiff SANTIAGO-MENDEZ is employed by CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT. Her date of appointment was July 11, 1988. She was promoted to Detective on April 28, 1994.
19. Plaintiff has been subjected to a continuing pattern and practice of discrimination and hostile work environment based upon her race, gender and national origin.
20. Plaintiff asserts that the defendants engage in a pattern and practice of discrimination against Hispanics and other minority officers and against women.
21. During her tenure with the NYPD, Plaintiff received excellent evaluations, and had an overall outstanding and spotless record, including no discipline, one or two CCRBs (Civilian Complaint Review Board) at most, all of which were unfounded or exonerated.

22. From 1992 to 2002, Plaintiff was assigned to Manhattan North Narcotics squad, and worked undercover for approximately four of those years. Even after becoming an investigator, Plaintiff continued to “ghost” and make buys in an undercover capacity.
23. Plaintiff has contributed to a number of high-profile arrests, including a bust at JFK airport which uncovered 400 kilograms of a contraband substance, as well as the arrest of a well-known drug-dealer.
24. While at Manhattan North Narcotics, Plaintiff witnessed an intoxicated supervisor urinate next to another officer’s desk in a back office in the Armory Building.
25. Plaintiff also discovered sanitary napkins doused in ketchup stuck to the wall while at Manhattan North Narcotics.
26. Plaintiff complained to Defendant FAUGHNAN, but he failed to report the incident to OEE0 as the Patrol Guide required.
27. Defendant FAUGHNAN also intimidated Plaintiff into not filing an EEO complaint, for fear of retaliation.
28. Plaintiff has also discovered pornographic movies playing in the open in the back office.
29. In 2004, Plaintiff was transferred to the 9th Squad, and later put in for a transfer to Manhattan Robbery.
30. After the voluntary transfer to the Manhattan Robbery squad in 2005, Plaintiff received 3.0 out of 5.0 on her evaluation from Sergeant Bush, due to the fact that he did not know her well enough. In 2006 and 2007, Plaintiff received 4.5 out of 5.0 from Sergeant Bush and he even recommended her for promotion to Detective 2nd Grade.
31. Plaintiff was also transferred to Staten Island for two months, despite having more seniority than the other officers working at Manhattan North Narcotics at the time.

32. Plaintiff has also found two round Band-Aids placed in the public restroom located in the lounge area about six inches apart – made to look like breasts. Also, she has found magazines with naked women in the gender-neutral lounge, where complainants sit while waiting.
33. In 2009, Defendants SHEA and MCNALLY created a special “Central Robbery Unit” and transferred many more men than women to the specialized unit.
34. On or about November 23, 2010, Plaintiff put in for “terminal leave” as a result of a car accident. Plaintiff was instructed to do “city time” training to learn to do payroll tasks. She responded that she was “going terminal,” but was told to “do it anyway.”
35. Plaintiff learned to perform payroll-related tasks, and even went in to perform such tasks on her own time and while on terminal leave.
36. During the summer of 2011, while Plaintiff was attempting to put gasoline in her vehicle, but was unable to use her debit card. There was a nurse behind her who was able to use her credit card. Plaintiff called the precinct to complain that they had taped the machine closed, so that people would be forced to pay with cash, which she believed to be against the law.
37. Afterwards, Sergeant Skelin arrived, took her ID and left on another job.
38. Plaintiff was forced to wait at the gas station from twelve o’clock a.m. to one-thirty a.m.
39. Finally, an officer arrived and told her “you better call your delegate.” The Duty Captain told her to drive to another gas station, and that another car would follow her to be able to push her, in case she ran out of gas.
40. The Sergeant forced Plaintiff to drive to the 102nd Precinct, where she was made to sit at the front desk for two hours.

41. Defendant KELLY has a history of discrimination against minorities, as evidenced by his telling a Hispanic male Detective “maybe you should go back to landscaping.”
42. On or about February 7, 2012, Plaintiff was again passed over for promotion to Detective 2nd Grade. Upon information and belief, Detective Richard Werner, a white male, and an investigator who performed administrative duties, was put in for grade at about that time, and just prior to his retirement.
43. Defendant SHEA assigned certain individuals to the Joint Terrorism Taskforce (JTTF); all had less seniority than Plaintiff did, and all were eventually promoted to 2nd Grade.
44. Plaintiff was also prevented from attending meetings because she was “not part of the Boys’ Club.”
45. Upon putting in for retirement, Detectives Richard Werner and Tommy Mullin, both white males, did not have their retirement checked or their overtime hours restricted. However, when Plaintiff put in for retirement, Defendant KELLY restricted her overtime to less than the minimum of thirty-five hours. As a result, Plaintiff sustained lost overtime hours and wages.
46. Additionally, since Plaintiff’s retirement, Detectives Donald Derienzo and Sean Butler, both white males, have been promoted to Detective 2nd Grade. Both Detectives Derienzo and Butler had less time on the job than Plaintiff had in rank (as a detective) and yet were still promoted instead of Plaintiff.
47. Plaintiff was disparately treated solely on the basis of her race, gender and national origin, and was harassed, in that she was never promoted to Detective 2nd Grade, was not assigned to the Joint Terrorism Taskforce, a prestigious unit, despite her qualifications and seniority, and was prevented from working overtime. Similarly-situated white males

were not restricted or treated in such manner. Upon information and belief, those detectives assigned to the Central Robbery Unit and/or Joint Terrorism Taskforce were promoted at a greater rate than similarly-situated detectives, such as Plaintiff, who were not assigned to as prestigious units.

48. As a result of the foregoing, Plaintiff suffered economic, physical, mental and emotional damages, including, but not limited to, insomnia, a thyroid condition, stress, weight gain and anxiety.

VIOLATIONS AND CLAIMS ALLEGED

COUNT I **RACE DISCRIMINATION IN VIOLATION OF NEW YORK STATE EXECUTIVE LAW § 296**

49. Plaintiff re-alleges paragraphs 1 through 48 and incorporates them by reference as paragraphs 1 through 48 of Count I of this Complaint.

50. Plaintiff alleges that New York State Executive Law §296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment based upon race for having made charges of same.

51. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, discriminated against the Plaintiff based on her race for having made charges of same.

52. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT,

RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, plaintiff has suffered the indignity of race discrimination, and great humiliation.

53. Plaintiff alleges that because of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations, Plaintiff has been damaged.

COUNT II
GENDER DISCRIMINATION IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296

54. Plaintiff re-alleges paragraphs 1 through 53 and incorporates them by reference as paragraphs 1 through 53 of Count II of this Complaint.

55. Plaintiff alleges that New York State Executive Law §296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment based upon gender for having made charges of same.

56. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY,

INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, discriminated against the Plaintiff based on her gender for having made charges of same.

57. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, plaintiff has suffered the indignity of gender discrimination, and great humiliation.

58. Plaintiff alleges that because of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations, Plaintiff has been damaged.

COUNT III
**NATIONAL ORIGIN DISCRIMINATION IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296**

59. Plaintiff re-alleges paragraphs 1 through 58 and incorporates them by reference as paragraphs 1 through 58 of Count III of this Complaint.

60. Plaintiff alleges that New York State Executive Law §296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment based upon national origin for having made charges of same.

61. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, discriminated against the Plaintiff based on her national origin for having made charges of same.
62. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, plaintiff has suffered the indignity of national origin discrimination, and great humiliation.
63. Plaintiff alleges that because of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations, Plaintiff has been damaged.

COUNT IV
HOSTILE WORK ENVIRONMENT IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW §296

64. Plaintiff re-alleges paragraphs 1 through 63 and incorporates them by reference as paragraphs 1 through 63 of Count IV of this Complaint.

65. Plaintiff alleges that New York State Executive Law §296, makes it unlawful to create, condone and/or tolerate a hostile working environment based upon race, gender and national origin, and harassment.
66. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY created, condoned and tolerated a hostile working environment which negatively affected the terms and conditions of her employment.
67. Plaintiff alleges that Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY created, condoned and tolerated a hostile working environment which caused Plaintiff to sustain damages.

COUNT V
RACE DISCRIMINATION IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107

68. Plaintiff re-alleges paragraphs 1 through 67 and incorporates them by reference as paragraphs 1 through 67 of Count V of this Complaint.
69. Plaintiff alleges that New York City Administrative Code §8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment based upon race and makes it illegal to retaliate for charging same.

70. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY discriminated against the Plaintiff based upon her race.

71. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, Plaintiff has suffered the indignity of race discrimination and great humiliation.

72. Plaintiff alleges that because of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations, Plaintiff has been damaged.

COUNT VI
GENDER DISCRIMINATION IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107

73. Plaintiff re-alleges paragraphs 1 through 72 and incorporates them by reference as paragraphs 1 through 72 of Count VI of this Complaint.

74. Plaintiff alleges that New York City Administrative Code §8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment based upon gender and makes it illegal to retaliate for charging same.
75. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY discriminated against the Plaintiff based upon her gender.
76. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, Plaintiff has suffered the indignity of gender discrimination and great humiliation.
77. Plaintiff alleges that because of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations, Plaintiff has been damaged.

COUNT VII
NATIONAL ORIGIN DISCRIMINATION IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE §8-107

78. Plaintiff re-alleges paragraphs 1 through 77 and incorporates them by reference as paragraphs 1 through 77 of Count VII of this Complaint.
79. Plaintiff alleges that New York City Administrative Code §8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment based upon national origin and makes it illegal to retaliate for charging same.
80. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY discriminated against the Plaintiff based upon her national origin.
81. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY, Plaintiff has suffered the indignity of national origin discrimination and great humiliation.
82. Plaintiff alleges that because of defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN,

CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations, Plaintiff has been damaged.

COUNT VIII
**HOSTILE WORK ENVIRONMENT IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE §8-107**

83. Plaintiff re-alleges paragraphs 1 through 82 and incorporates them by reference as paragraphs 1 through 82 of Count VIII of this Complaint.
84. Plaintiff alleges that New York City Administrative Code §8-107, makes it unlawful to create, condone or and/or tolerate a hostile working environment based upon race, gender and national origin discrimination.
85. Plaintiff alleges that based upon the foregoing, defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY created, condoned and/or tolerated a hostile working environment which negatively affected the terms and conditions of her employment.
86. Plaintiff alleges that defendants CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, RAYMOND KELLY, Commissioner of the NYC Police Department, LIEUTENANT JOHN AHERN, LIEUTENANT GREG FAUGHNAN, CAPTAIN TIMOTHY KELLY, INSPECTOR KENNETH CULLY, INSPECTOR JAMES SHEA, and CAPTAIN JOHN MCNALLY's violations caused Plaintiff to sustain damages.

JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands compensatory and punitive damages from these Defendants jointly and severally, in an amount to be determined at trial, plus any available statutory remedies, both legal and equitable, and interests and costs.


Dated: August 26, 2013
Lake Success, New York

Yours, etc.,

CRONIN & BYCZEK, LLP

Attorneys for Plaintiff

BY:


Moshe C. Bobker, Esq.
1983 Marcus Avenue, Suite C-120
Lake Success, New York 11042
(516) 358-1700

State of New York)
) ss.
County of Nassau)

VERIFICATION

The undersigned, Ivette Santiago-Mendez, duly affirms:
(Print Name)
that the undersigned is the Plaintiff in the within action; and that the undersigned has read the foregoing

SUMMONS AND VERIFIED COMPLAINT

and knows the contents thereof; that the same is true to his/her own knowledge, except as to matters therein stated upon information and belief, and that as to those matter, he/she believes them to be true.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Ivette Santiago-Mendez
(Sign Name)
Ivette Santiago-Mendez
(Print Name)

Sworn to be before this
27 day of August 2013

Moshe C. Bobker
Notary Public

Moshe C. Bobker
Notary Public, State of New York
No. 01BO6276067
Qualified in Queens County
My Commission Expires February 4, 2017