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

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JOEL RAMIREZ

Plaintiff,

SUMMONS

-against-

Index No.:

JURY DEMAND

THE CITY OF NEW YORK; THOMAS G. DONLON, as former Police Commissioner, Police Department, City of New York; EDWARD A. CABAN, as former Police Commissioner, Police Department, City of New York; KEECHANT L. SEWELL, as former Police Commissioner, Police Department City of New York; PAUL M. GAMBLE, as former Deputy Commissioner, Department Advocate's Office, Police Department City of New York; AMY J. LITWIN, as Former Deputy Commissioner, Department Advocate's Office, Police Department City of New York; JOSEPH E. KENNY, As Chief of Detectives, Police Department City of New York; DAVID P. BARRERE, Bureau Chief, Internal Affairs Bureau, Police Department City of New York; BRIAN S. MCGEE, as Deputy Chief, Detective Bureau Manhattan North, Police Department City of New York; PETER A. FIORILLO, as Inspector, Detective Bureau Manhattan North, Police Department City of New York CHRISTOPHER HENNING, as Deputy Inspector, Detective Bureau Manhattan North, Police Department City of New York; DANIEL J. CAMPBELL, as Deputy Inspector, Detective Bureau Manhattan North, Police Department City of New York, each sued in their official capacity and individual capacities as an employee of Defendant THE CITY OF NEW YORK

Defendants

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To the Defendant named above:

You are hereby summoned and required to serve a written answer to the attached Verified Complaint upon the Plaintiff's attorney at the address below.

If this Summons is personally delivered to you within the State of New York, you must serve your answer within twenty (20) days after such service, exclusive of the service date.

If this Summons is served upon you in any other manner authorized by law, you must serve your answer within thirty (30) days after service is complete, as provided by the New York Civil Practice Law and Rules.

Should you fail to appear or answer within the applicable period stated above, judgment may be entered against you by default for the relief demanded in the Verified Complaint, without further notice.

This action is venued in the Supreme Court of the State of New York, County of New York, located at 60 Centre Street, New York, New York 10007.

Dated: April 29, 2025
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders_____
Eric Sanders

Eric Sanders, Esq.
THE SANDERS FIRM, P.C.
30 Wall Street, 8th Floor
New York, NY 10005
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DEFENDANT ADDRESSES

Defendant THE CITY OF NEW YORK
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100 Church Street
New York, N.Y. 10007

Defendant THOMAS G. DONLON
c/o NYPD Legal Bureau
One Police Plaza
New York, N.Y. 10038

Defendant EDWARD A. CABAN
c/o NYPD Legal Bureau
One Police Plaza
New York, N.Y. 10038

Defendant KEECHANT L. SEWELL
c/o NYPD Legal Bureau
One Police Plaza
New York, N.Y. 10038

Defendant PAUL M. GAMBLE
c/o NYPD Legal Bureau
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New York, N.Y. 10038

Defendant AMY J. LITWIN
c/o NYPD Legal Bureau
One Police Plaza
New York, N.Y. 10038

Defendant JOSEPH E. KENNY
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New York, N.Y. 10038

Defendant DAVID P. BARRERE
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Defendant BRIAN S. MCGEE
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One Police Plaza
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Defendant PETER A. FIORILLO
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Defendant CHRISTOPHER HENNING
c/o NYPD Legal Bureau
One Police Plaza
New York, N.Y. 10038

Defendant DANIEL J. CAMPBELL
c/o NYPD Legal Bureau
One Police Plaza
New York, N.Y. 10038

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

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JOEL RAMIREZ

Plaintiff,

-against-

Verified Complaint

Index No.:

JURY DEMAND

THE CITY OF NEW YORK; THOMAS G. DONLON, as former Police Commissioner, Police Department, City of New York; EDWARD A. CABAN, as former Police Commissioner, Police Department, City of New York; KEECHANT L. SEWELL, as former Police Commissioner, Police Department City of New York; PAUL M. GAMBLE, as former Deputy Commissioner, Department Advocate's Office, Police Department City of New York; AMY J. LITWIN, as Former Deputy Commissioner, Department Advocate's Office, Police Department City of New York; JOSEPH E. KENNY, As Chief of Detectives, Police Department City of New York; DAVID P. BARRERE, Bureau Chief, Internal Affairs Bureau, Police Department City of New York; BRIAN S. MCGEE, as Deputy Chief, Detective Bureau Manhattan North, Police Department City of New York; PETER A. FIORILLO, as Inspector, Detective Bureau Manhattan North, Police Department City of New York CHRISTOPHER HENNING, as Deputy Inspector, Detective Bureau Manhattan North, Police Department City of New York; DANIEL J. CAMPBELL, as Deputy Inspector, Detective Bureau Manhattan North, Police Department City of New York, each sued in their official capacity and individual capacities as an employee of Defendant THE CITY OF NEW YORK

Defendants

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The Plaintiff JOEL RAMIREZ, through his attorney THE SANDERS FIRM, P.C., files this Verified Complaint against Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL.

SUMMARY OF THE ALLEGATIONS

Plaintiff JOEL RAMIREZ brings this action against Defendants THE CITY OF NEW YORK, former Police Commissioners Defendants KEECHANT L. SEWELL and EDWARD A. CABAN, and other NYPD executives, for unlawful discrimination based on race and national origin, retaliation, disparate treatment, and violations of his civil rights under the New York State Human Rights Law and New York City Human Rights Law.

Despite his exemplary record and qualifications, the Plaintiff, a Hispanic Lieutenant, was subjected to a tainted and biased disciplinary process after the Electric Zoo Festival in September 2022. The plaintiff was assigned to supervise narcotics enforcement operations and, critically, monitor the Prisoner Van (P-Van) to prevent misconduct.

Unbeknownst to Plaintiff, detectives under the supervision of Sergeants Robert Kelly and Sean Pittman, including Detectives Jonathan Gonzalez, Warren Golden, and Wojciech Czech, engaged in illegal and inappropriate conduct, including public intoxication and theft of two bottles of Ace of Spades champagne. When these detectives were detained by festival security for theft, Deputy Inspector Defendants DANIEL J. CAMPBELL and Inspector PETER A. FIORILLO orchestrated a cover-up to protect them. The plaintiff, who did not know about the theft or alcohol consumption, reported the situation to his superiors, but senior leadership retaliated against him for exposing the misconduct.

Instead of disciplining the white detectives responsible, senior NYPD leadership — including Defendants CAMPBELL, FIORILLO, Deputy Inspector Defendant CHRISTOPHER HENNING, and Chief Defendant BRIAN S. MCGEE — shifted blame onto Plaintiff. Charging Plaintiff with failure to supervise and making misleading statements, despite overwhelming evidence that he was unaware of the misconduct, reflects the NYPD's systemic pattern of arbitrary discipline, favoritism, and retaliation against officers of color.

Further retaliation ensued:

- Plaintiff was stripped of meaningful assignments,
- Denied overtime opportunities,
- Isolated within the Department,
- Issued baseless Charges and Specifications,
- And repeatedly passed over for promotion to Captain more than fifteen times, despite achieving a high rank (List No.: 56.5) on the promotion exam and maintaining an excellent record.

The Department's actions towards Plaintiff mirror the findings of the NYPD's 2019 Disciplinary Panel Report, which warned about the dangers of opaque processes, arbitrary standards, political favoritism, and systemic inconsistencies.

This misconduct is compounded by the hypocritical conduct of NYPD senior leadership, including Defendants CABAN, SEWELL, and former Commissioner Dermot F. Shea, who for years knowingly violated NYPD Patrol Guide prohibitions against associating with individuals

reasonably believed to engage in criminal activities — specifically maintaining social and political relationships with Jimmy Rodriguez, the former operator of Jimmy's Bronx Café and Con Sofrito, both associated with criminal activity. Despite hundreds of NYPD officers, including top executives, patronizing Rodriguez's establishments, none faced discipline, illustrating the selective enforcement and systemic bias deeply rooted in the Department.

By contrast, Plaintiff was aggressively disciplined and ultimately terminated through a tainted and arbitrary disciplinary process, despite the absence of credible evidence of misconduct. The NYPD's disciplinary action against Plaintiff was not based on direct evidence but on conjecture, assumptions, and selective enforcement. Multiple testimonies during the department trial confirmed that Plaintiff did not witness, condone, or have reason to know about any subordinate misconduct at the Electric Zoo event. Nevertheless, Plaintiff was charged with failure to supervise under a double standard that denied him the same reasonable reliance on official records and chain-of-command procedures afforded to others in similar circumstances, including in his AWOL case involving UC 351, where he was found not guilty.

Moreover, the Department Advocate's Office and the disciplinary tribunal improperly departed from legal standards, including the precedent set in *Police Department City of New York v. Derek Miller*, by punishing Plaintiff based on speculative assumptions rather than observable facts or clear evidence. These actions mirror longstanding systemic flaws highlighted in the 2019 NYPD Disciplinary System Panel Report, including susceptibility to external political pressures, internal favoritism, and inconsistent disciplinary outcomes.

Ultimately, the NYPD unlawfully relied on arbitrary standards, political considerations, and implicit racial and national origin biases to target Plaintiff, while shielding similarly or more culpable officers from meaningful discipline. This disparate treatment and the retaliatory denial of promotion and wrongful termination violated the New York State and City Human Rights Laws. They undermined the fundamental principles of due process, fairness, and non-discrimination.

Plaintiff's treatment becomes even more glaring when compared with the favorable outcomes received by similarly or worse-offending officers, including:

- Police Officer Willie Thompson, who engaged in sexual misconduct with a witness, but received only a thirty-day loss of vacation days;
- Police Officer Kimberly Lucas, who falsified vaccination records but was spared termination;
- Sergeant Omar Salem, who assaulted his wife but received minimal penalties;
- Detective Marissa Sorocco, found guilty of arson and property destruction, kept her title;
- Probationary Officer Joseph M. Essig, arrested for felony criminal sexual misconduct but allowed to continue serving;
- Detective Nalik Zeigler, arrested for DWI, returned to full duty without demotion;
- Officer Freddy Difo, who endangered a child's welfare, yet remained employed.

These officers retained their positions despite serious, often criminal, misconduct.

Moreover, Defendants' decision-making in Plaintiff's case was infected with arbitrary standards, political bias, and a retaliatory agenda:

- Disregarding clear exculpatory evidence,
- Applying a "should have known" standard to the Plaintiff, unsupported by any facts,
- Retaliating against the Plaintiff for raising concerns about the Electric Zoo cover-up,
- Ignoring established disciplinary standards, such as those articulated in Police Department City of New York v. Derek Miller.

Plaintiff's experience demonstrates the NYPD's unlawful use of race, national origin, protected activity, and political considerations to determine discipline and career advancement.

As a direct and proximate result of Defendants' unlawful actions, Plaintiff has suffered:

- Significant lost wages and benefits,
- Denial of career advancement and pension increases,
- Severe emotional distress and reputational damage,
- And irreparable harm to his professional career and future opportunities.

Plaintiff seeks all available relief, including compensatory and punitive damages, retroactive promotion to Captain, restoration of lost wages and benefits, and systemic reforms to NYPD's disciplinary and promotional practices to end discrimination and retaliation.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the claims asserted herein under the New York State Constitution and applicable provisions of the New York Civil Practice Law and Rules ("CPLR"), as the causes of action arise under the New York State Human Rights Law (New York Executive Law § 296) and the New York City Human Rights Law (New York City Administrative Code § 8-107).

2. Venue is proper in this Court under CPLR § 503 because the unlawful acts alleged herein occurred within the City and County of New York.

PROCEDURAL REQUIREMENTS

3. Plaintiff JOEL RAMIREZ has filed suit with this Court within the applicable statute of limitations period.

4. Plaintiff is not required to exhaust any administrative remedies before filing suit under the New York State Human Rights Law or the New York City Human Rights Law.

PLAINTIFF JERMACK ROMERO

5. Plaintiff JOEL RAMIREZ is a Hispanic male citizen of the State of New York, over twenty-one (21) years of age. He devoted over nineteen (19) years of distinguished service as a member of the New York City Police Department ("NYPD"), consistently upholding the highest standards of professionalism, integrity, and dedication to public safety.

6. During his tenure with the NYPD, Plaintiff JOEL RAMIREZ earned a reputation as a reliable and competent officer. He demonstrated excellence in various assignments, effectively supervising personnel, engaging in narcotics enforcement operations, and ensuring the protection of detainee rights in high-profile deployments. Plaintiff maintained a strong disciplinary record throughout his career, reflecting his adherence to departmental regulations, ethical responsibilities, and community trust.

7. At all relevant times, Plaintiff was employed by Defendant THE CITY OF NEW YORK as an officer within the NYPD. Despite his exemplary service and promotion eligibility, Plaintiff was subjected to disparate treatment, retaliatory discipline, and ultimately wrongful termination. The adverse actions against Plaintiff were motivated by impermissible considerations, including race, national origin, protected activity, and systemic favoritism favoring politically connected individuals. Plaintiff's career was irreparably damaged through a disciplinary process tainted by conjecture, bias, and arbitrary decision-making in violation of his rights under federal, state, and local law.

DEFENDANTS'

8. Defendant THE CITY OF NEW YORK is a municipal corporation organized and existing under the laws of the State of New York. At all relevant times, THE CITY OF NEW YORK was Plaintiff's employer through its agency, the New York City Police Department

("NYPD"), and was responsible for the policies, practices, and conduct alleged herein. Its principal offices are located in the County of New York.

9. Defendant THOMAS G. DONLON is the former Police Commissioner of the New York City Police Department. At all relevant times, Defendant DONLON was an employee and authorized agent of Defendant THE CITY OF NEW YORK, acting under color of law within the scope of his employment. Defendant DONLON exercised supervisory authority over the NYPD's disciplinary practices and is sued herein in his individual and official capacities.

10. Defendant EDWARD A. CABAN is the former Police Commissioner of the New York City Police Department. At all relevant times, Defendant CABAN was an employee and authorized agent of Defendant THE CITY OF NEW YORK, acting under color of law within the scope of his employment. Defendant CABAN exercised supervisory authority over the NYPD's disciplinary practices and is sued herein in his individual and official capacities.

11. Defendant KEECHANT L. SEWELL is the former Police Commissioner of the New York City Police Department. During the events alleged herein, Defendant SEWELL was an employee and authorized agent of Defendant THE CITY OF NEW YORK, acting under color of law and within the scope of her duties. Defendant SEWELL exercised administrative and supervisory oversight over the NYPD, including disciplinary actions against personnel, and is sued herein in her individual and official capacities.

12. Defendant PAUL M. GAMBLE is the former Deputy Commissioner of the Department Advocate's Office within the New York City Police Department. At all relevant times, Defendant GAMBLE was an employee and authorized agent of Defendant THE CITY OF NEW YORK, acting within the scope of his employment and authority. Defendant GAMBLE was responsible for supervising the investigation and prosecution of internal disciplinary matters

and is sued herein in his individual and official capacities.

13. Defendant AMY J. LITWIN is the former Deputy Commissioner of the Department Advocate's Office within the New York City Police Department. At all relevant times, Defendant LITWIN was an employee and authorized agent of Defendant THE CITY OF NEW YORK, acting within the scope of her employment and authority. Defendant Litwin was responsible for supervising the investigation and prosecution of internal disciplinary matters and is sued herein in her individual and official capacities.

14. Defendant JOSEPH E. KENNY is a White male who has served with the New York City Police Department (NYPD) since June 1992. As of September 2023, he holds the title of Chief of Detectives, leading the Detective Bureau. His prior assignments include senior leadership positions at Patrol Borough Manhattan North Special Operations, Patrol Borough Manhattan North Administration Command, and Narcotics Borough Manhattan North. In the most recent reporting year, he earned approximately $291,000 annually and is identified under Tax Registry No.: 901769.

15. Throughout his career, Defendant KENNY has accumulated twelve (12) civilian complaints involving thirty-five (35) allegations. These complaints included serious allegations such as physical force, illegal searches, racial slurs, discourtesy, and abusive authority practices. Although none of the allegations were formally substantiated, the repeated patterns of complaints, many involving Black and Hispanic civilians, reveal a troubling history of allegations centered on abusive and discriminatory policing practices. Eight (8) allegations were deemed "unfounded," nineteen (19) were "unsubstantiated," and five (5) were "exonerated" under NYPD standards, which often allow for broad officer discretion.

16. Defendant KENNY has also been named in multiple civil lawsuits, including

Okoli, Isaac, et al. v. City of New York**,** where he was accused of defamation after publicly labeling an individual a "gang member" and "drug dealer" during a press conference — allegations the plaintiffs claimed were false and defamatory.

17. At all relevant times, Defendant KENNY acted under the color of law and as an agent of Defendant THE CITY OF NEW YORK. Defendant KENNY played a central and material role in the discriminatory and retaliatory disciplinary actions against Plaintiff.

18. Specifically, on or about Tuesday, September 6, 2022, during the aftermath of the Electric Zoo Festival scandal, Plaintiff was summoned to the office of Defendant FIORILLO. Defendants FIORILLO and CAMPBELL attended a conference call with Defendant MCGEE. During this call, which Plaintiff overheard, Defendant MCGEE explicitly stated, "Kenny [meaning Chief of Detectives JOSEPH KENNY] said, make sure Ramirez is the fall guy."

19. This statement evidences Defendant KENNY's direct involvement in orchestrating a cover-up designed to scapegoat Plaintiff, a Hispanic officer, while shielding the culpable detectives, including Gonzalez, Golden, and Czech, from meaningful disciplinary accountability. Defendant KENNY's actions contributed to a broader pattern of selective enforcement, racial discrimination, retaliation against whistleblowers, and systemic bias within the NYPD.

20. By actively directing subordinates to target and falsely blame Plaintiff, Defendant KENNY materially furthered the violations of the New York State Human Rights Law, the New York City Human Rights Law, and other statutory protections, resulting in significant damage to Plaintiff's career, livelihood, and professional reputation.

21. Defendant DAVID P. BARRERE is a White male who served as a member of the New York City Police Department (NYPD) from April 1990 until his retirement in November

2022, holding various positions including at the 67th Precinct, 76th Precinct, 114th Precinct, Internal Affairs Bureau (IAB), and ultimately as Chief of the Housing Bureau. During his tenure, Defendant BARRERE accumulated four (4) Civilian Complaint Review Board (CCRB) complaints, comprising seven (7) allegations, all of which were classified as "exonerated" under NYPD guidelines — a categorization often criticized for shielding officer misconduct. He was also named in three (3) separate federal civil rights lawsuits, resulting in settlements totaling $44,500, stemming from allegations of abuse of authority and constitutional violations, is identified under Tax Registry No.: 896214.

22. At all relevant times, Defendant BARRERE, acting under color of law and as an agent of Defendant THE CITY OF NEW YORK, served as the Chief of the Internal Affairs Bureau and was responsible for overseeing investigations into police misconduct. In this capacity, Defendant BARRERE played a central and unlawful role in Plaintiff's biased and retaliatory investigation arising from the Electric Zoo Festival incident. Rather than ensuring a thorough, impartial, and evidence-based investigation, Defendant BARRERE willfully disregarded clear evidence of misconduct by Detectives Gonzalez, Golden, Czech, and Katehis, as well as the cover-up orchestrated by senior officials, including Defendants CAMPBELL, FIORILLO, HENNING, and MCGEE. Acting in concert with these senior officials and at the behest of politically connected actors within the NYPD, Defendant BARRERE manipulated the IAB process to shift blame onto Plaintiff, a Hispanic officer with an otherwise unblemished record, and to shield white officers, many of whom were members or affiliates of the NYPD Gaelic Football Club.

23. Defendant BARRERE's conduct, consistent with broader systemic failures identified by independent reviews of NYPD disciplinary practices, contributed directly to the

deprivation of Plaintiff's rights under the New York State Human Rights Law and the New York City Human Rights Law. His participation in the tainted investigation reflects a broader pattern of selective enforcement, racial and national origin discrimination, retaliation, and the arbitrary and politicized application of disciplinary standards within the NYPD.

24. Defendant BRIAN S. MCGEE is a White male who served as a member of the New York City Police Department (NYPD) from October 1990, culminating in his current assignment as a Deputy Chief at the Forensics Investigations Division since November 2022. Throughout his NYPD career, Defendant MCGEE held command and leadership positions in the Detective Borough Manhattan North, the 73rd Precinct, and the Detective Bureau Central Robbery Division. As of the most recent reporting year, Defendant MCGEE earned approximately $262,000 annually and is identified under Tax Registry No. 898020.

25. Defendant MCGEE's disciplinary history includes three (3) known complaints lodged with the Civilian Complaint Review Board (CCRB), encompassing three (3) allegations. One (1) of those allegations was substantiated for Abuse of Authority—specifically for the unlawful entry and/or search of premises—resulting in a formalized training requirement, though notably, no actual penalty was imposed by the NYPD. His record also reflects additional allegations categorized as "exonerated" and "unfounded," underscoring criticisms of internal disciplinary practices that disproportionately favor senior officials.

26. At all relevant times, Defendant acted under the color of law and as an agent of Defendant THE CITY OF NEW YORK. During the events giving rise to this action, Defendant MCGEE served as a key senior officer responsible for the biased and retaliatory handling of the Electric Zoo Festival incident. Rather than ensuring an impartial investigation into the serious misconduct of Detectives Gonzalez, Golden, Czech, and Katehis—including alcohol

consumption, theft, and related misconduct—Defendant MCGEE played a central role in shifting blame onto Plaintiff, a Hispanic officer with a previously unblemished record.

27. Defendant MCGEE, acting in concert with Defendants CAMPBELL, FIORILLO, and HENNING, knowingly suppressed material evidence and orchestrated a narrative falsely attributing supervisory failures to Plaintiff. Despite overwhelming evidence demonstrating that Plaintiff was not present during the critical acts of misconduct and had no reasonable opportunity to observe or prevent the behavior, Defendant MCGEE supported the pursuit of unfounded disciplinary charges against Plaintiff to shield white officers with political and internal affiliations, including members of the NYPD Gaelic Football Club.

28. The allegations against Defendant MCGEE are further corroborated by public reporting, including a New York Post article published on November 4, 2022, which detailed the departmental shake-up and misconduct cover-up at the Electric Zoo Festival. Defendant MCGEE's conduct directly contributed to the selective enforcement of discipline, racial and national origin discrimination, retaliation, and arbitrary application of disciplinary standards, all violating Plaintiff's rights under the New York State Human Rights Law and the New York City Human Rights Law.

29. Defendant PETER A. FIORILLO is a White male who has served with the New York City Police Department (NYPD) since February 1994. As of November 2022, Defendant FIORILLO holds the rank of Inspector assigned to Patrol Borough Brooklyn North, after prior assignments in Detective Borough Manhattan North, the 79th Precinct, and the 90th Precinct. In the most recent reporting year, Defendant FIORILLO earned approximately $260,000 annually and is identified under Tax Registry No.: 904789.

30. Defendant FIORILLO's disciplinary history reflects nine (9) complaints lodged

with the Civilian Complaint Review Board (CCRB), comprising fifteen (15) allegations. His CCRB record reveals findings of "unsubstantiated," "exonerated," and "unfounded" allegations, as well as instances where complainants became uncooperative. Defendant FIORILLO has also been named as a defendant in at least two (2) federal and state civil lawsuits—Alford v. City of New York**,** resulting in a $25,000 settlement, and Gonzalez v. City of New York**,** resulting in a $30,000 settlement—both alleging constitutional violations stemming from unlawful arrests and false charges.

31. At all relevant times, Defendant FIORILLO acted under the color of law and as an agent of Defendant THE CITY OF NEW YORK. During the events underlying this action, Defendant FIORILLO was one of the key senior officers involved in the Electric Zoo Festival misconduct cover-up. Defendant FIORILLO, alongside Defendants MCGEE, CAMPBELL, and HENNING, orchestrated efforts to shift blame away from Detectives Gonzalez, Golden, Czech, and Katehis, who were engaged in theft and alcohol consumption while on duty, and instead targeted Plaintiff, a Hispanic officer with an otherwise commendable record.

32. Defendant FIORILLO actively delayed notifying the Internal Affairs Bureau (IAB) of the detectives' misconduct, providing critical time for the involved officers to conceal evidence and fabricate explanations. Defendant FIORILLO further submitted misleading information to IAB investigators, deliberately minimizing the detectives' culpability and unjustly placing supervisory responsibility on Plaintiff, despite the lack of evidence connecting him to any wrongdoing. Defendant FIORILLO's actions were instrumental in constructing a false narrative that contributed directly to the retaliatory disciplinary charges brought against Plaintiff.

33. This pattern of selective protection for white officers with political and social connections, particularly members of the NYPD Gaelic Football Club, exemplifies the systemic

favoritism, racial bias, and retaliatory culture within the NYPD's disciplinary process. Defendant FIORILLO's conduct violated Plaintiff's rights under the New York State Human Rights Law and New York City Human Rights Law, and further supports the allegations that the NYPD disciplinary system operates on arbitrary standards rather than lawful, evidence-based decision-making.

34. Defendant DANIEL J. CAMPBELL is a White male who has served with the New York City Police Department (NYPD) since July 2003. As of April 2024, he holds the rank of Deputy Inspector assigned to the Auto Crime Division after prior assignments at the 17th Precinct, 90th Precinct, Transit Bureau Brooklyn Task Force, 52nd Precinct, and Detective Borough Manhattan North. In the most recent reporting year, Defendant CAMPBELL earned approximately $225,000 annually and is identified under Tax Registry No. 932403.

35. Throughout his tenure, Defendant CAMPBELL accumulated twenty-six (26) CCRB complaints comprising sixty-two (62) allegations, resulting in findings of two (2) substantiated allegations—specifically for Abuse of Authority: Frisk and Threat of Arrest—and numerous allegations marked as unsubstantiated, unfounded, or involving uncooperative complainants. Defendant CAMPBELL's disciplinary history includes a formal discipline case (Case No. 2022-25142), closed on October 4, 2022, for failing to supervise. He has also been named in at least five (5) civil lawsuits resulting in settlements totaling $158,500, including M., A o/b/o S., T. v. City of New York ($20,000 settlement), Gonzalez v. City of New York ($93,000 settlement), Bussey v. City of New York ($35,000 settlement), and Green v. City of New York ($10,500 settlement), all of which involved allegations of unlawful searches, excessive force, or racial profiling.

36. At all relevant times, Defendant CAMPBELL acted under the color of law and as

an agent of Defendant THE CITY OF NEW YORK. During the events underlying this action, Defendant CAMPBELL played a central role in the Electric Zoo Festival misconduct cover-up. Defendant CAMPBELL was directly responsible for instructing Detectives Gonzalez, Golden, and Czech, who were caught stealing champagne and engaging in alcohol consumption while on duty, to change clothes and vacate the premises before Internal Affairs Bureau (IAB) investigators arrived, thereby obstructing the investigation. Defendant CAMPBELL collaborated with other senior officers, including Defendants MCGEE, FIORILLO, and HENNING, to create a false narrative falsely implicating Plaintiff in supervisory failures, despite the absence of credible evidence and Ramirez's documented focus on his P-Van duties.

37. Defendant CAMPBELL's history of supervisory failures, evidenced by his substantiated misconduct and lawsuits involving civil rights violations, demonstrates a longstanding pattern of misconduct and indifference to constitutional protections. His conduct during the Electric Zoo incident exemplified the NYPD's broader culture of protecting favored officers while unfairly targeting officers of color and whistleblowers like Plaintiff for retaliation and harsher discipline, in violation of the New York State Human Rights Law, the New York City Human Rights Law, and other applicable statutes.

38. Defendant CHRISTOPHER M. HENNING is a White male who has served with the New York City Police Department (NYPD) since March 2000. As of February 2024, he holds the rank of Deputy Inspector assigned to the Housing Bureau covering the Bronx and Queens. His prior assignments include Patrol Borough Bronx, the 25th Precinct, Midtown South Precinct, and the Narcotics Borough Bronx. In the most recent reporting year, Defendant HENNING earned approximately $227,000 annually and is identified under Tax Registry No.: 925443.

39. During his career, Defendant HENNING accumulated three (3) civilian complaints involving six (6) allegations. None were substantiated; three (3) were exonerated, and three (3) were unsubstantiated. The allegations primarily involved claims of discourtesy, unauthorized premises entry, improper search or frisk, and use of physical force. Although officially cleared of misconduct, the volume of serious allegations indicates a history of community complaints involving civil rights concerns.

40. At all relevant times, Defendant HENNING acted under the color of law and as an agent of Defendant THE CITY OF NEW YORK. Defendant HENNING played a material role in the misconduct cover-up during the Electric Zoo Festival incident. After Detectives Gonzalez, Golden, and Czech were caught stealing bottles of Ace of Spades champagne and consuming alcohol on duty, Defendant HENNING participated in a coordinated effort alongside Defendants MCGEE, DANIEL J. CAMPBELL, and FIORILLO to minimize the incident's severity. Specifically, Defendant HENNING distorted official reports, falsely portraying the detectives involved as possible impersonators rather than active-duty officers engaging in criminal behavior.

41. Rather than ensuring accountability for the underlying theft, Defendant HENNING’s actions contributed to the scapegoating of Plaintiff, who had no direct involvement in the misconduct and was stationed elsewhere overseeing prisoner transport operations at the P-Van. Defendant HENNING's participation in the false narrative and manipulation of the investigation directly led to unwarranted disciplinary charges against Plaintiff, while the culpable officers were shielded from meaningful discipline.

42. Defendant HENNING’s conduct during the Electric Zoo incident reflects broader systemic failures within the NYPD disciplinary system, including selective enforcement, racial

bias, and retaliation against officers of color like Plaintiff. His actions contributed to violating the New York State Human Rights Law, the New York City Human Rights Law, and other applicable statutory protections by facilitating a discriminatory and arbitrary disciplinary process.

BACKGROUND

THE ELECTRIC ZOO INVESTIGATION AND COVER-UP

43. The timeline of events and subsequent actions involving Plaintiff during the Electric Zoo Festival on Randall's Island paints a troubling picture of internal misconduct, mishandling of evidence, and a blatant cover-up by senior officers.

44. Plaintiff, tasked with overseeing narcotics enforcement, was primarily stationed with the Prisoner Van (P-Van) to prevent misconduct similar to the infamous Chambers incident; despite his clear focus on his assigned responsibilities, sergeants and detectives under his direct and indirect supervision engaged in illegal activities, which were later concealed by senior management.

Timeline of Events – Friday, September 2, 2022

45. At 1230 hours, Plaintiff led a pre-tactical meeting with the Narcotics Borough Manhattan North (NBMN) team, planning for undercover narcotics operations at the Electric Zoo Festival. The plaintiff managed two teams of one sergeant and eight detectives covering the 23rd and 32nd Precincts modules, ensuring coordination for drug enforcement actions.

46. As part of Plaintiff's duties, he specifically supervised the P-Van, a decision influenced by concerns stemming from the Chambers case—a prior incident of misconduct involving a prisoner van. A few years ago, the City of New York settled with Anna Chambers for $125,000 following serious allegations against two former NYPD detectives, Eddie Martins,

and Richard Hall, who were accused of raping Chambers in 2017 while she was in their custody.

47. While Plaintiff diligently supervised the P-Van and monitored detainees, among other supervisory duties, unbeknownst to him, a group of detectives—Jonathan Gonzalez, Warren Golden, and Wojciech Czech—along with many others, began consuming alcohol and engaging in inappropriate behavior. Sergeants Robert Kelly and Sean Pittman supervised this group. These supervisors failed to intervene despite their direct responsibility for overseeing these officers.

The Events Leading to the Theft of Ace of Spades Champagne

48. Saturday, September 3, 2022, was a particularly significant day. Plaintiff began his tour at 1300 hours, focusing on administrative duties, reviewing kite reports, and monitoring operations. At 1430 hours, Plaintiff was informed by Sergeant Pittman that Detectives Gonzalez, Golden, and Czech would be assisting with law enforcement activities on Randall's Island.

49. Later that evening, at approximately 1915 hours, while Plaintiff was still occupied with his supervisory duties, unbeknownst to him, security personnel assigned to the VIP section of the festival detained the three detectives—Gonzalez, Golden, and Czech—after they were caught stealing two bottles of Ace of Spades champagne worth nearly $3,000.

50. The detectives were accused of taking the bottles when the individuals who had purchased them temporarily left their table.

51. Detective Gonzalez allegedly placed the bottles in a black backpack to remove them from the VIP area. Detectives Czech and Golden were present but failed to intervene or stop Gonzalez from committing the theft.

52. Festival security and the original champagne owners were notified of the incident, and they were able to recover the bottles from Gonzalez's possession.

53. Plaintiff, still at the P-Van and unaware of the situation, was not present when the theft occurred.

The Cover-Up by Senior Officers

54. Later that evening, Plaintiff became aware of the alleged theft, was immediately informed, and escalated the matter to his superiors. However, instead of addressing the situation through proper investigative protocols, senior officers intervened to protect the detectives involved, including Defendants HENNING and FIORILLO.

55. Defendant CAMPBELL, in particular, instructed the detectives to change their clothes and leave the festival grounds before they could be seen by the Internal Affairs Bureau (IAB), who had been notified of the incident. Despite the seriousness of the offenses, the detectives were not immediately disciplined. The IAB was investigating, but rather than allowing the investigation to proceed without interference, the senior officers actively worked to shield the detectives from accountability.

56. Tuesday, September 6, 2022, Defendant FIORILLO ordered Plaintiff to report to his office. Upon his arrival, FIORILLO and Defendant CAMPBELL were on a conference call with Defendant MCGEE. He overheard MCGEE say, “Kenny [meaning Defendant JOSEPH E. KENNY] said, make sure Ramirez is the fall guy.”

The Internal Affairs Investigation

57. The Internal Affairs Bureau’s investigation under the supervision of Defendant BARRERE, into the events at the Electric Zoo festival, revealed significant inconsistencies in the disciplinary actions taken against Plaintiff, suggesting that his discipline was based on conjecture rather than solid evidence.

58. Video footage and receipts clearly show that several detectives, including Detectives Gonzalez, Czech, and Golden, along with others, purchased and consumed alcohol at the event. This consumption occurred in Sergeants Dooley, Kelly, and Pittman's presence, but notably outside Plaintiff's presence. The receipts confirm the purchase of drinks at specific times, yet no evidence shows Plaintiff was aware of or condoned these actions.

59. The investigation confirmed that once Plaintiff arrived at the scene, the detectives quickly removed the black bag containing the vodka. Detective Czech, in particular, was observed taking action to hide the evidence. Despite this, Plaintiff was charged with failing to supervise the police personnel and providing misleading statements about the consumption of alcohol. However, the evidence suggests that Plaintiff had no opportunity to witness the consumption of alcohol, as the detectives concealed the black bag almost immediately after his arrival.

60. Charging Plaintiff with misconduct for failing to supervise under these circumstances seems unwarranted.

61. The Internal Affairs Bureau's investigation points to Plaintiff arriving at approximately 1934 hours, at which point the police personnel already had the alcohol. The officers' actions to remove the bag before the Plaintiff could notice it suggest that he was not privy to their misconduct. Holding him accountable for events before his arrival, for which there is no evidence he was aware, stretches the bounds of reasonable supervision.

62. Additionally, under Defendant BARRERE, the Internal Affairs Bureau charged Plaintiff with making misleading statements regarding alcohol consumption. However, given the timeline established through receipts and video evidence, it appears that any statements Plaintiff made denying knowledge of the alcohol consumption were truthful. The officers had hidden the

alcohol before he had a chance to observe it, meaning his statements reflected his understanding of the situation. The Bureau's conclusions appear to be based more on assumptions than verified facts.

63. The investigation also established that Detective Gonzalez stole two Ace of Spades champagne bottles. Mr. Charles Zhang, who observed Gonzalez taking the bottles, confirmed this theft. Detective Czech assisted in moving the bottles, which were eventually concealed in Detective Gonzalez's backpack. However, there is no evidence tying the Plaintiff to this theft, as it occurred outside his presence.

64. The Bureau's decision to charge Plaintiff with misconduct, despite the officers' efforts to conceal their wrongdoing from him, raises serious questions about the fairness of the investigation and his discipline. The removal of the black bag containing the vodka and the concealment of the stolen champagne occurred before Plaintiff could intervene, leaving him unaware of the full extent of the officers' actions.

The AWOL Investigation Regarding UC 351

65. By Tuesday, September 20, 2022, Plaintiff was informed that an investigation had been initiated regarding the unauthorized absences of UC 351, an undercover officer whose leave had been approved by Defendant FIORILLO. UC 351 had been on authorized leave since July 8, 2022, but Plaintiff was falsely accused of failing to document his absences and properly supervise his return to duty.

66. Despite following all protocols for UC 351's leave, which included five weeks of approved leave, Plaintiff was accused of not maintaining accurate records. This accusation arose after Deputy Inspector John Wilson and Defendant MCGEE sought to use this minor issue to discredit Plaintiff's leadership and retaliate against UC 351 because unbeknownst to him, UC

351 sent an email to the Internal Affairs Bureau reporting the theft and consumption of alcohol as he learned the information through a WhatsApp Group Chat.

67. On September 20, 2022, Plaintiff was informed that the AWOL investigation had been escalated despite no legitimate reason for concern.

THE ROLE OF MANAGEMENT AND INTERNAL AFFAIRS BUREAU (IAB)

68. The cover-up of the Electric Zoo incident extended beyond the officers involved. Senior officers in the NYPD, including Defendants CAMPBELL, FIORILLO, HENNING, and MCGEE, deliberately blamed Plaintiff, ignoring the clear violations committed by Detectives Gonzalez, Golden, Czech, and Katehis. Despite the severity of the theft and alcohol consumption, these officers were protected by management.

69. Defendant CAMPBELL instructed the detectives to change out of their uniforms, leave the scene, and avoid IAB investigators. He then collaborated with Defendant FIORILLO to create a false narrative that Plaintiff had failed in his supervisory responsibilities.

70. Defendant FIORILLO delayed notifying IAB about the misconduct, ensuring the detectives had enough time to cover their tracks. He later provided misleading information to IAB, focusing their investigation on the Plaintiff instead of the officers.

71. Defendant HENNING further distorted the facts by claiming that the individuals involved in the theft were impersonating police officers rather than reporting the truth about the detectives' criminal behavior.

72. Defendant MCGEE played a central role in framing Plaintiff with the failure of supervision at Electric Zoo, despite knowing that the senior management was protecting the officers involved.

73. The Internal Affairs Bureau, a political operative of Defendants SEWELL and

BARRERE, influenced by senior management, conducted a biased investigation that disregarded vital evidence of the senior management's misconduct and instead targeted Plaintiff for retaliation.

74. This pattern of selective enforcement and protection for white officers' members of the NYPD Gaelic Football Club reflects the systemic discrimination that Plaintiff has faced throughout this ordeal.

DEPARTMENTAL RETALIATION

75. After the Electric Zoo incident, Plaintiff faced immediate and severe retaliation from senior officers in the NYPD.

76. Following the incident, Plaintiff was reassigned multiple times, moving from Module Lieutenant to Administrative Lieutenant. He was also instructed not to accrue overtime, which limited his ability to earn income. Meanwhile, the senior management or the other officers were not subject to such restrictions.

77. Despite not engaging in misconduct, Plaintiff was issued Charges and Specifications for failing to supervise and report the officers' misconduct. These charges were baseless and designed to shift responsibility away from the senior management and Sergeants Dooley, Kelly, Pittman, Detectives Gonzalez, Golden, Czech, Katehis, and others, while focusing entirely on him.

78. Senior officers, including Deputy Inspector Wilson and Defendant MCGEE, worked to isolate Plaintiff within the department. Sergeants Dooley, Kelly, and Pittman were accused of attempting to cover up the officers' misconduct, and Plaintiff's reputation within the department was severely damaged. Meanwhile, the officers involved in the theft and alcohol consumption continued to serve without any severe consequences.

NYPD 'Arbitrary Standards' and Abuse of its' Statutory Authority

79. Plaintiff alleges that Defendants DONLON, CABAN, and SEWELL, former Police Commissioners of the New York City Police Department (NYPD), and while appointed, were authorized agents acting on behalf of Defendant THE CITY OF NEW YORK.

80. Plaintiff alleges that Defendant THE CITY OF NEW YORK designates the NYPD as a mayoral agency tasked with engaging in law enforcement activities with the general public and managing its employees, including overseeing the initiation, prosecution, and resolution of disciplinary matters.

81. Defendant THE CITY OF NEW YORK is a municipal corporation and public employer duly incorporated under the laws of the State of New York, with its principal place of business located within the County of New York.

82. Plaintiff alleges that under § 14-115(a) of the New York City Administrative Code, the Commissioner "shall have power, in his or her discretion, on conviction by the commissioner, or by any court or officer of competent jurisdiction, of a member of the force of any criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or any breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force." Moreover, while the Commissioner has delegated certain functions to subordinate bodies to review, investigate, and prosecute complaints and make disciplinary recommendations, the Commissioner retains ultimate authority and discretion to modify or overturn disciplinary decisions.

83. Plaintiff alleges that Defendant THE CITY OF NEW YORK, through Defendants

DONLON, CABAN, and SEWELL, operated the Internal Affairs Bureau (IAB), which is tasked with preserving the integrity of the NYPD.

84. Plaintiff alleges that Defendant THE CITY OF NEW YORK, through Defendants DONLON, CABAN, and SEWELL, operated the Department Advocate's Office (DAO), which is responsible for prosecuting civilian and uniformed members of the service accused of violating departmental policies.

85. Plaintiff alleges that Defendant THE CITY OF NEW YORK, through Defendants DONLON, CABAN, and SEWELL, operated the Office of the Deputy Commissioner of Trials (DCT), which is responsible for ensuring that department members are held to the highest standards of conduct and are afforded fair and impartial disciplinary trials.

86. Plaintiff alleges that on or about June 21, 2018, former Police Commissioner James P. O'Neill appointed an "Independent Panel" to review the NYPD's internal disciplinary system and propose recommendations for its improvement.

87. Plaintiff alleges that, according to the Panel's report summary, the Panel was composed of the Honorable Mary Jo White (Chair), the Honorable Robert L. Capers, and the Honorable Barbara S. Jones.

88. Plaintiff alleges that, in fulfilling its mandate, the Panel surveyed NYPD policies and procedures governing the initiation, prosecution, and resolution of internal disciplinary cases.

89. Plaintiff alleges that, on or about January 25, 2019, the Panel issued a final report which included a section specifically addressing allegations of systemic favoritism, bias, and significant inconsistencies within the NYPD disciplinary system.

90. Plaintiff alleges that, according to the Panel's findings, "in any adjudicatory

system, allegations of systemic favoritism, bias, or significant inconsistencies strike at the core of its legitimacy."

91. Plaintiff alleges that under at least the past five (5) administrations, including Police Commissioners DONLON, CABAN, SEWELL, Dermot F. Shea, and James P. O'Neill, Defendants abused their statutory authority by employing "arbitrary standards" to determine how disciplinary cases were initiated, prosecuted, and resolved, including the improper use of gender and political affiliations as impermissible factors in decision-making.

92. Plaintiff alleges that Agency Attorney Samuel Yee, in Samuel Yee v. The City of New York, et al., filed on February 14, 2023, in the Supreme Court, New York County, Index No.: 151387/2023, alleged that during Defendant AMY J. LITWIN's tenure (under Defendants CABAN, SEWELL, Dermot F. Shea, and James P. O'Neill), discriminatory practices persisted, including the intentional removal of lawyers of color from cases involving discrimination, domestic violence, and sex offenses.

93. Plaintiff alleges that, upon information and belief, during the tenure of Defendants GAMBLE and LITWIN (under Defendants DONLON, CABAN, and SEWELL), the overwhelming majority of disciplinary cases involving Hispanic officers were sustained, resulting in disproportionately harsher penalties, including termination — when compared to similarly situated White officers, who often received less severe discipline.

94. Plaintiff alleges that, upon information and belief, during the tenure of Defendants GAMBLE and LITWIN (under Defendants DONLON, CABAN, and SEWELL), Hispanic officers were statistically less likely to have disciplinary cases dismissed compared to similarly situated White officers.

95. Plaintiff alleges that during the tenure of Deputy Commissioner of Trials

Rosemarie Maldonado (under Defendants DONLON, CABAN, and SEWELL), Maldonado and her assistant deputy commissioners sustained an overwhelming majority of cases against Hispanic officers relative to White officers, resulting in disproportionate discipline, including termination for Hispanic officers, while similarly situated White officers received lesser or no penalties.

The NYPD Disciplinary Process Uses 'Arbitrary Standards' Supported by the Hypocritical 'Conduct' of the Police Commissioners

96. Plaintiff alleges that for at least the past five [5] administrations under Police Commissioners DONLON, CABAN, SEWELL, Dermot F. Shea, and James P. O'Neill, they knowingly violated NYPD Patrol Guide Procedure No.: 203-10, Page 1, Paragraph 2(c) PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS: "wrongfully and knowingly associated with a person, reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities."

97. Plaintiff alleges that Police Commissioners CABAN, SEWELL, Dermot F. Shea, and James P. O'Neill and its executive management knowingly associate[d] and in some instances still associates with Jimmy Rodriguez aka Jamie Rodriguez, the former operator of Jimmy's Bronx Café associated with Con Sofrito formerly located at 1315 Commerce Avenue Bronx, N.Y. 10461. The establishment was owned by the 1315 Restaurant Group Corp. DOS ID: 5690783, registered as a Domestic Business Corporation on January 16, 2020. The registered agent is Mr. Richard Caban, retired lieutenant and brother of Defendant EDWARD A. CABAN.

98. Plaintiff alleges that Jimmy Rodriguez, aka Jamie Rodriguez, has a criminal history [acknowledged during interviews with several publications, including The New Yorker

on November 9, 1997] with recurring allegations related to the sale of narcotics, prostitution, and other criminal conduct within the former Jimmy's Bronx Café and now Con Sofrito.[1]

99. Plaintiff alleges that, as coined in the publication City and State, Con Sofrito was listed as one of the Top 50 Political Hangouts in New York. [There's a plethora of social media data to support numerous powerful democratic public officials patronizing the establishment].

100. Plaintiff alleges that over the past three [3] years, supported by social media posts and other related data, literally hundreds of NYPD personnel patronized Con Sofrito but were not disciplined for violating NYPD Patrol Guide Procedure No.: 203-10, Page 1, Paragraph 2(c) PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS: "wrongfully and knowingly associated with a person, reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities."

101. Plaintiff alleges that this is possible because the NYPD Disciplinary System uses 'Arbitrary Standards' and 'lacks transparency' over the past five [5] administrations under Police Commissioners DONLON, CABAN, SEWELL, Dermot F. Shea, and James P. O'Neill and their hypocritical 'conduct' including its executive management, supports the proposition of systemic favoritism, bias, and significant inconsistencies how disciplinary cases are initiated, prosecuted, and resolved.

[1] Moreover, there's some suggestion from a mob associate John Pennisi, Sitdownnews that he and Anthony Guzzo were considering a money and narcotic deal with Jimmy Rodriguez, former owner of Don Coqui, Jimmy's Bronx Café and Jimmy's Uptown who wanted to become a member of the Lucchese Crime family. They believe it was a setup in retaliation for an incident with a Genovese Crime family associate. https://youtu.be/m9Yp342sPEo?si=DYwa8b5a6OMZJZMh

Jimmy's ConSofrito
Oct 8, 2022 ·
Mobile uploads

Police Commissioners Keechant L. Sewell, Edward A. Caban and
former Chief of Department Kenneth E. Corey

Jimmy's ConSofrito
Oct 8, 2022 ·

Police Commissioners Keechant L. Sewell and Edward A. Caban

Jimmy Rodriguez with former Chief of Department Kenneth E. Corey

Mayor Eric L. Adams, Speaker of the New York State Assembly
Carl E. Heastie with Jimmy Rodriguez

Police Commissioner Edward A. Caban with brothers Richard Caban [owner of 1315 Restaurant Group Corp.] and former NYPD Sergeant James Caban [termination in January 2001]

Jimmy Rodriguez with Patrick J. Lynch, former president of the Police Benevolent Association of the City of New York

Richard Caban [owner of 1315 Restaurant Group Corp.], former Police Commissioner Dermot F. Shea with Jimmy Rodriguez

Jimmy Rodriguez with former Police Commissioner Dermot F. Shea

Police Commissioner Edward A. Caban with Patrick J. Lynch, former president of the Police Benevolent Association of the City of New York

Jimmy Rodriguez with Chief of Housing Martine N. Materasso and Patrick J. Lynch, former president of the Police Benevolent Association of the City of New York

Deputy Commissioner Community Affairs Mark T. Stewart,
Inspector Victoria C. Perry with unidentified person

Former Chief of Training Juanita N. Holmes and Police Commissioner Edward A. Caban

Jimmy Rodriguez with Deputy Commissioner Equity and Inclusion
Wendy Garcia [dark clothing with pink shoes]

Jimmy Rodriguz attending the swearing in ceremony of Police Commissioner Edward A. Caban

102. Plaintiff alleges that upon information and belief, none of those mentioned above NYPD personnel or the hundreds of other NYPD personnel patronizing Con Sofrito were terminated for violating NYPD Patrol Guide Procedure No.: 203-10, Page 1, Paragraph 2(c) PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS: "wrongfully and knowingly associated with a person, reasonably believed to be engaged in, likely to engage in or to have engaged in criminal activities."

Other 'Arbitrary Standards' Departure From the NYPD Disciplinary Matrix - Demonstrating Disparate Treatment Based on Race and National Origin Discrimination and Retaliatory Interference

103. The plaintiff alleges that Defendants CONLON, CABAN, SEWELL, GAMBLE, and LITWIN engaged in a pattern of disparate treatment in disciplinary outcomes, influenced by unlawful race, national origin, and political affiliation considerations. Similarly situated officers, many of whom engaged in serious misconduct, including criminal behavior, were permitted to retain their employment, receive lesser penalties, or benefit from mitigation based on political connections or other impermissible factors. In contrast, Plaintiff was terminated despite the dismissal and sealing of criminal charges, a commendable service record, and valid defenses under New York law.

104. The following examples illustrate the discriminatory practices undertaken by Defendants, which violate the New York State Human Rights Law, the New York City Human Rights Law, and related statutory protections.

105. Police Officer Christopher Alvarado, a Hispanic male, engaged in a drunken off-duty incident where he fled the scene, impeded a criminal investigation, and broke a civilian's car window. Alvarado was convicted of a crime. Although the administrative law judge recommended his dismissal, then-Commissioner Dermot F. Shea overturned the decision on June

26, 2020, allowing Alvarado to remain employed. Plaintiff, similarly situated, was terminated despite a less severe history.

106. Police Officer Nelson Reyes (Tax Registry No.: 953309) pleaded guilty to assaulting his wife, admitting that he struck her during a domestic dispute. Reyes was not arrested and was sentenced to one year's dismissal probation and forfeiture of thirty-five vacation days, with approval from Commissioner Shea on April 28, 2020. Plaintiff, in contrast, was terminated despite no such admission.

107. Sergeant Omar Salem (Tax Registry No.: 943768) was found guilty of engaging in a physical altercation with his wife, including pushing and holding her down, conduct which prompted the filing of a domestic incident report and a statement from the victim that she feared for her life. Despite this, Salem received a penalty of only thirty days docked and one year's dismissal probation under Commissioner Shea, and remained employed. The plaintiff faced termination under far less egregious circumstances.

108. Probationary Police Officer Joseph M. Essig (Tax Registry No.: 956626)**,** son of NYPD Chief James Essig, was arrested on October 8, 2015, in Atlantic City, New Jersey, for felony criminal sexual misconduct. He pleaded guilty to a health code violation, received a fine, and was permitted to remain employed under then-Commissioner William J. Bratton, eventually serving in the Gun Violence Suppression Division. The plaintiff was terminated while Essig remained employed after serious criminal charges.

109. Detective Nalik O. Zeigler Tax Registry No.: 951461)**,** son of high-ranking NYPD officials, was arrested for Driving While Intoxicated after an accident in Harlem. He was suspended, placed on modified assignment, and restored to full duty without demotion under Commissioner Shea. The plaintiff, who faced dismissed and sealed charges, was terminated.

110. Detective Marissa Sorocco (Tax Registry No.: 937119) was arrested for Arson in the Fifth Degree and Criminal Mischief in the Fourth Degree after intentionally setting a fire that caused property damage. Despite being found guilty of these acts, Sorocco forfeited thirty days' pay, served one year of dismissal probation, and returned to full duty without demotion under Commissioner James P. O'Neill. The plaintiff was not given similar opportunities for rehabilitation.

111. Police Officer Freddy Difo (Tax Registry No.: 957544) pleaded guilty to endangering the welfare of a child stemming from a physical altercation. Difo received a thirty-two-day suspension, a forfeiture of twenty-three vacation days, and a one-year dismissal probation, and continues to be employed by the NYPD under Commissioner Shea. Plaintiff, by contrast, was terminated despite not being convicted.

112. Police Officer Willie Thompson (Tax Registry No.: 958120) was accused of "prohibited conduct" and making false statements after engaging in multiple sexual encounters with a witness in an active carjacking case he was investigating. Assistant Deputy Commissioner of Trials Jeff Adler recommended Thompson's termination. Nevertheless, on or about October 22, 2023, Defendant CABAN, then-Police Commissioner, overruled the termination recommendation and instead imposed an "unreviewable" penalty of a thirty (30)-day loss of vacation days and one (1) year dismissal probation. Upon information and belief, this decision was influenced by Officer Thompson's political affiliation, an impermissible factor in the disciplinary process.

113. Police Officer Kimberly Lucas (Tax Registry No.: 958844) pleaded guilty to possessing and submitting fraudulent COVID-19 vaccination cards and providing false statements during an official NYPD investigation. Assistant Deputy Commissioner Anne E.

Stone recommended Lucas's termination. However, on May 10, 2024, Defendant CABAN declined to follow this recommendation, imposing a penalty of eighty-five (85) days' loss of vacation time and one (1) year dismissal probation. Defendant CABAN justified the deviation based on Lucas's prior good performance and commendations, disregarding the serious nature of her misconduct.

114. Police Officer Handoly Ramos (Tax Registry No.: 953297) pleaded guilty to violating NYPD regulations by knowingly associating with an individual believed to be engaged in criminal activity. Despite the severity of the offense, Ramos was permitted to remain employed with only a penalty of thirty-five (35) vacation days lost and one (1) year dismissal probation, resolved on March 30, 2018, under Commissioner O'Neill.

115. Detective Kaz R. Daughtry (Tax Registry No.: 940052) pleaded guilty to making misleading and inaccurate statements. On September 7, 2021, he received a penalty of only twenty (20) vacation days lost, without further disciplinary action or termination under Defendant SEWELL.

116. Police Officer Delare Rathour was found guilty of engaging in two separate incidents of domestic violence and reckless endangerment against his wife. In the first incident, Rathour shoved his wife into a closet, causing serious spinal injuries. In the second incident, despite an active order of protection, Rathour drove recklessly with his wife in the vehicle, running red lights and endangering her life, all of which was captured on video. Assistant Deputy Commissioner Jeff Adler strongly recommended Rathour's termination after finding a blatant disregard for public and familial safety. Nevertheless, Defendant CABAN deviated from this recommendation and imposed lesser penalties, allegedly due to Rathour's political affiliation with influential individuals in the NYPD.

117. These examples reflect a pattern in which officers with political affiliations or favored status were shielded from termination despite engaging in serious misconduct. In contrast, Plaintiff, who lacked political affiliation and whose charges were dismissed and sealed, was terminated under materially different circumstances.

118. The NYPD's disparate disciplinary practices demonstrate that conduct involving public intoxication, domestic violence, endangering the welfare of children, obstruction of investigations, and even felony-level misconduct were not deemed to have a direct relationship to the duties of police officers or create an unreasonable risk to the public when politically connected individuals were involved.

119. Plaintiff, similarly situated in all material respects to the officers referenced herein, was treated less favorably based on his arrest history, lack of political affiliation, gender, and engagement in protected activity. As detailed above, Defendants THE CITY OF NEW YORK, CABAN, SEWELL, and LITWIN systematically permitted officers involved in more serious misconduct to retain their employment, while imposing the harshest penalty—termination—on Plaintiff. This disparate treatment, influenced by political favoritism and gender-based stereotypes, directly resulted in Plaintiff's wrongful termination, in violation of the New York State Human Rights Law and the New York City Human Rights Law.

THE DISCIPLINARY PROCESS: FINDINGS AND APPLICATION TO RAMIREZ'S CASE

120. The handling of Plaintiff's case highlights several issues that align with concerns raised in the 2019 Panel Report on the NYPD's Disciplinary System, specifically those regarding transparency, external influences, and inconsistencies in disciplinary outcomes.

121. One of the most significant concerns raised in the Panel Report is the pervasive lack of transparency in the disciplinary process. The plaintiff was charged with failure to

supervise, yet there is no clear evidence of any misconduct on his part. This lack of evidence and transparency raises questions about how decisions were made and how accountability was enforced.

122. Another issue noted by the Panel is that disciplinary decision-makers are potentially vulnerable to inappropriate influences. The plaintiff's case demonstrates this vulnerability. Although the detectives directly involved in the theft of alcohol were protected by their superiors, the plaintiff, who was involved peripherally and focused on his supervisory duties, was targeted for disciplinary action. This suggests that external pressures, perhaps from higher-ranking officials, influenced the decision to focus on Plaintiff while deflecting blame from the more culpable senior management and officers.

123. The Panel also identified an inconsistency in the penalties imposed on officers. Despite his documented actions to address the situation, Plaintiff's charges for failure to supervise appear disproportionate compared to the lenient handling of the detectives directly involved in the theft. This inconsistency in punishment reflects broader concerns that the NYPD does not always impose discipline in a fair or evenhanded manner.

124. The Panel Report also expresses concerns about the undue influence of internal hierarchy on the outcome of disciplinary cases. The plaintiff's situation is emblematic of this, as decisions were made to protect senior management and officers with stronger internal connections. The Panel notes that higher-ranking officials sometimes escape accountability, while lower-ranking individuals or those without strong internal advocates, like Plaintiff, are unfairly disciplined.

The Department Trial and Disciplinary Findings

The Disciplinary Case Against Lieutenant Ramirez is Based on Conjecture, Not Direct Evidence

125. The allegations and findings against Plaintiff are grounded in speculation rather than direct, substantiated evidence. There is no credible testimony or concrete observation that definitively shows he witnessed any of his subordinates consuming alcohol or exhibiting signs of intoxication. Several testimonies throughout the trial dismantle the department's case, revealing a troubling reliance on assumptions rather than facts.

Internal Inconsistencies in the Application of Reasonableness

126. The Electric Zoo case displays an irreconcilable contradiction within the report and recommendation involving the absence without leave (AWOL) of UC 351. In the AWOL matter, the Plaintiff was found not guilty because he reasonably relied on department records, such as roll call sheets, to account for his personnel. Specifically, the tribunal correctly concluded that he was entitled to trust these records to manage his team and could not be held accountable for discrepancies in the system beyond his control.

127. However, this reasonable reliance standard is inexplicably denied to the Plaintiff in the Electric Zoo case. The recommendation claims that Plaintiff should have known his team members were consuming alcohol, even though there was no direct evidence to support this assertion. Testimonies from Police Officer Victor Nunez and Detective Gary Perez explicitly state that no alcohol was consumed in Plaintiff’s presence, nor did anyone alert him to its consumption.

128. The contradiction is stark: either Plaintiff is entitled to rely on official records and the integrity of his personnel, or he is not. The selective application of reasonableness undermines the findings against him and reflects an unjust inconsistency in adjudicating these cases.

Contradictory Standards for Supervision

129. In the AWOL case, the Plaintiff was not held accountable for UC 351 because he relied on department records indicating that the officer was on authorized leave. Yet, despite having no direct evidence or indicators of misconduct in the Electric Zoo case, Plaintiff is held to an unreasonable standard, as if he should have somehow known what was happening with his subordinates. This inconsistency reflects a clear bias and lack of fairness in applying supervisory responsibility.

130. The report and recommendation are internally inconsistent in applying a reasonableness standard. When Plaintiff relied on Sergeant Pittman's explanations regarding Detective Katehis's condition, the ruling dismissed this reliance as insufficient. Yet, in the AWOL case, the Plaintiff's reliance on faulty department records is deemed reasonable. This selective and inconsistent rule application undermines the disciplinary recommendation's validity.

Testimonies that Disprove Assumptions of Guilt

131. Lieutenant Shaun Tanner's Testimony: Tanner's statements highlight the speculative nature of the charges against Plaintiff. Tanner did not provide any direct evidence that the Plaintiff was aware of alcohol consumption. Instead, his testimony relies on assumptions that have no factual basis.

132. Police Officer Victor Nunez's Testimony: Nunez's testimony is pivotal in dismantling the department's case. He clearly stated that alcohol was never poured in Plaintiff's presence, and there were no overt signs of intoxication visible to him. This testimony directly contradicts the assumption that Plaintiff should have known about the alcohol consumption.

133. Detective Gary Perez's Testimony: Perez admitted to drinking but confirmed that no supervisors, including Plaintiff, were informed of this. Perez's testimony reinforces the fact

that any alcohol consumption was hidden, further invalidating the notion that Plaintiff should have known.

134. Sergeant Gairy James's Testimony: James emphasized the importance of relying on observable facts, such as slurred speech or the smell of alcohol, to determine intoxication. No such indicators were present, making the assumptions against the Plaintiff even more speculative.

Misapplication of the Derek Miller Precedent

135. The recommendation against Plaintiff blatantly disregards the precedent set in *Police Department City of New York v. Derek Miller*, which established that intoxication cannot be presumed without clear, overt signs like slurred speech or the smell of alcohol. In Plaintiff's case, none of these signs were present, yet the recommendation relies on speculative assumptions that he "should have known" his team was consuming alcohol.

136. The *Miller* case set a clear standard: officers cannot be disciplined based on assumptions of intoxication without direct evidence. The report's failure to apply this standard is a severe legal misstep and further emphasizes Plaintiff's unjust treatment.

Report and Recommendation Consistent with the 2019 Panel Report's Concerns

137. The flaws in the report against the Plaintiff echo the systemic issues highlighted in the 2019 Panel Report on NYPD disciplinary practices. The Panel warned of the dangers of inconsistent disciplinary standards, unfair assumptions, and decisions not based on evidence. In Plaintiff's case, these concerns are starkly evident.

138. The 2019 Panel Report criticized the Department's reliance on assumptions rather than concrete evidence. The plaintiff's case is a textbook example of this. Instead of basing conclusions on observable facts, the recommendation is rooted in speculative "should have

known" reasoning, which is insufficient to justify disciplinary action.

139. The inconsistent application of standards and reliance on conjecture in the Plaintiff's case highlight the need to reconsider the department's disciplinary processes to ensure fairness and transparency, as the 2019 Panel Report emphasized.

140. Plaintiff alleges that the decision of Defendant DONLON to impose a penalty of dismissal held in abeyance for one (1) year, coupled with a forfeiture of sixty (60) vacation days, was patently unreasonable in light of the totality of the circumstances surrounding the disciplinary proceedings.

141. Despite the complete absence of direct evidence demonstrating that Plaintiff was aware of or condoned any misconduct during the Electric Zoo Festival, Defendant DONLON adopted a recommendation that treated Plaintiff as if he had been an active participant in wrongdoing. The Department's investigation, witness testimonies, and material evidence consistently failed to establish that Plaintiff had any personal knowledge of the alcohol consumption or theft by subordinates. Multiple testimonies, including those of Police Officer Victor Nunez and Detective Gary Perez, confirmed that no alcohol was consumed in Plaintiff's presence, nor were there any outward signs of intoxication observable to him.

142. The report and recommendation on which Defendant DONLON relied was internally inconsistent, applying fundamentally different standards of reasonableness across Plaintiff's disciplinary matters. In the AWOL case concerning UC 351, the tribunal found Plaintiff's reliance on department records and superior officer explanations reasonable and excused him of wrongdoing. Yet, despite similar reliance on official documentation and lack of obvious misconduct in the Electric Zoo matter, Plaintiff was held to an artificially heightened supervisory standard without any logical justification. Such selective application of standards

fatally undermines the credibility of the disciplinary findings.

143. Moreover, the disciplinary outcome imposed upon Plaintiff starkly contrasts with the treatment of similarly situated, or worse-situated, comparators. Officers such as Police Officer Willie Thompson, Detective Marissa Sorocco, and Police Officer Kimberly Lucas engaged in conduct involving sexual misconduct, arson, and falsification of official documents, yet received substantially lighter penalties or were permitted to continue serving without dismissal. Many of these comparators had political affiliations or favored status, further underscoring the arbitrary and discriminatory nature of the penalty imposed upon Plaintiff.

144. Defendant DONLON's decision to adopt a recommendation of dismissal held in abeyance — without reconciling the factual gaps, contradictions in the investigative findings, and grossly disproportionate treatment relative to similarly situated officers — exemplifies the systemic favoritism, bias, and inconsistency that have long plagued the NYPD's disciplinary system, as previously documented in the 2019 Independent Panel Report. The plaintiff was subjected to the harshest measures despite the absence of credible evidence against him, while comparators engaged in objectively more serious misconduct were spared termination.

145. This course of conduct, directed and ratified by Defendant DONLON, constitutes a violation of Plaintiff's rights under the New York State Human Rights Law and the New York City Human Rights Law, and further evidences the unlawful, discriminatory, and retaliatory environment maintained within the NYPD's disciplinary framework.

Failure of Senior Leadership to Halt the Biased Disciplinary Process

146. Despite overwhelming indications of a tainted and biased investigation orchestrated by Defendants BARRERE, KENNY, MCGEE, FIORILLO, HENNING, and CAMPBELL, senior leadership — including Defendants DONLON, CABAN, and SEWELL —

failed to take any corrective action to halt the unfair disciplinary proceedings against Plaintiff.

147. Throughout the investigative and departmental trial process, evidence demonstrated that critical exculpatory facts were ignored, witness testimonies supporting the Plaintiff were minimized, and baseless assumptions were used to support a theory of misconduct without direct proof. Rather than fulfill their duty to conduct an independent, thoughtful, and fair review, Defendants DONLON, CABAN, and SEWELL abdicated their responsibilities by rubberstamping the Report and Recommendation without meaningful scrutiny or analysis.

148. At multiple junctures before, during, and after the departmental trial — and certainly before the final adoption of the Report and Recommendation — it became evident that material inconsistencies, contradictions, and the selective suppression of evidence favorable to Plaintiff marred the proceedings. Nevertheless, Defendants DONLON, CABAN, and SEWELL willfully ignored these red flags. They approved discipline based on the flawed, retaliatory, and discriminatory work product of subordinates with documented histories of bias and misconduct.

149. Defendants GAMBLE and LITWIN, leading the Department Advocate's Office at the relevant times, failed in their obligation to exercise independent prosecutorial judgment. They advanced charges against Plaintiff that lacked factual or legal merit, disregarded applicable defenses under New York law, and perpetuated the tainted process, depriving Plaintiff of the fair consideration and procedural safeguards he was entitled to under the NYPD's rules and broader legal standards.

150. NYPD leadership's collective failure to intercede reflects a systemic breakdown in internal accountability and discipline review mechanisms. This miscarriage of justice resulted not only in the Plaintiff's wrongful termination but also in the reinforcement of an unlawful, discriminatory disciplinary environment in violation of the New York State Human Rights Law

and the New York City Human Rights Law.

Retaliatory Failure to Promote Plaintiff to Captain

151. Despite Plaintiff's strong qualifications and earning List No. 56.5 with a score of 88.44 on Promotion Examination No. 2558, the New York City Department of Citywide Administrative Services (DCAS) established an eligible list of 244 candidates for promotion to Captain on December 21, 2022. Although his standing and merit made him a competitive candidate, Plaintiff has been consistently passed over for promotion at least fifteen (15) times following his objections to the NYPD's mishandling and cover-up of the misconduct during the Electric Zoo Festival.

152. Plaintiff alleges that this persistent failure to promote him is not based on legitimate merit-based criteria but is the result of unlawful discrimination and retaliation. Specifically, Plaintiff's whistleblowing about the Electric Zoo cover-up, which sought to shield white officers affiliated with the NYPD Gaelic Football Club, triggered a concerted effort by senior leadership — including Defendants DONLON, CABAN, and SEWELL — to sabotage his career progression. This retaliatory conduct reflects the systemic racial and national origin discrimination that has pervaded the NYPD's promotional process and disciplinary practices, particularly against Hispanic officers like Plaintiff.

153. The NYPD's actions exemplify a deliberate and unlawful use of the promotional process to penalize dissent, protect politically favored officers, and suppress accountability for misconduct at the department's highest levels.

Harm Caused by the Discriminatory and Retaliatory Failure to Promote

154. The NYPD's discriminatory and retaliatory failure to promote Plaintiff JOEL RAMIREZ has inflicted profound and ongoing harm, including:

A. **Lost Wages and Benefits**:
By repeatedly being passed over for promotion to Captain, the Plaintiff has suffered significant financial harm. He has been deprived of substantial increases in salary, benefits, and pension accruals that he would have otherwise earned, resulting in cumulative and future economic losses.

B. **Career Stagnation and Loss of Professional Opportunities**:
Plaintiff's professional trajectory within the NYPD has been unjustly stalled. Advancement to Captain would have opened pathways to higher leadership roles, broader command opportunities, and enhanced credibility within law enforcement circles. The denial of promotion has unfairly foreclosed these career prospects.

C. **Severe Emotional and Psychological Distress**:
The repeated retaliation, humiliation, and professional sabotage have caused the Plaintiff ongoing emotional suffering, including anxiety, depression, and significant psychological trauma. The hostile work environment and persistent denial of advancement have deeply undermined his sense of professional dignity and personal security.

D. **Damage to Reputation and Professional Standing**:
The baseless disciplinary proceedings, tainted by political favoritism and systemic bias, have harmed Plaintiff's professional reputation within the NYPD and beyond. False narratives of misconduct have stigmatized him among his peers, supervisors, and potential future employers, inflicting lasting reputational injury.

E. **Chilling Effect on Future Protected Activity**:
Plaintiff's mistreatment sends a dangerous message that officers who challenge misconduct, particularly Hispanic officers who expose favoritism in protecting white officers, will face retaliation. This chilling effect on protected whistleblowing further violates public policy and the mandates of the New York State Human Rights Law and the New York City Human Rights Law.

SUMMARY OF DEFENDANTS' UNLAWFUL CONDUCT AND HARM TO PLAINTIFF

155. The events described above reveal a disturbing pattern of unlawful discrimination, retaliation, and systemic abuse of power by the New York City Police Department (NYPD) and its leadership. Plaintiff, a Hispanic officer with a distinguished nineteen-year record of service, became a target for discipline and career sabotage not because of any proven misconduct, but because he dared to expose and challenge corruption, favoritism, and cover-ups within the Department.

156. Instead of ensuring a fair, transparent, and evidence-based disciplinary process, Defendants — including senior officials such as DONLON, CABAN, SEWELL, KENNY, BARRERE, MCGEE, FIORILLO, HENNING, and CAMPBELL — orchestrated and condoned

a biased investigation and adjudication process riddled with contradictions, misapplications of law, and internal inconsistencies. The Department Advocate's Office, under Defendants GAMBLE and LITWIN, compounded these injustices by pursuing baseless charges while disregarding exculpatory evidence and longstanding precedents requiring fairness and neutrality.

157. Even when it became apparent that critical facts had been distorted or suppressed before, during, and after the Department Trial, Defendants rubber-stamped the tainted findings without any meaningful scrutiny or intervention. This abdication of responsibility culminated in Plaintiff's wrongful termination and repeated retaliatory denial of promotion to Captain, despite clear eligibility and merit.

158. The NYPD's disparate treatment of Plaintiff relative to similarly situated white officers, many of whom engaged in far more serious misconduct yet retained their positions, underscores the discriminatory animus that infected every stage of the process. Rather than upholding their legal and ethical obligations under the New York State Human Rights Law, the New York City Human Rights Law, and related protections, Defendants weaponized the disciplinary and promotional systems to punish protected activity, reinforce racial and political favoritism, and silence dissent.

159. As a result of Defendants' unlawful conduct, Plaintiff has suffered severe economic, emotional, and reputational harm, injuries for which he now seeks redress under the applicable laws.

160. Accordingly, Plaintiff asserts the following claims for relief.

VIOLATIONS AND CLAIMS ALLEGED

First Cause of Action:
Race and National Origin Discrimination
Under New York State Human Rights Law (Executive Law § 296)

161. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

162. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL discriminated against him based on his race, national origin, and lack of political affiliation, subjecting him to harsher disciplinary actions and denial of promotional opportunities compared to similarly situated White and politically connected officers involved in more egregious misconduct.

163. The NYPD's disciplinary and promotional practices, directed and influenced by Defendants, demonstrated systemic bias against Hispanic officers and officers lacking political affiliations, as Plaintiff and others similarly situated faced sustained charges, harsher penalties, and limited career advancement. In contrast, White and politically connected officers benefited from leniency, mitigation, or dismissal of disciplinary actions.

164. Plaintiff's race, national origin, and lack of political affiliation were unlawful motivating factors in Defendants' decisions to pursue disciplinary charges without sufficient evidence, terminate his employment, and repeatedly pass him over for promotion to Captain despite his superior qualifications and eligibility.

165. Defendants' conduct constitutes unlawful race, national origin, and political affiliation discrimination in violation of the New York State Human Rights Law (Executive Law § 296), and as a direct and proximate result, Plaintiff has suffered damages including lost wages, pension benefits, emotional distress, diminished career prospects, and reputational harm.

Second Cause of Action:
Failure to Promote Based on Race and National Origin Discrimination,

and Retaliatory Interference
Under New York State Human Rights Law (Executive Law § 296)

166. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

167. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL intentionally and unlawfully discriminated and retaliated against him based on his race, national origin, and protected activity, by denying him promotion to the rank of Captain despite his proven qualifications, eligibility, and superior ranking on the promotional list.

168. Plaintiff's protected activity included objecting to and exposing the misconduct, mishandling, and cover-up of the Electric Zoo incident, which involved serious violations by White officers with political affiliations. Plaintiff's opposition to the biased disciplinary process and selective enforcement of departmental policies subjected him to further retaliation in the form of career stagnation.

169. Despite achieving a competitive score and placement on the Promotion to Captain Examination List No. 2558, Plaintiff was repeatedly passed over for promotion more than fifteen times while similarly situated White and politically connected officers, including individuals involved in more egregious misconduct, were promoted or favorably treated.

170. The defendant's refusal to promote the plaintiff was motivated, at least in part, by unlawful bias based on his Hispanic race and national origin, as well as retaliation for his efforts to expose and resist the improper handling of the Electric Zoo investigation.

171. Defendants' actions further reflect a pattern of interference with Plaintiff's career advancement by perpetuating a false and misleading narrative regarding his supervisory performance during the Electric Zoo event, undermining his reputation and promotional prospects without a fair or unbiased review.

172. Defendants' conduct constitutes unlawful race, national origin, and retaliation-based discrimination violating the New York State Human Rights Law (Executive Law § 296).

173. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has suffered and continues to suffer substantial damages, including lost wages, lost pension and benefits, emotional distress, reputational harm, and loss of career advancement opportunities.

Third Cause of Action:
Unfair Discipline Based on Race and National Origin Discrimination, and Retaliatory Interference
Under New York State Human Rights Law (Executive Law § 296)

174. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

175. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL subjected him to discriminatory and retaliatory disciplinary actions based on his race, national origin, and protected activity.

176. The plaintiff was disciplined and ultimately terminated through a tainted disciplinary process riddled with bias, improper influence, and selective enforcement, particularly stemming from his objections to the Electric Zoo incident cover-up involving misconduct by White and politically connected officers.

177. The allegations against Plaintiff were pursued despite a lack of credible evidence, material inconsistencies in the internal report and recommendation, and favorable comparator evidence demonstrating that White officers and politically connected officers engaged in more egregious misconduct yet were not similarly disciplined.

178. Defendants imposed the harshest penalty — termination — on Plaintiff, despite evidence demonstrating that he acted appropriately. In contrast, lesser or no penalties were imposed on comparators with more serious infractions.

179. Defendants' decisions were motivated, at least in part, by unlawful considerations of Plaintiff's Hispanic race, national origin, and his protected conduct in challenging the biased investigation and disciplinary proceedings.

180. Defendants' conduct constitutes unlawful race, national origin, and retaliation-based discrimination violating the New York State Human Rights Law (Executive Law § 296).

181. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer significant damages, including lost wages, lost pension benefits, emotional distress, reputational harm, and diminished future employment prospects.

Fourth Cause of Action:
Hostile Work Environment Based on Race and National Origin Discrimination, and Retaliation
Under New York State Human Rights Law (Executive Law § 296)

182. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

183. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL subjected him to a

hostile work environment on account of his race, national origin, lack of political affiliation, and engagement in protected activity.

184. Throughout his employment, and particularly following his objections to the Electric Zoo cover-up and biased disciplinary process, Plaintiff was subjected to ongoing intimidation, marginalization, and disparate treatment, including but not limited to: unfair investigations, excessive scrutiny, public disparagement, retaliatory charges, and denial of promotional opportunities.

185. Defendants, individually and collectively, tolerated, encouraged, and actively contributed to an environment that was hostile and abusive toward Plaintiff, ignoring clear evidence of discriminatory and retaliatory animus by senior management and internal affairs personnel.

186. The conduct directed toward Plaintiff was sufficiently severe and pervasive to alter the conditions of his employment and create an intimidating, hostile, and offensive work environment.

187. Defendants' actions were motivated, at least in part, by Plaintiff's Hispanic race, national origin, lack of political affiliation, and his protected complaints regarding discriminatory practices and misconduct.

188. Defendants' conduct constitutes an unlawful hostile work environment based on race, national origin, and retaliation, in violation of the New York State Human Rights Law (Executive Law § 296).

189. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer substantial damages, including emotional distress, reputational injury, lost career opportunities, and financial harm.

Fifth Cause of Action:
Retaliation
Under New York State Human Rights Law (Executive Law § 296)

190. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

191. Plaintiff engaged in protected activity by raising objections to the NYPD's discriminatory treatment, systemic favoritism, biased Electric Zoo investigation, and violations of civil rights laws.

192. In direct response to his protected activity, Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL subjected Plaintiff to retaliatory actions, including but not limited to: unfair disciplinary proceedings, escalation of charges, denial of promotion to Captain, and hostile work environment, and termination.

193. The defendant's retaliatory conduct was intended to punish the plaintiff for asserting his rights and to deter him and others from challenging discriminatory practices within the NYPD.

194. The adverse actions taken against Plaintiff were causally connected to his protected activity and were materially adverse enough to dissuade a reasonable employee from engaging in protected conduct.

195. Defendants' conduct constitutes unlawful retaliation in violation of the New York State Human Rights Law (Executive Law § 296).

196. As a direct and proximate result of Defendants' retaliatory actions, Plaintiff has suffered and continues to suffer substantial damages, including emotional distress, financial losses, reputational harm, and diminished career opportunities.

Sixth Cause of Action:
Retaliation in Violation of New York Labor Law § 215

197. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

198. Defendant THE CITY OF NEW YORK was, at all relevant times, Plaintiff's employer within the meaning of New York Labor Law § 215.

199. Plaintiff engaged in protected activity under New York Labor Law § 215 by opposing and reporting misconduct, bias, and unlawful practices concerning the Electric Zoo investigation, and by challenging the discriminatory and retaliatory treatment he suffered.

200. Defendant THE CITY OF NEW YORK, through its agents and employees, including but not limited to Defendants THOMAS G. DONLON, EDWARD A. CABAN, KEECHANT L. SEWELL, PAUL M. GAMBLE, AMY J. LITWIN, JOSEPH E. KENNY, DAVID P. BARRERE, BRIAN S. MCGEE, PETER A. FIORILLO, CHRISTOPHER HENNING, and DANIEL J. CAMPBELL, retaliated against Plaintiff for engaging in such protected activity by subjecting him to unfair disciplinary charges, wrongful termination, and denial of promotional opportunities.

201. Defendant THE CITY OF NEW YORK, through its agents, took adverse employment actions against Plaintiff in direct response to his opposition to unlawful conduct, in violation of New York Labor Law § 215.

202. As a direct and proximate result of Defendant THE CITY OF NEW YORK's retaliation, Plaintiff has suffered damages, including lost wages, pension benefits, emotional distress, career stagnation, and reputational harm.

Seventh Cause of Action:
Retaliation in Violation of New York Labor Law § 740

203. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

204. Defendant THE CITY OF NEW YORK was, at all relevant times, Plaintiff's employer within the meaning of New York Labor Law § 740.

205. Plaintiff engaged in protected activity under New York Labor Law § 740 by reporting and objecting to unlawful practices, misconduct, and activities that posed a substantial and specific danger to public health and safety, including the theft, alcohol consumption, and subsequent cover-up surrounding the Electric Zoo incident, and the systemic discrimination and retaliation perpetuated by NYPD leadership.

206. In response to Plaintiff's protected activity, Defendant THE CITY OF NEW YORK, through its agents and employees, including Defendants THOMAS G. DONLON, EDWARD A. CABAN, KEECHANT L. SEWELL, PAUL M. GAMBLE, AMY J. LITWIN, JOSEPH E. KENNY, DAVID P. BARRERE, BRIAN S. MCGEE, PETER A. FIORILLO, CHRISTOPHER HENNING, and DANIEL J. CAMPBELL, subjected Plaintiff to adverse employment actions, including retaliatory disciplinary charges, wrongful termination, and denial of promotional opportunities.

207. Defendant THE CITY OF NEW YORK's actions constituted unlawful retaliation in violation of New York Labor Law § 740.

208. As a direct and proximate result of Defendant THE CITY OF NEW YORK's unlawful conduct, Plaintiff has suffered damages, including lost wages, pension benefits, emotional distress, reputational harm, and loss of career advancement.

Eighth Cause of Action:
Race and National Origin Discrimination
Under New York City Human Rights Law (Administrative Code § 8-107)

209. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

210. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL discriminated against him based on his race, national origin, and lack of political affiliation, in violation of the New York City Human Rights Law (Administrative Code § 8-107).

211. Defendants, acting individually and collectively, treated Plaintiff less favorably than similarly situated White officers and officers with political connections, subjecting him to harsher disciplinary measures, termination, and denial of promotion opportunities.

212. The discriminatory treatment included reliance on biased and unsupported disciplinary charges from the Electric Zoo investigation, harsher punishment than White and politically connected officers involved in more serious misconduct, and ignoring exculpatory evidence favorable to the Plaintiff.

213. Plaintiff's race, national origin, and lack of political affiliation were motivating factors in Defendants' adverse employment actions against him.

214. Defendants' actions constitute unlawful discrimination under the broad remedial purposes of the New York City Human Rights Law, which requires the liberal construction of its protections independent from federal or state anti-discrimination laws.

215. As a direct and proximate result of Defendants' discriminatory actions, Plaintiff has suffered damages including lost wages, lost pension benefits, severe emotional distress, reputational harm, and diminished career advancement opportunities.

Ninth Cause of Action:
Failure to Promote Based on Race and National Origin Discrimination,
and Retaliatory Interference
Under New York City Human Rights Law (Administrative Code § 8-107)

216. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

217. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL unlawfully denied him promotion opportunities based on his race, national origin, and lack of political affiliation, in violation of the New York City Human Rights Law (Administrative Code § 8-107).

218. Despite his qualifications, merit, and successful placement on the Captain promotion list, Plaintiff was repeatedly passed over for promotion more than fifteen times, while similarly situated White officers and politically connected officers were promoted with less seniority or comparable or inferior disciplinary records.

219. Defendants' failure to promote Plaintiff was motivated by discriminatory bias against Hispanic officers and those without political affiliations, and was further influenced by

retaliatory animus stemming from Plaintiff's involvement in exposing misconduct related to the Electric Zoo investigation.

220. Defendants' conduct constitutes an unlawful failure to promote under the New York City Human Rights Law, which mandates a liberal interpretation to maximize civil rights protections.

221. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered significant harm, including lost wages, lost pension enhancements, emotional distress, reputational damage, and lost career advancement opportunities.

Tenth Cause of Action:
Unfair Discipline Based on Race and National Origin Discrimination, and Retaliatory Interference
Under New York City Human Rights Law (Administrative Code § 8-107)

222. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

223. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL engaged in unfair and disparate disciplinary actions against him based on his race, national origin, and lack of political affiliation, in violation of the New York City Human Rights Law (Administrative Code § 8-107).

224. The plaintiff was subjected to charges and termination despite a lack of credible evidence, internal inconsistencies in the disciplinary process, and comparable or more egregious misconduct by similarly situated White and politically connected officers who received minimal discipline, mitigation, or no discipline at all.

225. Defendants also failed to investigate exculpatory evidence properly, ignored testimony favorable to Plaintiff, and manipulated disciplinary outcomes to scapegoat Plaintiff in the aftermath of the Electric Zoo incident.

226. The NYPD's internal disciplinary practices, directed and influenced by Defendants, operated under arbitrary, biased, and inconsistent standards that disproportionately harmed Hispanic officers and individuals without political connections.

227. Defendants' actions constitute unlawful discriminatory practices under the NYCHRL, which must be construed broadly to accomplish its remedial purposes.

228. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including loss of employment, lost wages and benefits, emotional distress, humiliation, reputational harm, and diminished future career opportunities.

Eleventh Cause of Action:
Hostile Work Environment Based on Race and National Origin Discrimination, and Retaliation
Under New York City Human Rights Law (Administrative Code § 8-107)

229. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

230. Plaintiff alleges that Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL subjected him to a hostile work environment based on his race, national origin, and lack of political affiliation, in violation of the New York City Human Rights Law (Administrative Code § 8-107).

231. The plaintiff was consistently marginalized, unfairly blamed, scapegoated for the Electric Zoo incident without a factual basis, subjected to unwarranted disciplinary charges,

denied opportunities for promotion, and retaliated against for opposing discriminatory practices, all of which created an intimidating, humiliating, and offensive work environment.

232. The hostility Plaintiff experienced was not isolated but rather part of a broader pattern of systemic discrimination and retaliation carried out and tolerated by Defendants.

233. The conduct Plaintiff endured would have deterred a reasonable person from continuing employment and rose to the level of altering the terms, conditions, and privileges of his employment.

234. Defendants' actions violated the broad protections afforded by the NYCHRL, which is intended to be interpreted liberally to fulfill its remedial purposes.

235. As a direct and proximate result of the hostile work environment created and perpetuated by Defendants, Plaintiff has suffered damages including emotional distress, reputational injury, loss of dignity, lost wages, and other compensatory damages.

Twelfth Cause of Action:
Retaliation in Violation of the
New York City Human Rights Law (Administrative Code § 8-107)

236. Plaintiff realleges and incorporates by reference every allegation set forth above as if fully set forth herein.

237. Plaintiff engaged in protected activity under the New York City Human Rights Law by opposing discrimination based on race, national origin, and lack of political affiliation, and by objecting to the biased handling and cover-up of the Electric Zoo investigation.

238. In response to Plaintiff's protected activities, Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL

subjected him to unlawful retaliation, including baseless disciplinary charges, wrongful termination, failure to promote, and other adverse employment actions.

239. Defendants' retaliatory actions were motivated, at least in part, by Plaintiff's protected complaints, participation in internal investigations, and advocacy against systemic favoritism and racial bias within the NYPD.

240. Defendants' conduct violated the NYCHRL's broad and liberally construed anti-retaliation provisions, prohibiting any adverse action that might dissuade a reasonable employee from engaging in protected activity.

241. As a direct and proximate result of Defendants' retaliatory actions, Plaintiff has suffered damages including lost wages, lost pension benefits, emotional distress, reputational harm, and other compensatory damages.

JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JOEL RAMIREZ respectfully requests that this Court enter judgment in his favor and against Defendants THE CITY OF NEW YORK; THOMAS G. DONLON; EDWARD A. CABAN; KEECHANT L. SEWELL; PAUL M. GAMBLE; AMY J. LITWIN; JOSEPH E. KENNY; DAVID P. BARRERE; BRIAN S. MCGEE; PETER A. FIORILLO; CHRISTOPHER HENNING; and DANIEL J. CAMPBELL, and award the following relief:

A. On all claims brought under the New York State Human Rights Law (Executive Law § 296), an award of compensatory damages against all Defendants jointly and severally, in an amount to be determined at trial;

B. On all claims brought under the New York City Human Rights Law (Administrative Code § 8-107), an award of compensatory damages and, where permitted, punitive damages against the individually named Defendants;

C. A finding of liability against THE CITY OF NEW YORK for its failure to prevent, investigate, or remedy unlawful discrimination, retaliation, and the hostile work environment endured by Plaintiff;

D. An award of reasonable attorneys' fees, expert fees, costs, and disbursements under N.Y.C. Admin. Code § 8-502(f) and any other applicable law;

E. A declaratory judgment that the conduct of the Defendants violated Plaintiff's rights under the New York State and New York City Human Rights Laws;

F. Prejudgment and post-judgment interest at the maximum rate permitted by law; and

G. Such other and further relief as this Court deems just, equitable, and proper under the circumstances, including reinstatement and backpay.

Dated: April 29, 2025
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders_____
Eric Sanders

Eric Sanders, Esq.
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ATTORNEY VERIFICATION

STATE OF NEW YORK
ss:

COUNTY OF NEW YORK

ERIC SANDERS, ESQ., affirms as follows:

I am an attorney who has been 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 Plaintiff is not within the county of New York, where the affirmant maintains his office.

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

Dated: April 29, 2025
New York, N.Y.

Respectfully submitted,

By: s/Eric Sanders_____
Eric Sanders

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK INDEX NO.:

JOEL RAMIREZ

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.

Defendants

SUMMONS WITH VERIFIED COMPLAINT

Duly submitted by:

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