

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
WILLIE R. DIXON

Plaintiff,

-against-

**Amended Complaint**

Jury Trial Demand

Judge Leonard D. Wexler

10 cv 3577 (LDW)(ARL)

THE INCORPORATED VILLAGE OF HEMPSTEAD;  
WAYNE J. HALL, SR., as Mayor, The Incorporated Village of  
Hempstead; HENRY CONYERS, as Trustee, The Incorporated  
Village of Hempstead; PERRY PETTUS, as Trustee, The  
Incorporated Village of Hempstead; and DON RYAN, as Trustee,  
The Incorporated Village of Hempstead; and JOSEPH B. WING,  
as Chief of Police, The Incorporated Village of Hempstead, each  
being sued individually and in their official capacities as employees  
of THE INCORPORATED VILLAGE OF HEMPSTEAD

Defendants'

-----X  
The Plaintiff WILLIE R. DIXON by his attorney, The Sanders Firm, P.C., as and for  
his Amended Complaint against Defendants' THE INCORPORATED VILLAGE OF  
HEMPSTEAD; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON  
RYAN and JOSEPH B. WING, respectfully set forth and allege that:

**INTRODUCTION**

1. This is an action for equitable relief and money damages on behalf of the  
Plaintiff WILLIE R. DIXON (hereinafter referred to as "Plaintiff") who was, and who is  
prospectively being deprived of his statutory rights as an employee as a result of the  
Defendants' THE INCORPORATED VILLAGE OF HEMPSTEAD; WAYNE J. HALL, SR.;  
HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING'S race

discrimination.

### **JURISDICTION AND VENUE**

2. The jurisdiction of this Court is invoked pursuant to 18 U.S.C. § 1965, 28 U.S.C. §§ 1331, 1343 and 2202 to secure protection of and to redress deprivation of rights secured by:

- a. Title VII of the Civil Rights Act of 1964 (hereinafter referred to as "Title VII") providing for injunctive and other relief against discrimination in employment on the basis of race, color, and national origin;
- b. the Civil Rights Act of 1866, 42 U.S.C. § 1981, providing for the protection of all person's right to make and enforce contracts under the color of state law; and
- c. the Civil Rights Act of 1871, 42 U.S.C. § 1983, providing for the protection of all persons in his civil rights and the redress of deprivation of rights under color of law.

3. The unlawful employment practices, violations of Plaintiff's civil rights and Tortuous acts complained of herein were committed within the Eastern District of New York.

### **PLAINTIFF**

4. Plaintiff is a male citizen of the United States of America and is over twenty-one (21) years of age, a resident of Nassau County and is an employee of Defendant THE INCORPORATED VILLAGE OF HEMPSTEAD (hereinafter referred to as the "VILLAGE") more specifically the Hempstead Police Department (hereinafter referred to as "HPD"). For the purposes of this litigation, Defendant VILLAGE may be identified interchangeably using

VILLAGE or HPD to identify the employer which is Defendant VILLAGE.

### **DEFENDANTS'**

5. Defendant VILLAGE was and is a municipal corporation organized and existing under and by virtue of the law of the State of New York, and at all relevant times was Plaintiff's employer.

6. Defendants' WAYNE J. HALL, SR., as Mayor, The Incorporated Village of Hempstead; HENRY CONYERS, as Trustee, The Incorporated Village of Hempstead; PERRY PETTUS, as Trustee, The Incorporated Village of Hempstead; DON RYAN, as Trustee, The Incorporated Village of Hempstead; and JOSEPH B. WING, as Chief of Police, The Incorporated Village of Hempstead.

### **PROCEDURAL REQUIREMENTS**

7. Plaintiff has filed suit with this Court within the applicable statute of limitations period.

8. On or about February 12, 2010, Plaintiff sought assistance from the United States Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC") with his respective claims against Defendant VILLAGE.

9. On or about May 6, 2010, Plaintiff received a Dismissal and Notice of Right to Sue from the EEOC.

10. Plaintiff is not required to exhaust any administrative procedures prior to suit under the Civil Rights Act of 1866 or the Civil Rights Act of 1871.

### **BACKGROUND**

11. Plaintiff alleges that in or around 1875, Defendant VILLAGE established HPD.

12. Plaintiff is an African-American male employee of the HPD.

13. Plaintiff alleges that on or about April 23, 1981, he was appointed to the civil service position of police officer, HPD.

14. Plaintiff alleges that he is a Police Lieutenant that formerly held the appointed rank of Assistant Chief of Police.

15. Plaintiff alleges that Defendant VILLAGE through its agents to this day, has a long history of discriminating against minority police officers.

16. Plaintiff alleges that Defendant VILLAGE through its agents to this day, has a long history of subjecting minority officers to highly offensive racial language and symbols such defaced newspaper postings, "Coon Cartoons", including a "Hangman's Noose."

17. Plaintiff alleges that Defendant VILLAGE through its agents to this day, has a long history of discriminating against minority police officers by creating special workplace rules that only apply to them.

18. Plaintiff alleges that Defendant VILLAGE through its agents to this day, have a long history of discriminating against minority police officers whenever they become police supervisors by marginalizing their supervisory powers.

19. Plaintiff alleges that Defendant VILLAGE through its agents to this day does not marginalize similarly situated Caucasian police officers' whenever they become police supervisors.

20. Plaintiff alleges that as a result of Defendant VILLAGE'S conduct to this day, minority police supervisors are not afforded the same career opportunities as their Caucasian police supervisor colleagues.

21. Plaintiff alleges that Defendant' VILLAGE through its agents to this day, have a long history of performing flawed and unfair internal misconduct investigations of its

minority police officers.

22. Plaintiff alleges that Defendant VILLAGE through its agents to this day, have a long history of failing to investigate allegations of racial discrimination in the workplace in clear violation of its policy.

23. Plaintiff alleges that throughout his career to this day, he has been the subject of unfair employment practices on account of his stance against racial discrimination.

24. Plaintiff alleges that throughout his career to this day, he has continually tried to re-dress racial discrimination in the workplace affecting him as well as his subordinate minority police officers.

25. Plaintiff alleges that throughout his career until his illegal demotion on June 8, 2011, Defendant VILLAGE through its agents only used his race as an African-American Male for photo and political opportunities.

26. Plaintiff alleges that throughout his career until his illegal demotion on June 8, 2011, Defendant VILLAGE through its agents breached their duty to him by intentionally interfering with his ability to fully perform the duties and responsibilities of Deputy and Assistant Chief, HPD.

27. Plaintiff alleges that each of the decades (80s, 90s and 00s) of his employment with HPD, the workplace was always racially charged.

28. Plaintiff alleges that in one instance back in the 80s there was a posting on the HPD Headquarters Bulletin Board entitled "Running Nigger Target."

29. Plaintiff alleges that the target was set up to award the shooter with points according to the respective body part.

30. Plaintiff alleges that the target awarded no points if the shooter's scored a

headshot because the bullet could not penetrate the “steel wool” meaning their “hair.”

31. Plaintiff alleges that in or around August 9, 2003, he was subjected to further racially hostile materials posted inside of HPD Headquarters.

32. Plaintiff alleges that someone posted a “Coon Cartoon” in the building.

33. Plaintiff alleges that “Coon” is a highly offensive racial term used to negatively refer to African-Americans or persons perceived to be “Black.”

34. Plaintiff alleges that such postings were brought to the attention of then former Chief of Police James Russo (Caucasian Male) and former Inspector George P. Petri (Caucasian Male).

35. Plaintiff alleges that former Chief James Russo addressed the matter and distributed a Department Memorandum to all police supervisors ordering them to advise their subordinates that such offensive postings will be severely dealt with.

36. Plaintiff alleges that there were no follow-up trainings to reinforce the policy.

37. Plaintiff alleges that on or about January 22, 2005, he was charged as the Watch Commander with conduct unbecoming for allowing male employees to view the Playboy Channel while on duty inside of the building.

38. Plaintiff alleges that at the time, no other Watch Commanders, who were Caucasian Males, were charged with conduct unbecoming for allowing male employees to view the Playboy Channel.

39. Plaintiff alleges that the Playboy Channel was installed and paid for by the police union viewable on cable boxes located throughout the building in the male locker room, desk area and detective division.

40. Plaintiff alleges that sometime after, he was subjected to another racially hostile

posting inside of the building.

41. Plaintiff alleges that this “Coon Cartoon” depicts him in a police Lieutenant uniform “barking” various orders including a reference to the Playboy channel.

42. Plaintiff alleges that the cartoon bubble says “Booby, go down to the locker room and bring me the cable box. I feel like watching Playboy Channel. Melba, go stand in the corner so I can rub one out.”

43. Plaintiff alleges that on or about March 20, 2006, someone posted another article inside of the building, the article was published in the New York Post reporting about the highly publicized racial assault of three African-American males in Howard Beach by two Caucasian Males with baseball bats.

44. Plaintiff alleges that the headline read: Me & my black friends, ‘We called each other ‘n---a’ all the time.’

45. Plaintiff alleges that the picture of now convicted felon Nicholas (Fat Nick) Minucci was defaced to include a Hempstead Police Department Shield along with the nameplate Mazza.

46. Plaintiff alleges that on or about May 10, 2006, former Police Officer now Detective Dean Nicosia (Caucasian Male) was involved in the arrest of Torin Jones (African-American Male) for a D Felony.

47. Plaintiff alleges that during the Grand Jury process it was discovered that Detective Dean Nicosia perjured himself before the Grand Jury.

48. Plaintiff alleges that after former Detective Kevin Cunningham (Caucasian Male) advised Defendant JOSEPH B. WING (Caucasian Male) and Nassau County District

Attorney Kathleen Rice (Caucasian Female) about the perjury, and Detective Dean Nicosia was relieved from the case.

49. Plaintiff alleges that Defendant JOSEPH B. WING did not discipline Detective Dean Nicosia for his serious misconduct.

50. Plaintiff alleges that District Attorney Kathleen Rice did not prosecute Detective Dean Nicosia for his perjurious conduct.

51. Plaintiff alleges that Detective Dean Nicosia was not disciplined or prosecuted because he is a Caucasian Male.

52. Plaintiff alleges that on or about October 6, 2006, he complained to his landlord about the upstairs neighbor violating the terms of his lease by interfering with his quiet enjoyment.

53. Plaintiff alleges that the neighbor violated the terms of his lease by acquiring a dog.

54. Plaintiff alleges that the neighbor's dog was a health hazard.

55. Plaintiff alleges that the dog urinated and defecated on the floor above his apartment causing unnecessary noise and an infestation of roaches in his apartment.

56. Plaintiff alleges that on or about October 20, 2006, the landlord promised to investigate his claims.

57. Plaintiff alleges that on or about May 16, 2007, after negotiation and vetting by Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN his contract and appoint to the position of Deputy Chief was ratified.

58. Plaintiff alleges that the contract commenced on or about May 16, 2007 with a termination date of May 31, 2009.



59. Plaintiff alleges that in accordance with Section 1., Defendant VILLAGE agreed that he was to receive benefits, rights, and protections contained in the collective bargaining agreement between the Village and the Police Benevolent Association of Hempstead, New York, Inc., as long there terms of the contract was not inconsistent with the terms and conditions of the contract.

60. Plaintiff alleges that in that same section, Defendant VILLAGE agreed that notwithstanding the aforementioned sentence, any and all disciplinary action taken again him, shall be pursuant to Civil Service Law § 75, Village Law § 8-8084 and any and all applicable laws.

61. Plaintiff alleges that Defendant VILLAGE through its agents Defendants' WAYNE J. HALL, SR., JOSEPH B. WING; HENRY CONYERS; PERRY PETTUS and DON RYAN breached their duty to him by acting in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing deprivations of his rights interfering with his ability to fully perform the duties and responsibilities of Deputy Chief, HPD.

62. Plaintiff alleges that the same day, Defendants' VILLAGE and WAYNE J. HALL, SR., received an anonymous letter accusing him of serious misconduct.

63. Plaintiff alleges that shortly thereafter Defendants' HENRY CONYERS; PERRY PETTUS and DON RYAN became aware of the contents of the anonymous letter.

64. Plaintiff alleges that Defendant JOSEPH B. WING would encourage and direct police officers through their PBA President John J. Murphy (Caucasian Male) and Vice President Kevin Cunningham to file baseless allegations of serious misconduct against him.

65. Plaintiff alleges that shortly thereafter, the criminal charges against Torin Jones

were pled down to a Violation.

66. Plaintiff alleges that Defendant JOSEPH B. WING told him that “Nicosia realized that he made a mistake. Therefore, he feels that he should not lose his job.”

67. Plaintiff alleges that immediately after he was appointed to the position of Deputy Chief, Caucasian subordinate police personnel through PBA President John J. Murphy and Vice President Kevin Cunningham would challenge his authority to assign police personnel.

68. Plaintiff alleges that PBA President John J. Murphy and Vice President Kevin Cunningham encouraged and directed the membership to make baseless workplace grievances against him.

69. Plaintiff alleges that when Caucasian Males were promoted to Deputy Chief, PBA President John J. Murphy or Vice President Kevin Cunningham never challenged their authority to assign police personnel.

70. Plaintiff alleges that Defendants’ WAYNE J. HALL, SR., JOSEPH B. WING; HENRY CONYERS; PERRY PETTUS and DON RYAN knew that he was subjected to these baseless challenges over the years due to his race but, never did anything whatsoever to protect his rights.

71. Plaintiff alleges that on or about August 12, 2007, Defendant JOSEPH B. WING granted him a Bereavement excusal consistent with the policy.

72. Plaintiff alleges that on or about September 18, 2007, his paycheck was “lost.”

73. Plaintiff alleges that on or about October 2, 2007, PBA President John J. Murphy wanted to be excused from the first platoon to “prepare” for a membership meeting.

74. Plaintiff alleges that the excusal would have cost the taxpayers in unnecessary

overtime costs, so he denied it.

75. Plaintiff alleges that Defendant JOSEPH B. WING overruled him saying “I did it in the harmony of labor relations.”

76. Plaintiff alleges that on or about October 5, 2007, Custodian Kenneth Pettie found a “Hangman’s Noose” in the Male Locker Room.

77. Plaintiff alleges that over the past ten years or so Custodian Kenneth Pettie has found other racially materials in the building negatively referencing African-Americans such as names, cartoons, newspapers’ articles and the like.

78. Plaintiff alleges that Defendants’ WAYNE J. HALL, SR., JOSEPH B. WING; HENRY CONYERS; PERRY PETTUS and DON RYAN never investigated the incident.

79. Plaintiff alleges that shortly thereafter, Defendant JOSPEH B. WING attempted to intimidate him into resigning from his position as Deputy Chief.

80. Plaintiff alleges that on or about December 1, 2007, in a letter written to Defendants’ VILLAGE; WAYNE J. HALL, SR.; and JOSEPH B. WING, PBA President John J. Murphy questioned his marital status at the time of the Bereavement excusal inclusive of personal information about his spouse and legality of their marriage.

81. Plaintiff alleges that on or about December 10, 2007, Defendant JOSEPH B. WING responded to PBA John J. Murphy’s baseless allegations but did not discipline him.

82. Plaintiff alleges that sometime in Early 2008, Defendant JOSEPH B. WING refused to promote former Police Officer now Sergeant Paul Johnson (African-American) to the position of Sergeant, a position that needed to be filled over one year.

83. Plaintiff alleges that on or about January 2, 2008, he again complained to his landlord about the neighbor violating the terms of his lease by interfering with his quiet

enjoyment.

84. Plaintiff alleges that on or about March 5, 2008, after negotiation and vetting by Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN his contract and appoint to the position of Assistant Chief was ratified.

85. Plaintiff alleges that the contract commenced on or about March 5, 2008 with a termination date of May 31, 2011.

86. Plaintiff alleges that in accordance with Section 1., Defendant VILLAGE agreed that he was to receive benefits, rights, and protections contained in the collective bargaining agreement between the Village and the Police Benevolent Association of Hempstead, New York, Inc., as long there terms of the contract was not inconsistent with the terms and conditions of the contract.

87. Plaintiff alleges that in that same section, Defendant VILLAGE agreed that notwithstanding the aforementioned sentence, any and all disciplinary action taken again him, shall be pursuant to Civil Service Law § 75, Village Law § 8-8084 and any and all applicable laws.

88. Plaintiff alleges that Defendant VILLAGE through its agents Defendants' WAYNE J. HALL, SR., JOSEPH B. WING; HENRY CONYERS; PERRY PETTUS and DON RYAN breached their duty to him by acting in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing deprivations of his rights interfering with his ability to fully perform the duties and responsibilities of Assistant Chief, HPD.

89. Plaintiff alleges that in Early 2008, a number of African-American police officers complained to him about racial discrimination in the workplace regarding the

distribution of overtime, training and promotional opportunities.

90. Plaintiff alleges that when these police officers met with Defendant JOSEPH B. WING, he was precluded from attending.

91. Plaintiff alleges that in or around June 2008, as an Assistant Chief, he noticed that by administratively chart changing two (2) officers it would save Defendant VILLAGE approximately \$60,000 for a fifteen (15) day fiscal period.

92. Plaintiff alleges that PBA President John J. Murphy complained to Defendant JOSEPH B. WING about his authority to assign police personnel.

93. Plaintiff alleges that Defendant JOSEPH B. WING called his assistant Regina Lattimore (non-uniform) and ordered her to issue an illegal order rescinding his chart changes.

94. Plaintiff alleges that on or about June 16, 2008, the entire PBA membership received an anonymous letter referring to him as a "head case" including a litany of lies.

95. Plaintiff alleges that in or around Fall 2008, PBA President John J. Murphy and Vice President Kevin Cunningham advised their membership to keep filing workplace grievances because sooner or later "they will kill him."

96. Plaintiff alleges that on or about November 6, 2008, the day after then President-Elect Barack Obama (Black Male) was elected to become President of the United States, in the Male Locker Room he overheard the Caucasian Male officers ask "Who is going to take the DIR (Domestic Incident Report) at the White House?"

97. Plaintiff alleges that on or about November 10, 2008, his landlord sent a form letter to the tenant advising him of the lease violations.

98. Plaintiff alleges that on or about November 24, 2008, he called HPD to complain yet again about the neighbor's dog.

99. Plaintiff alleges that based upon the assessment of Defendant VILLAGE'S Animal Control, they removed the dog from the premise.

100. Plaintiff alleges that in or around December 2008, Defendant JOSEPH B. WING "asked" him to convince the United States Department of Justice to discontinue the "Hangman's Noose" investigation to improve the morale within HPD.

101. Plaintiff refused.

102. Plaintiff alleges that on or about December 31, 2008, he was told by his building superintendent that two (2) investigators' from the District Attorney's Office was interviewing residents about the dog removal.

103. Plaintiff alleges that the building superintendent felt uncomfortable because the investigators were trying to manipulate him into telling them that he committed a Burglary.

104. Plaintiff alleges that the building superintendent told them "No. He did not go into the apartment and the door was not forced open by anyone."

105. Plaintiff alleges that shortly thereafter, he confronted Defendant JOSEPH B. WING about whether District Attorney Kathleen M. Rice was investigating him about the dog removal.

106. Plaintiff alleges that Defendant JOSEPH B. WING told him that he was "boxed in" by PBA President John J. Murphy and Vice President Kevin Cunningham.

107. Plaintiff alleges that Defendant JOSEPH B. WING told him that PBA President John J. Murphy accused him of ordering the responding officers to "Burglarize" the apartment to effectuate the dog removal.

108. Plaintiff alleges that PBA President John J. Murphy and Vice President Kevin Cunningham spread lies throughout HPD that his arrest was "imminent."

109. Plaintiff alleges that in or around Early 2009, Police Officer Paul Johnson (African American Male) told him that during a training session involving hostage negotiations, former Sergeant now Lieutenant Patrick Cook (Caucasian Male) posed the following question “What should the police do if the abductor and the abductee are in a dark room?”

110. Plaintiff alleges that one of the Caucasian Male officers responded “Send in the black officer. No one would notice him anyway.”

111. Plaintiff alleges that on or about January 27, 2009, Police Officers Natisha Robinson and Adrianna Vargas (Defendant WING’S alleged girlfriend) were asked by Defendant JOSEPH B. WING if they ever had a “problem” with him, meaning sexual harassment.

112. Plaintiff alleges that they both responded "No!"

113. Plaintiff alleges that Police Officer Raquel Spry approached PBA President John J. Murphy about Defendant JOSEPH B. WING’S questioning the female officers about their interactions with him.

114. Plaintiff alleges that PBA President John J. Murphy told her that “The Chief was just inquiring from the female officers if they ever had a problem with Assistant Chief Dixon.”

115. Plaintiff alleges that on or about February 9, 2009, an investigator from District Attorney Kathleen M. Rice’s office was sent out to several tow companies to seize five (5) years of business documents in an attempt to prove that he illegally steered tow business to Defendant PERRY PETTUS.

116. Plaintiff alleges that on or about February 13, 2009, Defendant JOSEPH B.

WING told Defendant PERRY PETTUS that he was being investigated for a possible “Burglary.”

117. Plaintiff alleges that on or about February 18, 2009, Police Officer Frane Reado (African American Female) told him that Assistant District Attorney Andrew T. Garbarino (Caucasian Male) assigned to the Public Corruption Bureau interviewed several “Black” officers.

118. Plaintiff alleges that the “scope” of the interview centered on whether these “Black” police officers have any “problems” with him including resurrecting the old Playboy Channel incident from 2005.

119. Plaintiff alleges that on or about February 25, 2009, Defendant JOSEPH B. WING unofficially informed him that he was under investigation by the Public Corruptions Bureau for “Burglary” and “Abuse of Power.”

120. Plaintiff alleges that on or about March 2, 2009, he sustained an injury and submitted the requisite documents consistent with General Municipal Law § 207-c.

121. Plaintiff alleges that on or about March 4, 2009, his subordinate Deputy Chief Michael McGowan (Caucasian Male) sent him an acknowledge letter regarding his submission.

122. Plaintiff alleges that on or about April 2, 2009, Defendant JOSPEH B. WING ordered him to work solely on the accreditation process and that he was not permitted to give orders (direct or otherwise) to any member of the Department.

123. Plaintiff alleges that same day, Defendant JOSEPH B. WING ordered him to write an interoffice memorandum detailing the facts and circumstances of his General Municipal Law § 207-c., submission.



124. Plaintiff alleges that Defendant JOSEPH B. WING'S orders left him bewildered as he was never given a legal basis for either order.

125. Plaintiff alleges that on or about April 13, 2009, he requested an explanation from Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN regarding his administrative only duty status.

126. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN never responded to his request.

127. Plaintiff alleges that on or about August 7, 2009, he finally promoted Police Officer Paul Johnson to the position of Sergeant but, only after promoting former Sergeants Patrick Cook (Caucasian Male) and Francis McNamee (Caucasian Male) to the position of Lieutenant.

128. Plaintiff alleges that there was no agency need to promote any Lieutenants'.

129. Plaintiff alleges that consistent with Defendant JOSEPH B. WING'S prior promotions, he has never promoted any African Americans without promoting Caucasians as well but, he has promoted Caucasians without promoting African Americans.

130. Plaintiff alleges that on or about October 2, 2009, Defendant JOSEPH B. WING issued an order that Deputy Chief Michael McGowan, Plaintiff's subordinate was responsible for the day to day operations of HPD in Defendant JOSEPH B. WING'S absence from October 11 through October 19, 2009.

131. Plaintiff alleges that on or about October 6, 2009, during the Open Session of the Village Board Meeting where Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN were present, he questioned the veracity of his criminal investigation.

132. Plaintiff alleges that on or about October 7, 2009, Defendant WAYNE J. HALL, SR, told Defendant PERRY PETTUS “Fuck Bill. Who the fuck is Bill? Who does he think he is?”

133. Plaintiff alleges that Defendant WAYNE J. HALL, SR., then told Defendant PERRY PETTUS “The Chief can do what the fuck he wants to Bill.”

134. Plaintiff alleges that on or about October 21, 2009, Defendant JOSEPH B. WING accused him of being absent without leave.

135. Plaintiff alleges that Defendant JOSEPH B. WING told him that he “must” notify him in order to use his accrued time off.

136. Plaintiff alleges that on or about October 23, 2009, Defendant JOSEPH B. WING ordered Lieutenant Frank McNamee (Caucasian Male), Plaintiff’s subordinate to serve him with Departmental Charges.

137. Plaintiff alleges he refused to accept the Departmental Charges.

138. Plaintiff alleges that he later found out that Defendant JOSEPH B. WING was charging him with being insubordinate and derelict in failing to perform his assigned duties.

139. Plaintiff alleges that Defendant JOSEPH B. WING’S allegations are completely false designed to discredit his allegations of being subjected to a racially hostile work environment.

140. Plaintiff alleges that on or about November 20, 2009, Defendant JOSEPH B. WING issued an order challenging his vacation picks.

141. Plaintiff alleges that Defendant JOSEPH B. WING also advised him that he ordered the Accounting Department to audit his vacation usage in Calendar Years 2007 and 2008.

142. Plaintiff alleges that same day Defendant JOSEPH B. WING again falsely accused him of not following his orders with respect to the accreditation application.

143. Plaintiff alleges that the only other person of color to reach his level, former Chief Thomas Scott's (African American Male) authority was marginalized in the same manner.

144. Plaintiff alleges that former Chief Thomas Scott was the first and "only" Chief of Police of color.

145. Plaintiff alleges that Defendant VILLAGE ensured that former Chief Thomas Scott would never control HPD by hiring a Caucasian Male civilian commissioner to control the day to day operations of the HPD.

146. Plaintiff alleges that on or about March 9, 2010, Police Officers Daniel Weiler (Caucasian Male), handled a dog removal under similar circumstances as he, Defendant JOSEPH B. WING never referred a review of his actions to the District Attorney's Office.

147. Plaintiff alleges that on or about June 22, 2010, Defendant PERRY PETTUS told him that Defendant JOSEPH B. WING apologized to Defendants' WAYNE J. HALL, SR. and HENRY CONYERS for not telling Plaintiff about his case being referred to the District Office's Office.

148. Plaintiff alleges that on or about June 24, 2010, Defendant PERRY PETTUS presided over a Swearing-In Ceremony of newly appointed police officers. Plaintiff was never notified.

149. Plaintiff alleges that on or about July 14, 2010, Defendant JOSEPH B. WING had the lock changed on the file cabinet that is used to store personnel records in his office.

150. Plaintiff alleges that on or about July 27, 2010, Defendant JOSEPH B. WING

along with Deputy Chief Michael McGowan interviewed a Caucasian Female candidate for the position of Police Officer, HPD. He was not invited to give any input.

151. Plaintiff alleges that on or about August 13, 2010, Detective Troy White (African-American Male) told him that he was never returned to the Investigations Unit.

152. Plaintiff alleges that Detective Troy Wright told him that Defendant JOSEPH B. WING transferred him to the Juvenile Unit due to “manpower.”

153. Plaintiff alleges that since that move, Defendant JOSEPH B. WING transferred in former Police Officers (now Detectives’) Michael Bornstein (Caucasian Male) and Steve Horowitz (Caucasian Male).

154. Plaintiff alleges that to ensure that Detective Steve Horowitz is quickly promoted Defendant JOSEPH B. WING backdated a transfer order to credit him for six months he was not assigned to the Investigations Unit.

155. Plaintiff alleges that same day, former Police Officer now Sergeant Natisha Robinson (African-American Female) told him that Defendant JOSEPH B. WING unfairly disciplined her for failing to report to firearms training although she had a doctor’s note.

156. Plaintiff alleges that in or around Early September, Defendant JOSEPH B. WING transferred Police Officers Jeffrey Larssan (Caucasian Male) and Edward Matalone (Caucasian Male) into the Investigations Unit.

157. Plaintiff alleges that on or about January 3, 2011, Police Officer Lee Ridley complained that Defendant JOSEPH B. WING does not even acknowledge him as the newly Vice President of the PBA and regrets ever applying to HPD.

158. Plaintiff alleges that on or about January 4, 2011, Sergeant Richard Holland (African American Male) discussed with him the meeting back in 2008 that he and other

African-American Police Officers Paul Johnson (Now Sergeant), Lonnie Johnson, Lee Ridley and Russell Harris had with Defendant JOSEPH B. WING about racial tensions within HPD.

159. Plaintiff alleges that Sergeant Richard Holland told him that Defendant JOSEPH B. WING was more concerned about who is complaining as opposed to solving the racial problems.

160. Plaintiff alleges that Sergeant Richard Holland told him that Defendant JOSEPH B. WING promised more training but, that never materialized.

161. Plaintiff alleges that on or about January 5, 2011, Neighborhood Aide Angela Mincy (African-American Female) while standing outside his office said “They give you no respect. Everyone knows it and that is not fair.”

162. Plaintiff alleges that on or about January 10, 2011, Defendant JOSEPH B. WING held an Awards Committee Meeting in his office but, he was not invited to give any input.

163. Plaintiff alleges that same day, Police Officer Russell Harris (African-American Male) requested to view his personnel records located in a file cabinet in his office, Police Officer Harris was advised to see Defendant JOSEPH B. WING’S Secretary Regina Lattimore because Defendant JOSEPH B. WING had the lock changed.

164. Plaintiff alleges that on or about January 12, 2011, Defendant JOSEPH B. WING along with Deputy Chief Michael McGowan interviewed another Caucasian Male candidate for the position of Police Officer, HPD. He was not invited to give any input.

165. Plaintiff alleges that Defendant JOSEPH B. WING wanted him to meet with Reverend Cornelius Watson (African-American Male) about an upcoming Drug Free Workplace Seminar.

166. Plaintiff alleges that on or about January 20, 2011, Defendant JOSEPH B. WING along with Deputy Chief Michael McGowan interviewed another Caucasian Male candidate for the position of Police Officer, HPD. He was not invited to give any input.

167. Plaintiff alleges that on or about January 27, 2011, Defendant JOSEPH B. WING along with Deputy Chief Michael McGowan interviewed another Caucasian Male candidate for the position of Police Officer, HPD. He was not invited to give any input.

168. Plaintiff alleges that on or about February 14, 2011, Police Officer Michael Murphy (Caucasian Male), brother of PBA President John J. Murphy issued Plaintiff's personal vehicle a parking summons in Parking Field No.: 15, no other vehicles were ticketed.

169. Plaintiff alleges that on or about April 6, 2011, Defendant JOSEPH B. WING with the support of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN promoted former Sergeant John Zoll (Caucasian Male) to the position of Lieutenant when there was no agency need for that position, another waste of taxpayer's money.

170. Plaintiff alleges that as a result of that promotion, the Armory is now supervised by Lieutenants Patrick Cook and John Zoll without any direct subordinates, another waste of taxpayer's money.

171. Plaintiff alleges that on or about May 11, 2011, Defendant JOSEPH B. WING officially notified him for the first time that he referred the November 24, 2008, dog incident to the Nassau County District Attorney's Office.

172. Plaintiff alleges that in the same letter, Defendant JOSEPH B. WING officially notified him for the first time that he alleged that Plaintiff was attempting to intimidate one or more of the officers who were interviewed by the District Attorney's staff.

173. Plaintiff alleges that in the same letter, Defendant JOSEPH B. WING officially notified him for the first time that the District Attorney's Office determined that "these allegations have been reviewed and it has been determined that they do not warrant a criminal prosecution."

174. Plaintiff alleges that in the same letter, Defendant JOSEPH B. WING alleged that his actions on November 24, 2008 were inexcusable.

175. Plaintiff alleges that in the same letter, Defendant JOSEPH B. WING alleged that he attempted to intimidate subordinate officers during the investigation.

176. Plaintiff alleges that in the same letter, despite Defendant JOSEPH B. WING'S baseless allegations against him, Defendant JOSEPH B. WING did not file formal Charges and Specifications against him.

177. Plaintiff alleges that in the same letter, Defendant JOSEPH B. WING informed him that he will not support his contract renewal to serve as Assistant Chief.

178. Plaintiff alleges that on or about June 8, 2011, Defendant JOSEPH B. WING prior to the Open Session of the Village Board of Trustees Meeting informed him that he was being reassigned as Watch Commander in S.O. Squad 4.

179. Plaintiff alleges that he was demoted back to the civil service title of Police Lieutenant.

180. Plaintiff alleges that Defendant VILLAGE through its agents Defendants' WAYNE J. HALL, SR.; JOSEPH B. WING; HENRY CONYERS; PERRY PETTUS position is that his contract expired on May 31, 2011.

181. Plaintiff alleges that Defendant VILLAGE through its agent Defendant JOSEPH B. WING had him continue to wear the uniform of Assistant Chief and fully perform

the duties and responsibilities of that position.

182. Plaintiff alleges that by custom and practice including his detrimental reliance upon Defendants' VILLAGE through its agent JOSEPH B. WING'S actions, Defendant VILLAGE extended his contract by operation of law.

183. Plaintiff alleges that Defendant VILLAGE is liable to him for a term of two years at a rate of \$180,000 per annum including all salary increase and benefit enhancements consistent with the renewals of Defendant JOSEPH B. WING and Deputy Chief Michael McGowan's contracts on or about May 26, 2011.

184. Plaintiff alleges that if he was not illegally demoted he would have been in the line of succession for the position of Chief of Police.

185. Plaintiff alleges that later that night at the Open Session of the Village Board of Trustees Meeting, Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN refused to take a vote on a pending motion to reappoint him to the position of Assistant Chief.

186. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN made this decision after going into a lengthy executive session then refusing to publically address the issue.

187. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN took this position despite the public's position to the contrary as evidenced by petitions and public statement.

188. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN took this position because he is suing them.

189. Plaintiff alleges that on or about June 9, 2011, he filed a written complaint of



discrimination with Defendant VILLAGE'S Human Resources regarding his demotion from Assistant Chief back to his civil service title of Police Lieutenant.

190. Plaintiff alleges that he also notified Defendants' WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; and DON RYAN.

191. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN did not report or cause an internal investigation to be commenced to investigate racial animus towards him.

192. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN knew that he has been subjected to a racially hostile work atmosphere since at least August 9, 2003, when he made prior allegations of racially hostile conduct in the workplace.

193. Plaintiff alleges that Defendants' VILLAGE; HENRY CONYERS; PERRY PETTUS and DON RYAN knew that Defendant WAYNE J. HALL, SR. was accused of condoning Defendant JOSEPH B. WING'S racially hostile conduct towards Plaintiff and other minority officers.

194. Plaintiff alleges that Defendants' VILLAGE; HENRY CONYERS; PERRY PETTUS and DON RYAN knew that Defendant WAYNE J. HALL, SR. was accused of knowing about Defendant JOSEPH B. WING'S racially hostile conduct towards Plaintiff and other minority officers.

195. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING either acted in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing

deprivations of his rights.

**VIOLATIONS AND CLAIMS ALLEGED**

**COUNT I  
RACE DISCRIMINATION  
IN VIOLATION OF  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

196. Plaintiff re-alleges Paragraphs 1 through 195 and incorporates them by reference as Paragraphs 1 through 195 of Count I of this Amended Complaint.

197. Plaintiff alleges that Defendant VILLAGE through its agents engaged in a pattern and practice of discrimination against him with respect to the terms, conditions and privileges of employment because of his race.

198. Plaintiff alleges that as part of its pattern and practice of employment discrimination, Defendant' VILLAGE through its agents treated him in a manner indicative of race discrimination, with respect to its investigation, analysis, and subsequent cover-up, of their discriminatory behavior.

199. Plaintiff alleges that Defendant VILLAGE knew or should have known about race discrimination in the workplace because of their prior history of discriminatory conduct against him and other similarly situated individuals.

200. Plaintiff alleges that Defendant VILLAGE failed and refused to take appropriate action to end the discriminatory treatment and conditions which he was subjected to, which was clearly motivated by race discrimination.

201. Plaintiff alleges that as a result of the discriminatory acts of Defendant VILLAGE through its agents, he suffered depression and anxiety.

202. Plaintiff alleges that Defendant VILLAGE acted in an outrageous and

systematic pattern of oppression, bad faith and cover-up, directed at him and continued from in or around August 6, 2003, until this day.

203. Plaintiff alleges that as a result of the acts of Defendant VILLAGE through its agents under color of law, Plaintiff suffered emotional distress, humiliation and embarrassment, medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT II  
RETALIATION  
IN VIOLATION OF  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

204. Plaintiff re-alleges Paragraphs 1 through 203 and incorporates them by reference as Paragraphs 1 through 203 of Count II of this Amended Complaint.

205. Plaintiff alleges that Defendant VILLAGE through its agents engaged in various retaliatory actions against him as a result of his opposition to race discrimination and as a result of him filing such complaints with the HPD and the EEOC.

206. Plaintiff alleges that as a result of the illegal acts of Defendant VILLAGE through its agents, he suffered depression, anxiety and loss of job opportunities.

**COUNT III  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

207. Plaintiff re-alleges Paragraphs 1 through 206 and incorporates them by reference as Paragraphs 1 through 206 of Count III of this Amended Complaint.

208. Plaintiff alleges that Defendant VILLAGE through its agents engaged in various severe and hostile actions towards him as a result of his opposition to race discrimination and as a result of his filing such complaints with the HPD and the EEOC.

209. Plaintiff alleges that as a result of the severe and hostile acts of the Defendant VILLAGE through its agents, he suffered depression, anxiety and loss of job opportunities.

**COUNT IV  
RACE DISCRIMINATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981**

210. Plaintiff re-alleges Paragraphs 1 through 209 and incorporates them by reference as Paragraphs 1 through 209 of Count IV of this Amended Complaint.

211. Plaintiff alleges that by the aforesaid discriminatory acts and omissions of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acting individually and in their official capacities as public officials of Defendant VILLAGE interfered with his right to enforce contracts under the color of state law because of his race.

212. Plaintiff alleges that the purpose of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in so acting was to prevent him, through economic and psychological intimidation, from seeking the equal protection of the laws.

213. Plaintiff alleges that pursuant to their conduct, Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted to deprive him of his civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

214. Plaintiff alleges that as a result of the aforesaid acts, depriving him of his civil rights, he suffered mental anguish, emotional distress, and loss of employment opportunities.

**COUNT V  
RETALIATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981**

215. Plaintiff re-alleges Paragraphs 1 through 214 and incorporates them by reference as Paragraphs 1 through 214 of Count V of this Amended Complaint.

216. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING engaged in various retaliatory actions against him acting individually and in their official capacities as public officials of Defendant VILLAGE as a result of his opposition to race discrimination.

217. Plaintiff alleges that the purpose of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in so acting was to prevent him, through economic and psychological intimidation, from seeking the equal protection of the laws.

218. Plaintiff alleges that pursuant to their conduct, Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted to deprive him of his civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

219. Plaintiff alleges that as a result of the aforesaid acts, depriving him of his civil rights, he suffered mental anguish, emotional distress, and loss of employment opportunities.

**COUNT VI  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981**

220. Plaintiff re-alleges Paragraphs 1 through 219 and incorporates them by reference as Paragraphs 1 through 219 of Count VI of this Amended Complaint.

221. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING engaged in various severe and hostile actions against him acting individually and in their official capacities as public officials of Defendant VILLAGE as a result of his opposition to race discrimination.

222. Plaintiff alleges that the purpose of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in so acting was to prevent him, through economic and psychological intimidation, from seeking the equal protection of the laws.

223. Plaintiff alleges that pursuant to their conduct, Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted to deprive him of his civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

224. Plaintiff alleges that as a result of the aforesaid acts, depriving him of his civil rights, he suffered mental anguish, emotional distress, and loss of employment opportunities.

**COUNT VII  
RACE DISCRIMINATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

225. Plaintiff re-alleges Paragraphs 1 through 224 and incorporates them by reference as Paragraphs 1 through 224 of Count VII of this Amended Complaint.

226. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, personally interfered with and deprived him of his constitutional rights, including the rights to petition his government for redress of his grievances and to be free from deprivation of life,

liberty, and property without due process of law.

227. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acting individually and in their official capacities as a public officials of Defendant VILLAGE under color of law, and having been fully advised that he was being deprived of his constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing deprivations of his rights.

228. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in acting to deprive him of his rights, acted intentionally, knowingly, willfully, and with gross disregard of his rights.

229. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at him and continuing from in or around August 9, 2003, until this day.

230. Plaintiff alleges that as a result of the acts of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, he suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT VIII  
RETALIATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

231. Plaintiff re-alleges Paragraphs 1 through 230 and incorporates them by reference as Paragraphs 1 through 230 of Count VIII of this Amended Complaint.

232. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, personally interfered with and deprived him of his constitutional rights, including the rights to petition his government for redress of his grievances and to be free from deprivation of life, liberty, and property without due process of law.

233. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acting individually and in their official capacities as a public officials of Defendant VILLAGE under color of law, and having been fully advised that he was being deprived of his constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing deprivations of his rights.

234. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in acting to deprive him of his rights, acted intentionally, knowingly, willfully, and with gross disregard of his rights.

235. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at him and continuing from in or around August 9, 2003, until this day.

236. Plaintiff alleges that as a result of the acts of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING



under color of law, he suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT IX  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

237. Plaintiff re-alleges Paragraphs 1 through 236 and incorporates them by reference as Paragraphs 1 through 236 of Count IX of this Amended Complaint.

238. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, personally interfered with and deprived him of his constitutional rights, including the rights to petition his government for redress of his grievances and to be free from deprivation of life, liberty, and property without due process of law.

239. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acting individually and in their official capacities as a public officials of Defendant VILLAGE under color of law, and having been fully advised that he was being deprived of his constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing deprivations of his rights.

240. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in acting to deprive him of his rights, acted intentionally, knowingly, willfully, and with gross disregard of his rights.

241. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at him and continuing from in or around August 9, 2003, until this day.

242. Plaintiff alleges that as a result of the acts of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, he suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT X  
ABUSE OF AUTHORITY  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

243. Plaintiff re-alleges Paragraphs 1 through 242 and incorporates them by reference as Paragraphs 1 through 242 of Count X of this Amended Complaint.

244. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, personally interfered with and deprived him of his constitutional rights, including the rights to petition his government for redress of his grievances and to be free from deprivation of life, liberty, and property without due process of law.

245. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acting individually and in their official capacities as a public officials of Defendant VILLAGE under color of law, and having been fully advised that he was being deprived of his constitutional rights, either acted

in a concerted, malicious intentional pattern to further discriminate against him, or knowing such discrimination was taking place, knowingly omitted to act to protect him from continuing deprivations of his rights.

246. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING in acting to deprive him of his rights, acted intentionally, knowingly, willfully, and with gross disregard of his rights.

247. Plaintiff alleges that Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at him and continuing from in or around August 9, 2003, until this day.

248. Plaintiff alleges that as a result of the acts of Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING under color of law, he suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**JURY TRIAL**


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

**PRAYER FOR RELIEF**

**Wherefore,** Plaintiff demands compensatory and punitive damages from Defendants' VILLAGE; WAYNE J. HALL, SR.; HENRY CONYERS; PERRY PETTUS; DON RYAN and JOSEPH B. WING jointly and severally, in an amount to be determined at trial, plus any and all available statutory remedies, both legal and equitable, and interests and costs.

Dated: June 11, 2011  
New York, NY

Respectfully submitted,

By:   
Eric Sanders (ES0224)

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