

Eric Sanders

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U.S. District Court

Eastern District of New York

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Case Name: Bronstein v. City of New York et al

Case Number: 1:10-cv-04659-JG -ALC

Filer: Tabatha Bronstein

Document Number: 23

Docket Text:

AMENDED COMPLAINT against City of New York, Ronald Lynch, Mirro, Michael Osgood, Rodrigo, filed by Tabatha Bronstein. (Sanders, Eric)

1:10-cv-04659-JG -ALC Notice has been electronically mailed to:

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9f2bdabf3d9bf0db17f4a4e4934cd6e45ca9665da254de8744e1f8f18d9]]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TABATHA J. BRONSTEIN,

Plaintiff,

-against-

Amended Complaint

Jury Trial Demand

Judge John Gleeson

THE CITY OF NEW YORK; MICHAEL OSGOOD, as Inspector,
Hate Crimes Task Force; RONALD LYNCH, as Sergeant, Hate
Crimes Task Force; PATRICK RODRIGO, as Sergeant, Hate
Crimes Task Force; and CHRISTOPHER MIRRO, as Sergeant,
Hate Crimes Task Force, each being sued individually and in their
official capacities as employees of Defendant CITY OF NEW YORK

10 cv 4659 (JG)(ALC)

Defendants'
-----X

The Plaintiff TABATHA J. BRONSTEIN by her attorney The Sanders Firm, P.C., as and
for her Amended Complaint against Defendants' THE CITY OF NEW YORK; MICHAEL
OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO,
respectfully set forth and allege that:

INTRODUCTION

This is an action for equitable relief and money damages on behalf of the Plaintiff
TABATHA J. BRONSTEIN, (hereinafter referred to as "Plaintiff") who was and is being deprived
of her statutory rights as an employee as a result of Defendants' THE CITY OF NEW YORK;
MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER
MIRRO'S gender discrimination.

JURISDICTION AND VENUE

1. 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 gender; and
- b. 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.

2. The unlawful employment practices, violations of Plaintiff’s civil rights complained of herein were committed within the Eastern and Southern Districts of New York.

3. The pendent jurisdiction of the federal district court is invoked with respect to the Plaintiff’s claims under New York State Executive Law § 296; and New York City Administrative Code § 8-107, pursuant to 28 U.S.C. 1367, because the entire action before the court comprises one constitutional and civil rights case, and the claims arise out of the same common nucleus of facts and are such that the Plaintiff would ordinarily be expected to try them in one judicial proceeding.

PROCEDURAL REQUIREMENTS

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

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

6. On or about May 24, 2010, Plaintiff sought assistance from the United States Equal Employment Opportunity Commission (hereinafter referred to as the “EEOC”).

7. On or about July 16, 2010, Plaintiff received a Dismissal and Notice of Right to Sue from the United States Equal Employment Opportunity Commission.

PLAINTIFF

8. Plaintiff TABATHA J. BRONSTEIN is a female citizen of the United States of America and is over twenty-one (21) years of age, a resident of Richmond County and is an employee of Defendant THE CITY OF NEW YORK (hereinafter referred to as the "CITY") more specifically the Police Department City of New York (hereinafter referred to as the "NYPD"). For the purposes of this litigation, Defendant CITY may be identified interchangeably using CITY or NYPD to identify the employer which is the CITY.

DEFENDANTS'

9. Defendant CITY 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 Plaintiff's employer, with its central offices in the county of New York, and diverse other offices and facilities throughout the world.

10. Defendants' MICHAEL OSGOOD, as Inspector, Hate Crimes Task Force; RONALD LYNCH, as Sergeant, Hate Crimes Task Force; PATRICK RODRIGO, as Sergeant, Hate Crimes Task Force; and CHRISTOPHER MIRRO, as Sergeant, Hate Crimes Task Force.

BACKGROUND

11. Plaintiff is a female detective employed with the NYPD.

12. Plaintiff alleges that Defendant CITY through its agents have a long history of discriminating against its female officers.

13. Plaintiff alleges that Defendant CITY through its agents engage in biased behavior towards females officers because of the decision makers preconceived notions that females officers are hysterical, emotional, passive, not street-wise and cannot control themselves in the workplace.

14. Plaintiff alleges that Defendant CITY through its agents that engage in such behavior assign female officers to work assignments based upon their preconceived notions.

15. Plaintiff alleges that Defendant CITY through its agents that engage in such behavior become very defensive when female officers are assertive, fight the good fight and are leaders.

16. Plaintiff alleges that Defendant CITY through its agents that engage in such behavior tend to punish female officers for being assertive, fighting the good fight and are leaders.

17. Plaintiff alleges that Defendant CITY through its agents that engage in such behavior tend to improperly refer female officers to Psychological Services for evaluations when they are not necessary.

18. Plaintiff alleges that Defendant CITY through its agents that engage in biased behavior favoring male officers because of the decision makers preconceived notions that male officers are naturally assertive, fight the good fight and are leaders and therefore, such behaviors are rewarded in the workplace.

19. Plaintiff alleges that Defendant CITY through its agents that engage in such behavior rarely if ever refer male officers to Psychological Services for an evaluation.

20. Plaintiff alleges that in or around September 2007, she was assigned to the Hate Crimes Task Force.

21. Plaintiff alleges that prior to being assigned to the Hate Crimes Task Force she worked in Brooklyn Special Victims and the Bronx, where she developed a reputation as being a tough "street cop."

22. Plaintiff alleges that such work ethic has led to conflicts with male officers because of the belief in the Department that female officers are “lazy” and afraid to be “street cops.”

23. Plaintiff alleges that on or about March 27, 2008, she had a verbal disagreement with Detective Anthony Caban over the prevailing interest rates for residential mortgages.

24. Plaintiff alleges that this verbal disagreement caused some conflict within the Hate Crimes Task Force.

25. Plaintiff alleges that on or about April 01, 2008, when she reported to work, Defendant PATRICK RODRIGO told her that Defendant MICHAEL OSGOOD wanted to meet with her.

26. Plaintiff alleges that when she walked into Defendant MICHAEL OSGOOD’S office Defendant PATRICK RODRIGO followed her in.

27. Plaintiff alleges that Defendant MICHAEL OSGOOD informed her that “I have scheduled you for an evaluation with Psych Services.”

28. Plaintiff alleges that Defendant MICHAEL OSGOOD said “I think it is in your best interests.”

29. Plaintiff alleges that Defendant MICHAEL OSGOOD said “You will thank me later.”

30. Plaintiff alleges that Defendants’ MICHAEL OSGOOD and PATRICK RODRIGO did not inform her of the basis for the referral.

31. Plaintiff alleges that Defendant MICHAEL OSGOOD ordered her to surrender her firearms, shield and police identification card.

32. Plaintiff alleges that Defendant MICHAEL OSGOOD then changed her upcoming

tours.

33. Plaintiff alleges that Defendant MICHAEL OSGOOD then ordered Defendant PATRICK RODRIGO and Detective Simi Paul to transport her to Psychological Services.

34. Plaintiff alleges that she was interviewed by a Department Psychologist.

35. Plaintiff alleges that the Department Psychologist read her a number of allegations from a UF49 that was prepared by Defendant MICHAEL OSGOOD including references to the disagreement with Detective Anthony Caban over the prevailing interest rates for residential mortgages.

36. Plaintiff alleges that Defendant MICHAEL OSGOOD'S allegations were made in bad faith.

37. Plaintiff alleges that Defendant MICHAEL OSGOOD'S allegations made it seem as though she was out of control.

38. Plaintiff alleges that Defendant MICHAEL OSGOOD'S allegations were designed to justify his animus towards female officers assigned to the Hate Crimes Task Force.

39. Plaintiff alleges that Defendant PATRICK RODRIGO was also interviewed by the Department Psychologist.

40. Plaintiff alleges that later that day, she was transported back to Hate Crimes Task Force.

41. Plaintiff alleges that on or about April 2, 2008, she returned to work but had some difficulty getting into One Police Plaza because she had no police identification.

42. Plaintiff alleges that once she gave the officer her New York State Drivers License, she was able to receive a temporary visitor's identification and enter the building.

43. Plaintiff alleges that once she arrived at the office, she noticed that her entire caseload was removed from her desk.

44. Plaintiff alleges that although Defendants' MICHAEL OSGOOD; PATRICK RODRIGO and CHRISTOPHER MIRRO were working not one of them spoke with her regarding her work status.

45. Plaintiff alleges that after approximately four hours later, Detective Endowment Association (hereinafter referred to as the "DEA") Trustee Jeffrey Ward called Defendant MICHAEL OSGOOD.

46. Plaintiff alleges DEA Trustee Jeffrey Ward told her that she was being restored back to "Full Duty."

47. Plaintiff alleges that Defendant MICHAEL OSGOOD then reached into his desk, returned her firearms, shield and police identification card.

48. Plaintiff alleges that Defendant MICHAEL OSGOOD then told her "just sit down, be quiet and just do her work."

49. Plaintiff alleges that on or about April 03, 2008, when she arrived at the office, she noticed that her caseload was returned to her desk.

50. Plaintiff alleges that from this point on, Defendants' MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO began over-scrutinizing her work activities.

51. Plaintiff alleges that Defendants' MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO would monitor her case files in a manner different than the male officers in the unit.

52. Plaintiff alleges that Defendants' MICHAEL OSGOOD; RONALD LYNCH;

PATRICK RÓDRIGO and CHRISTOPHER MIRRO would require her files to be maintained on a tight schedule whereas the male officers were not held to the same standard.

53. Plaintiff alleges that Defendants' MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO would scrutinize when she signed in and out of the Command Log etc., whereas the male officers were not held to the same standard.

54. Plaintiff alleges that on numerous occasions since Defendant MICHAEL OSGOOD'S referral to Psychological Services, during impromptu meetings outside of her presence, Defendants' MICHAEL OSGOOD; PATRICK RODRIGO and CHRISTOPHER MIRRO would tell the other officers that she is "crazy."

55. Plaintiff alleges that in or around May 2008, Defendants' PATRICK RODRIGO and CHRISTOPHER MIRRO held an impromptu meeting with Detectives' Simi Paul, Kim Jackson and Al Provencalli referring to her as an "embarrassment and a disgrace."

56. Plaintiff alleges that on or about May 17, 2008, the Hate Crimes Task Force was mobilized to handle an alleged Bias Incident in the 71st Precinct, everyone was mobilized except her.

57. Plaintiff alleges that she was told by Detective Simi Paul that Defendant RONALD LYNCH ordered her to sign out at the end of her tour.

58. Plaintiff alleges that she called Defendants' CHRISTOPHER MIRRO and RONALD LYNCH for clarification.

59. Plaintiff alleges that she found out that Defendant CHRISTOPHER MIRRO was on vacation.

60. Plaintiff alleges that Defendant RONALD LYNCH told her to go home so that she would not incur overtime.

61. Plaintiff alleges that meanwhile the male officers did receive overtime.

62. Plaintiff alleges that on or about May 21, 2008, Defendant CHRISTOPHER MIRRO told her that no one wants to work with you.

63. Plaintiff alleges that Defendant CHRISTOPHER MIRRO then chart changed her to work with Detective Ralph Morales.

64. Plaintiff alleges that she worked with Detective Ralph Morales from May 23 to the 24th, performing a two day surveillance on a case.

65. Plaintiff alleges that faced with a bleak outlook with her assignment in the Hate Crimes Task Force, she decided to request a transfer.

66. Plaintiff alleges that on or about June 04, 2008, she requested a transfer from former Chief of Detective George F. Brown.

67. Plaintiff alleges that later that evening she was transferred to 123rd Precinct Detective Squad.

68. Plaintiff alleges that shortly thereafter, she was informed by Sergeant Michael Alongi that Defendant MICHAEL OSGOOD called over to the 123 Squad to bad mouth her.

69. Plaintiff alleges that Defendant MICHAEL OSGOOD called her a "piece of garbage."

70. Plaintiff alleges that Defendant MICHAEL OSGOOD called her "crazy."

71. Plaintiff alleges that on or about December 16, 2008, there was an allegation made against her that she was residing in the state of New Jersey

72. Plaintiff alleges that she believes that the allegation was made by one of the members of the Hate Crimes Task Force.

73. Plaintiff alleges that sometime later, the allegation was closed as "Unfounded."

74. Plaintiff alleges that in or around April 2009, Defendant MICHAEL OSGOOD told Sergeant Michael Alongi that she must review and sign her 2008 Yearly Performance Evaluation.

75. Plaintiff alleges that on or about May 12, 2009, after reviewing her 2008 Yearly Performance Evaluation, she noticed that Defendant MICHAEL OSGOOD noted comments that she was disciplined for some alleged misconduct.

76. Plaintiff alleges that she was never informed by Defendant MICHAEL OSGOOD or any other supervisor that she was disciplined for alleged misconduct.

77. Plaintiff alleges that she initiated an appeal of her 2008 Yearly Performance Evaluation consistent with Department policy.

78. Plaintiff alleges that Defendant MICHAEL OSGOOD denied her appeal.

79. Plaintiff alleges that on or about September 29, 2009, DEA Trustee Jeffrey Ward filed an appeal on her behalf regarding her 2008 Yearly Performance Evaluation with Labor Relations.

80. Plaintiff alleges that on or about March 4, 2010, a Grievance Hearing was convened by Executive Officer, Chief of Detectives Office Deputy Chief Nikunen, present were Plaintiff, Defendants' MICHAEL OSGOOD; PATRICK RODRIGO and CHRISTOPHER MIRRO, as well as DEA Trustee Jeffrey Ward.

81. Plaintiff alleges that during the Grievance Hearing, Defendants' MICHAEL OSGOOD; PATRICK RODRIGO and CHRISTOPHER MIRRO called her "suicidal, out of control, etc."

82. Plaintiff alleges that based upon the collective conduct of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO

she has been discriminated against due to her gender.

VIOLATIONS AND CLAIMS ALLEGED

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

83. Plaintiff re-alleges Paragraphs 1 through 82 and incorporates them by reference as Paragraphs 1 through 82 of Count I of this Amended Complaint.

84. Plaintiff alleges that Defendant CITY through its agents engaged in a pattern and practice of discrimination against her with respect to the terms, conditions and privileges of employment because of her gender.

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

86. Plaintiff alleges that Defendant CITY knew or should have known about gender discrimination in the workplace because of their prior history of discriminatory conduct against her and other similarly situated individuals.

87. Plaintiff alleges that Defendant CITY failed and refused to take appropriate action to end the discriminatory treatment and conditions which she was subjected to, which was clearly motivated by gender discrimination.

88. Plaintiff alleges that as a result of the discriminatory acts of Defendant CITY through its agents, she suffered depression and anxiety.

89. Plaintiff alleges that Defendant City acted in an outrageous and systematic pattern of oppression, bad faith and cover-up, directed at her and continued from in or around March 27,

2008 until this day.

90. Plaintiff alleges that as a result of the acts of Defendant CITY 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**

91. Plaintiff re-alleges Paragraphs 1 through 90 and incorporates them by reference as Paragraphs 1 through 90 of Count II of this Amended Complaint.

92. Plaintiff alleges that Defendant CITY through its agents engaged in various retaliatory actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

93. Plaintiff alleges that as a result of the illegal acts of Defendant CITY through its agents, she 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**

94. Plaintiff re-alleges Paragraphs 1 through 93 and incorporates them by reference as Paragraphs 1 through 93 of Count III of this Amended Complaint.

95. Plaintiff alleges that Defendant CITY through its agents engaged in various severe and hostile actions towards her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

96. Plaintiff alleges that as a result of the severe and hostile acts of the Defendant

CITY through its agents, she suffered depression, anxiety and loss of job opportunities.

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

97. Plaintiff re-alleges Paragraphs 1 through 96 and incorporates them by reference as Paragraphs 1 through 96 of Count IV of this Amended Complaint.

98. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

99. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

100. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

101. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and

continuing from in or around March 27, 2008, until this day.

102. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, she 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 V
RETALIATION
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

103. Plaintiff re-alleges Paragraphs 1 through 102 and incorporates them by reference as Paragraphs 1 through 102 of Count V of this Amended Complaint.

104. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

105. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

106. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD

LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

107. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO engaged in various retaliatory actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

108. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around March 27, 2008, until this day.

109. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER IMRRO under color of law, she 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 VI
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

110. Plaintiff re-alleges Paragraphs 1 through 109 and incorporates them by reference as Paragraphs 1 through 109 of Count VI of this Amended Complaint.

111. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and

property without due process of law.

112. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

113. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

114. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO engaged in various retaliatory actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

115. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around March 27, 2008, until this day.

116. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, she 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 VII
ABUSE OF AUTHORITY
IN VIOLATION OF
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

117. Plaintiff re-alleges Paragraphs 1 through 116 and incorporates them by reference as Paragraphs 1 through 116 of Count VII of this Amended Complaint.

118. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

119. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acting individually and in their official capacities as a public officials of Defendant CITY under color of law, and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

120. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

121. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and

continuing from in or around March 27, 2008, until this day.

122. Plaintiff alleges that as a result of the acts of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO under color of law, she 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
GENDER DISCRIMINATION
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296**

123. Plaintiff re-alleges Paragraphs 1 through 122 and incorporates them by reference as Paragraphs 1 through 122 of Count VIII of this Amended Complaint.

124. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

125. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO discriminated against her because of her gender.

126. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO, she suffered the indignity of gender discrimination and great humiliation.

127. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT IX
RETALIATION
IN VIOLATION OF
NEW YORK STATE EXECUTIVE LAW § 296**

128. Plaintiff re-alleges Paragraphs 1 through 127 and incorporates them by reference as Paragraphs 1 through 127 of Count IX of this Amended Complaint.

129. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

130. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

131. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO engaged in various retaliatory actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

132. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO, she suffered the indignity of gender discrimination and great humiliation.

133. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

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

134. Plaintiff re-alleges Paragraphs 1 through 133 and incorporates them by reference as Paragraphs 1 through 133 of Count X of this Amended Complaint.

135. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

136. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where gender discrimination and/or retaliation are encouraged and/or tolerated.

137. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO engaged in various hostile actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

138. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO, she suffered the indignity of gender discrimination and great humiliation.

139. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

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

140. Plaintiff re-alleges Paragraphs 1 through 139 and incorporates them by reference as Paragraphs 1 through 139 of Count XI of this Amended Complaint.

141. Plaintiff alleges that New York City Administrative Code § 8-107, makes it

unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

142. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO discriminated against her because of her gender.

143. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO, she suffered the indignity of gender discrimination and great humiliation.

144. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT XII
RETALIATION
IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107**

145. Plaintiff re-alleges Paragraphs 1 through 144 and incorporates them by reference as Paragraphs 1 through 144 of Count XII of this Amended Complaint.

146. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

147. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

148. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO engaged in various retaliatory

actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

149. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO, she suffered the indignity of gender discrimination and great humiliation.

150. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

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

151. Plaintiff re-alleges Paragraphs 1 through 150 and incorporates them by reference as Paragraphs 1 through 150 of Count XIII of this Amended Complaint.

152. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender.

153. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where gender discrimination and/or retaliation are encouraged and/or tolerated.

154. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO engaged in various hostile actions against her as a result of her opposition to gender discrimination and as a result of her filing such complaints with her supervisors, union and the EEOC.

155. Plaintiff alleges that as a direct and proximate result of the unlawful employment

practices of Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO, she suffered the indignity of gender discrimination and great humiliation.

156. Plaintiff alleges that Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO violations caused her mental anguish, emotional distress, and loss of employment opportunities.

JURY TRIAL

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

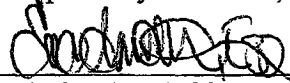
PRAYER FOR RELIEF

Wherefore, Plaintiff demands compensatory and punitive damages from Defendants' CITY; MICHAEL OSGOOD; RONALD LYNCH; PATRICK RODRIGO and CHRISTOPHER MIRRO 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: April 20, 2011
New York, NY

Respectfully submitted,

By:


Eric Sanders (ES0224)

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