

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

2011 006629

THOMAS CONNOLLY,

Plaintiff,

V.

NELSON FERNANDEZ,

Defendant.

INDEX NO.:
FILED:

FILED
ORANGE COUNTY CLERK
2011 JUN 11 P 2 45
SUMMONS

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your Answer, or if the complaint is not served with this summons, to serve a Notice of Appearance on the plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service or within thirty (30) days after the service is completed if this summons is not personally delivered to you within the State of New York and in case of your failure to appear or answer judgment will be taken against you by default for the relief demanded in the complaint.

Dated: White Plains, New York

June, 2011
July 5

LA PIETRA, & KRIEGER, P.C.
Attorneys for Plaintiff

By: 

Louis C. La Pietra, Esq.
30 Glenn Street, Suite 105
White Plains, New York 10603
(914) 684-6000
lklawwp@gmail.com

TO:

Nelson Fernandez
222 Village Drive
Florida, NY 10921

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

THOMAS CONNOLLY,

Plaintiff,

V.

NELSON FERNANDEZ,

Defendant.

INDEX NO.:

FILED:

2011 006629

VERIFIED
COMPLAINT

FILED
ORANGE COUNTY CLERK
2011 JUL 19 P 2:45

Plaintiff, **THOMAS CONNOLLY**, by his attorneys La Pietra & Krieger
complaining of the Defendant, respectfully alleges as follows:

FIRST: That the plaintiff, **THOMAS CONNOLLY** (hereinafter "Plaintiff") at
material times hereinafter mentioned, was and still remains a resident of New York in the County
of Suffolk.

SECOND: That the defendant, **NELSON FERNANDEZ**, (hereinafter "Defendant"), at
all material times hereinafter mentioned, was and still remains a resident of Florida, New York in
the County of Orange.

THIRD: Venue is based upon the location where the parties worked and where the
defamatory statements were alleged to have been made.

AS AND FOR THE FIRST CAUSE OF ACTION

FOURTH: That the Plaintiff, at all material times hereinafter mentioned, was and still
is employed as a Deputy Inspector in the Police Department of the City of New York (hereafter
"NYPD").

5. Plaintiff has enjoyed the highest reputation for ability and integrity as a Police professional having served in the ranks of Police Officer, Sergeant, Lieutenant and Captain prior to his present position of Deputy Inspector.

6. Plaintiff has been a police officer for more than twenty-six years and prior to the occurrence of the false and defamatory word set forth herein had always had a good reputation in his dealings with the public, his superiors, and subordinates as a police officer and otherwise.

7. On or about June 6, 2011, Defendant maliciously filed a complaint with the New York City Police Department Office of Equal Employment Opportunity ("OEEO") alleging same sex sexual harassment by Plaintiff, alleging false allegations including, but not limited to: TO WIT: "He'll call me in for no particular reason. ... Then he'll lounge back with his feet up. And he puts a pen in his mouth and starts sucking on it in a sexual manner." Defendant further falsely states, "The train is not crowded, and he's on top of me ... rubbing his arm on me."

8. By reason of the false and defamatory allegations against the Plaintiff, a full investigation of Defendant's allegations was conducted by OEEO, all of which is now part of Plaintiff's personnel file.

9. Defendant knew that his false and defamatory allegations would destroy Plaintiff's position and reputation in the NYPD.

10. Defendant knew that his false and defamatory allegations would cause Plaintiff to suffer humiliation and embarrassment among his peers and superiors in the NYPD.

11. Because of the publication of such slanderous, libelous and defamatory matter concerning Plaintiff, Plaintiff has been injured in his good name and reputation and has suffered great mental and bodily distress and illness and has been otherwise injured in his good name and

reputation as a police officer all to his damage, in the sum of ONE MILLION DOLLARS (\$1,000,000.00) plus punitive damages to be determined by the Court or a jury.

AS AND FOR THE SECOND CAUSE OF ACTION

12. Plaintiff repeats and realleges paragraphs one through eleven as if fully spelled out herein.

13. On or before June 6, 2011, Defendant falsely and maliciously spoke the following words to John Marzulli, a reporter for The New York Daily News. "He'll call me in for no particular reason. ... Then he'll lounge back with his feet up. And he puts a pen in his mouth and starts sucking on it in a sexual manner." Defendant further falsely states, "He's looking at my crotch and smiling, I give him a disgusted look and walk out."

14. Upon information and belief, the New York Daily News is the fifth most-widely circulated daily newspaper in the United States with a daily circulation of over six-hundred thousand (600,000) copies.

15. On Monday, June 6, 2011, Defendant's false and malicious allegations against Plaintiff were published in the New York Daily News in an article with the headline: "**HAD IT WITH THIS CREEPY PERV, SEZ SGT. IN THE NYPD.**" Please see Exhibit "A."

16. The words so spoken about Plaintiff were and are untrue, false and defamatory, so when publicly stated, were and are untrue, false and defamatory and the Defendant knew they were false when he spoke them, but were nevertheless spoken willfully and maliciously and with intent to injure the Plaintiff in his character, reputation and in his profession and calling and to expose the Plaintiff to public contempt, disgrace and ridicule and they were intended to charge, did charge and were understood by the public to charge, that Plaintiff's performance on the job

was indecent, offensive, objectionable and unsuitable for a New York City Police Department Deputy Inspector and damage this Plaintiff in his good name and reputation as a police officer.

17. The words quoted above were spoken in a manner intended for dissemination, and the Defendant knew that his remarks would be recorded, reported and widely circulated, and they were deliberately intended to defame the Plaintiff, and destroy his position and reputation as a police officer.

18. Because of the publication of such slanderous, libelous and defamatory matter concerning Plaintiff, Plaintiff has been injured in his good name and reputation and has suffered great mental and bodily distress and illness and has been otherwise injured in his good name and reputation as a police officer all to his damage, in the sum of ONE MILLION (\$1,000,000.00) dollars plus punitive damages to be determined by the Court or a jury.

AS AND FOR THE THIRD CAUSE OF ACTION

19. Plaintiff repeats and realleges paragraphs one through eighteen as if fully spelled out herein.

20. Defendant maliciously embarked on the foregoing course of conduct intending to cause Plaintiff to suffer mental and emotional distress, tension and anxiety in order to damage in Plaintiff's reputation in the NYPD.

21. As a result of Defendant's conduct, Plaintiff has become tense, nervous, irritable, has suffered great mental anguish and was forced to endure a great deal of mental and physical suffering and inconvenience.

22. Consequently, Plaintiff has been damaged in the sum of one million \$1,000,000 dollars plus punitive damages to be determined by the Court or a jury.

WHEREFORE, Plaintiff demands judgment against Defendants of ONE MILLION (\$1,000,000.00) on each cause of action for a total amount of THREE MILLION (\$3,000,000.00) DOLLARS plus punitive damages and for such other equitable relief as this court may deem just and proper, all together with interest thereon plus costs, disbursements and attorneys' fees of this action.

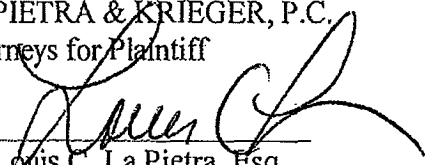
Dated: White Plains, NY

June 5, 2011



LA PIETRA & KRIEGER, P.C.
Attorneys for Plaintiff

By: _____

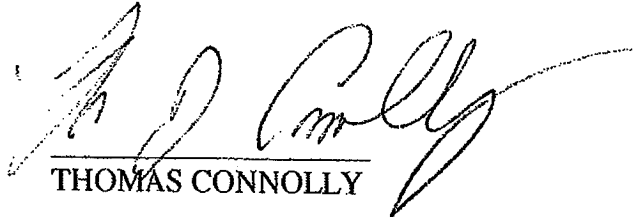


Louis C. La Pietra, Esq.
30 Glenn Street, Suite 105
White Plains, New York 10603
(914) 684-6000
louis.lapietra@verizon.net

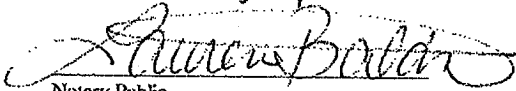
STATE OF NEW YORK)
) ss.:
COUNTY OF Suffolk)

THOMAS CONNOLLY, being duly sworn, deposes and says the following:

I am the Plaintiff in the within action; that I have read the foregoing Complaint and know the contents thereof; that the same is true to my knowledge, except those matters herein stated to be alleged or upon information and belief; and that as to those matters, I believe them to be true.


THOMAS CONNOLLY

Sworn to before me this
1st day of July, 2011

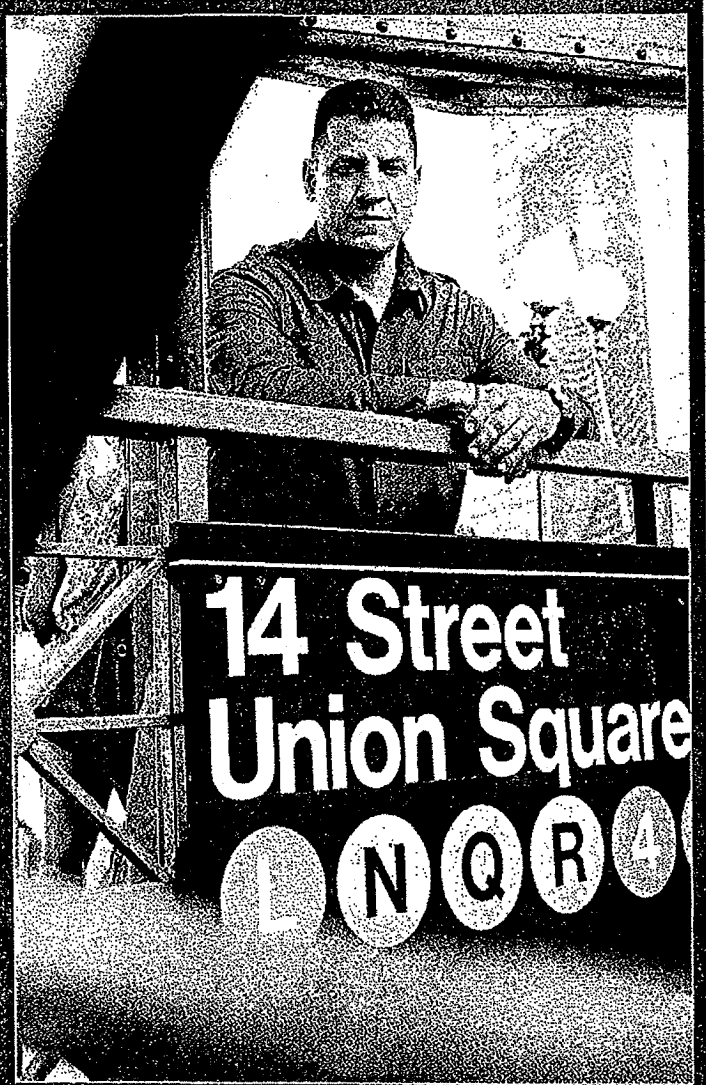

Notary Public

LAUREN BALDWIN
Notary Public - State of New York
No. 01BA6217930
Qualified in Suffolk County
My Commission Expires Feb. 22, 2014

EXHIBIT "A"

Officer files sexual harassment complaint against his male boss

HAD IT WITH THIS CREEPY PERV, SEZ SGT. IN NYPD



NYPD Sgt. Nelson Fernandez says he's "fed up" with years of unwanted advances from his commanding officer, Deputy Inspector Thomas Connolly (photo far l.), and he has filed a formal sexual harassment claim. Photo by James Kelyom/Daily News

AN NYPD SERGEANT has filed a complaint that claims he's being sexually harassed by his male boss, the Daily News has learned.

Sgt. Nelson Fernandez, a nine-year NYPD veteran, said he's "fed up" with the unwanted advances from Transit District No. 4 commander Deputy Inspector Thomas Connolly.

Fernandez, who has filed a formal complaint with the NYPD's Office of Equal Employment Opportunity, said the most bizarre come-on took place in Connolly's Union Square office.

"He'll call me in for no particular reason," Fernandez told the Daily News. "Then he'll lounge

EXCLUSIVE

BY JOHN MARZULLI
DAILY NEWS STAFF WRITER

back with his feet up, and he puts a pen in his mouth and starts sucking on it in a sexual manner."

Fernandez continued: "He doesn't say a word to me. He's looking at my crotch and smiling. I give him a disgusted look and turn around and walk out."

Connolly also commented on "how sexy" Fernandez looks and how his hair is "so shining," according to a copy of the complaint provided by Fernandez's lawyer, Eric Sanders.

The complaint also alleges unwanted touching by Connolly during patrols. "The train is not crowded, and he's on top of me ... rubbing his arm on me," Fernandez said.

Fernandez said he has tried to ignore the creepy office behavior but that it was repeated more than five or six times in the past year.

"I'm fed up with it," he said. "Everyone in the command jokes around, 'Why don't I take one for the team?' and I'm tired of that."

Last month, Fernandez told two lieutenants, and they encouraged him to report the misconduct to the Office of Equal Employment Opportunity, which investigates sexual harassment.

Fernandez said he has not been subject to any disciplinary action by his boss and has received excellent evaluations.

Still, his lawyer said it's important that he came forward.

"I commend Sgt. Fernandez for shining light on an often-hidden problem of male-on-male sexual harassment," Sanders said.

Connolly declined to comment. NYPD Captains Endowment Association President Roy Richter called the allegations "false and malicious."

"Deputy Inspector Connolly is confident that he will be fully exonerated," Richter said.

jmarzulli@nydailynews.com

Index No.

Year: 2011

Supreme Court of the State of New York
County of Orange

THOMAS CONNOLLY,

Plaintiff,

-against-

NELSON FERNANDEZ,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

La Pietra & Krieger, P.C.
Attorneys for Plaintiff(s)
30 Glenn Street
White Plains, NY 10603
(914) 684-6000

Pursuant to 22NYCRR 130-1-1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: _____

Signature: _____

Print Signer's Name: Louis C. LaPietra

Service of the within

is hereby admitted

Dated: _____

Attorney(s) for

PLEASE TAKE NOTICE

that the within is a (certified) true copy of a

NOTICE OF
ENTRY

that an Order of which the within is a true copy will be presented for settlement
to the

NOTICE OF
SETTLEMENT

Dated: _____

LA PIETRA & KRIEGER, P.C.
Attorneys for Plaintiff(s)
30 Glenn Street
White Plains, NY 10603

To: _____