

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

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JERMAINE ODEN,

Plaintiff,

-against-

CITY OF NEW YORK, PAMELA JERONIMO,
Individually, JOEL ROSENTHALL, Individually,
ROBERT FISHER, Individually and TANIA KINSELLA ,
Individually

Defendants.

Index No.

SUMMONS

Plaintiff designates
New York County as the place
of trial.

The County for Trial is
based on Defendants
principle place of business

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TO THE ABOVE-NAMED DEFENDANTS:

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 the summons, to serve a notice of appearance on Plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, (or within thirty (30) days after service is complete, if this summons is not personally delivered to you within the State of New York); and in case of your failure to answer, judgment will be taken against you by default for the relief demanded hereto.

Dated: New York, New York
November 20, 2025

Yours, etc.

/s/

John Scola
Law Office of John A. Scola, PLLC
Attorneys for Plaintiff JERMAINE ODEN
90 Broad Street, Suite 1023
New York, New York 10004
(917) 423-1445

DEFENDANTS' ADDRESSES

CITY OF NEW YORK
100 Church Street
New York, NY 10007

PAMELA JERONIMO
321 East 5th Street
New York, NY 10003

JOEL ROSENTHALL
One Police Plaza
New York, NY 10038

TANIA KINSELLA
One Police Plaza
New York, NY 10038

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

-----X
JERMAINE ODEN

Index No.

Plaintiff,

VERIFIED COMPLAINT

-against-

JURY TRIAL DEMAND

CITY OF NEW YORK, PAMELA JERONIMO,
Individually, JOEL ROSENTHALL, Individually,
ROBERT FISHER, Individually, and TANIA KINSELLA ,
Individually,

Defendants.

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The plaintiff, JERMAINE ODEN, by his attorneys, the LAW OFFICE OF JOHN A. SCOLA, PLLC, as and for his verified complaint against Defendants' CITY OF NEW YORK, PAMELA JERONIMO, JOEL ROSENTHALL, ROBERT FISHER and TANIA KINSELLA .

INTRODUCTION

This is a civil rights action on behalf of the plaintiff JERMAINE ODEN (hereinafter referred to as "plaintiff") for injunctive relief and to vindicate his rights for his denial of employment benefits with the New York City Police Department (hereinafter referred to as "NYPD" by Defendants CITY OF NEW YORK (hereinafter referred to as "CITY"), PAMELA JERONIMO (hereinafter referred to as "JERONIMO"), Individually, JOEL ROSENTHALL (hereinafter referred to as "ROSENTHALL"), ROBERT FISHER, (hereinafter referred to as "FISHER"), and TANIA KINSELLA (hereinafter referred to as "KINSELLA ") as a result of their unlawful conduct. More specifically, plaintiff seeks damages related to the deprivation of his rights secured by New York City Local Law §8-101 et a. Plaintiff was denied employment benefits on the basis of his race, and in retaliation for protected complaints of unlawful conduct.

At all times herein, Plaintiff was a member of a protected class who performed his job duties in a satisfactory manner. Plaintiff was subjected to adverse actions as a result of and in

retaliation for his membership in that protected classes as described below.

PROCEDURAL REQUIREMENTS

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

PLAINTIFF

2. Plaintiff JERMAINE ODEN is a male citizen of the United States of America, over twenty-one (21) years of age, who is a current Lieutenant employed by the New York City Police Department.
3. Plaintiff is Black.

DEFENDANTS'

4. Defendant CITY OF NEW YORK is a municipal corporation organized and existing under and by virtue of the law of the State of New York.
5. Defendant PAMELA JERONIMO is a current Captain in the New York City Police Department and is employed by the Defendant CITY OF NEW YORK.
6. Defendant JERONIMO is one (1) ranks higher than Plaintiff.
7. Defendant JERONIMO at all times herein had the power to suspend, discipline, punish, transfer Plaintiff.
8. Defendant JOEL ROSENTHALL is a current Captain in the New York City Police Department and is employed by the Defendant CITY OF NEW YORK.
9. Defendant ROSENTHALL is one (1) ranks higher than Plaintiff.
10. Defendant ROSENTHALL at all times herein had the power to suspend, discipline, punish, transfer Plaintiff.
11. Defendant ROBERT FISHER is a current Captain in the New York City Police Department and is employed by the Defendant CITY OF NEW YORK.

12. Defendant FISHER is one (1) ranks higher than Plaintiff.
13. Defendant FISHER at all times herein had the power to suspend, discipline, punish, transfer Plaintiff.
14. Defendant TANIA KINSELLA is the Current First Deputy Commissioner in the New York City Police Department and is employed by the Defendant CITY OF NEW YORK..
15. Defendant KINSELLA is six (6) ranks higher than Plaintiff.
16. Defendant KINSELLA at all times herein had the power to suspend, discipline, punish, transfer Plaintiff.
17. Defendant CITY, and their agency the NYPD, are equal opportunity employers which prohibit discriminatory employment actions against, and treatment of, their employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including “gender identity” -- which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, genetic information or predisposing genetic characteristic, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, and unemployment status.

FACTUAL ALLEGATIONS

18. Plaintiff joined the New York City Police Department (“NYPD”) as a police officer on July 11, 2005.
19. After successfully completing the Police Academy, Plaintiff was assigned to Impact Response at Transit District 2.

20. At all times herein Plaintiff excelled in his position as a Police Officer.
21. In 2007, Plaintiff was then assigned to Brooklyn City Wide Impact Task Force.
22. Then in 2008, Plaintiff was assigned to C.A.G.E (Citywide Gang Enforcement).
23. From 2009 until 2013, Plaintiff was assigned to Transit District 1.
24. While assigned to Transit District 1, Plaintiff was awarded cop of the year twice (2009 - 2010) during his tenure.
25. In 2013, Plaintiff was promoted to Sergeant.
26. After being promoted to Sergeant, Plaintiff was assigned to the 24th Precinct.
27. While at the 24th Precinct, Plaintiff was assigned to the F.I.O. (Field Intelligence Officer) position.
28. At all times herein Plaintiff excelled in his position as a Sergeant.
29. In 2018 becomes the Field Intelligence Sergeant (F.I.S.) for the 24 Precinct.
30. In 2019 Plaintiff was promoted to Lieutenant.
31. At all times herein Plaintiff excelled in his position as a Lieutenant.
32. After being promoted to Lieutenant, Plaintiff was assigned to the 9th Precinct in 2019.
33. Plaintiff at all times excelled in his positions in the 9th Precinct.
34. Plaintiff was responsible for managing several specialized units which included but was not limited to:
 - a. Public Safety
 - b. Field Training
 - c. Domestic Violence
 - d. Conditions and
 - e. Crime

- f. Neighborhood Coordination Officers
- g. Field Training Unit (FTU)
- h. Youth Coordination Officers
- i. Auxiliary Coordinator

35. As of January 2024, Plaintiff held the title of Special Operations Lieutenant in the command (9th Precinct).
36. Thereafter, Plaintiff was removed from his position, which he held for several years, approximately from 2020 / 2021, to January 6, 2024.
37. Plaintiff remained in that Command until 2024, when he was retaliatorily removed.
38. In 2023, Defendant JERONIMO became the Commanding Officer of the 9th Precinct.
39. Defendant JERONIMO is Hispanic.
40. Shortly after Defendant JERONIMO took over as the Commanding Officer of the 9th Precinct, she began to target Plaintiff.
41. Plaintiff was the only Black Lieutenant in the Command and was singled out as a result.
42. At the time Defendant JERONIMO became the Commanding Officer of the 9th Precinct the Lieutenants in the command consisted of the following:
- a. Plaintiff - Black Male (Second senior Lt. in command)
 - b. Morgan F. Courgnaud White male (9th Precinct Union delegate / Admin. Lt. / junior Lt.
 - c. Ronaldy Ventura (Hispanic Male, junior Lt.)
 - d. Alexander Hwang (Asian Male, first senior Lt. in command)
 - e. Eric Ruiz (Hispanic male, junior Lt.)
43. Plaintiff is similarly situated to the aforementioned males in every material way but for his race.

44. After Defendant JERONIMO becomes the Commanding Officer, Plaintiff is removed from the Special Operations Lieutenant position.
45. Plaintiff is replaced by Lieutenant Ventura.
46. There is no legitimate basis for stripping Plaintiff of the position which he has held for several years.
47. Plaintiff is replaced by Lieutenant Ventura (Hispanic Male) due to his race.
48. Plaintiff is more qualified for the position in every material way but for his race.
49. The removal of Plaintiff from the Special Operations Lieutenant position costs Plaintiff tens of thousands of dollars in less overtime that he would have earned if he remained in the position.
50. Additionally, the Special Operations Lieutenant position made Plaintiff more marketable within the NYPD which could lead to more lucrative positions and discretionary promotions.
51. Prior to and following Plaintiff's demotion, his wife became ill which required Plaintiff to take a couple weeks off to care for his wife.
52. When Plaintiff returned he met with the new Commanding Officer of the 9th Precinct, Defendant JERONIMO, acting in capacity as the Special Operations Lieutenant
53. Following the first meeting, Defendant JERONIMO meets Plaintiff to discuss an incident with the body camera.
54. An email was sent out by the Plaintiff, that gave a lawful instruction, for a cop not to tag or categorize his department videos.
55. Specifically, Plaintiff videos were tagged from the AXON body worn camera application by a police officer in the command.
56. Thereafter, Plaintiff informed the police officer not to tag or categorize any of his videos.

57. Plaintiff was not delinquent in tagging or categorizing any of his videos.
58. Plaintiff is singled out due to his race.
59. The Defendant informs Plaintiff that Defendant JERONIMO was the one who told her to tag Plaintiff videos.
60. Plaintiff meets with Defendant JERONIMO about the camera issue on the third floor of the 9th Precinct, Special Operations office.
61. The same day, Defendant JERONIMO has Plaintiff office changed. A request or instruction was made before, but the move was calculated and became final on the day of, after the above incident.
62. It then becomes clear to the Plaintiff that Defendant JERONIMO is targeting Plaintiff.
63. Plaintiff was out of work for sick from December 21, 2023 until December 30, 2023. .
64. Plaintiff was informed he is scheduled to work a detail on December 29, 2023 but was unable since he was out sick. The Plaintiff was informed by the admin Lt. Courgnaud via text.
65. Defendant JERONIMO calls and text Plaintiff while he is out sick, regarding work. Harassing Plaintiff about work. Defendant informs Lt. Courgnaud, to inform Plaintiff he has to come in for a detail in the Precinct (Harassment).
66. Plaintiff informed Lt. Courgnaud and Defendant he is taking medication and in no condition to work.
67. Defendant JERONIMO then assigns plaintiff to a detail despite being out sick.
68. Plaintiff has no choice to call out again since he is sick on December 30, 2023.
69. Defendant JERONIMO continues to single out Plaintiff in the Command.
70. Defendant JERONIMO orders him to work a detail on New Years Eve.

71. Plaintiff is forced to go sick again on December 30, 2023, on his scheduled regular day off, and remains out of work until January 6, 2024.
72. Plaintiff sickness is approved by the NYPD's Medical Division and Plaintiffs District Surgeon. Notated in the telephone message log of the 9th Precinct.
73. While Plaintiff is out Defendant JERONIMO is repeatedly calling Plaintiff to Order him to work.
74. Plaintiff explains that he is sick and approved to be off. Informing Defendant where it's notated. Telephone message log.
75. Plaintiff further states that the treatment of him for being out sick. Defendant states it is not approved and Plaintiff is not sick.
76. Defendant JERONIMO threatens to initiate Absent Without Leave (AWOL) procedures against Plaintiff despite knowing that he is home on approved sick leave.
77. Defendant JERONIMO harassingly calls Plaintiff about being out sick.
78. Plaintiff explains that he is temporarily disabled due to his sickness and cannot work.
79. The request to stay home due to his sickness is a reasonable accommodation request under New York City Human Rights law, a protected activity.
80. Defendant JERONIMO retaliates against Plaintiff for taking sick leave. Defendant transfers Plaintiff from his current position, as Special Operations Lieutenant, to 2nd Platoon Commander, on day tours as a Patrol Platoon Commander, while Plaintiff is out sick.
81. When Plaintiff returns to the Command from sick leave, Defendant JERONIMO immediately retaliates against him.
82. Defendant JERONIMO transfers Plaintiff from to the day tours as a punishment for getting

sick.

83. As a result of the retaliatory transfer, Plaintiff loses his night differential, which is approximately \$5,000- \$8,000 given to officers who work the night tours.
84. Plaintiff loses several thousand dollars due to this transfer.
85. Defendant Jeronimo also informs Plaintiff that he will no longer be the Special Operation Lieutenant and writes a 49, removing Plaintiff from Lieutenant Special Assignment track / candidate thereof.
86. Within the ranks of Lieutenant, there are two discretionary promotional opportunities that are available to them which are promotions to Lieutenant Special Assignment and Lieutenant Commander of Detectives.
87. Prior to Defendant JERONIMO becoming the Commanding Officer of the 9th Precinct, Plaintiff was recommended for promotion to Lieutenant Special Assignment for several years.
88. Defendant informed Lt. Courgnaud that Plaintiff would no longer be recommended for promotion and would be removing him from the promotional list (Plaintiff has a picture of said 49 constructed by the Defendant as evidence).
89. The promotion to Lieutenant Special Assignment comes with a salary increase and increased overtime pay.
90. The promotion would also make Plaintiff more marketable within the NYPD and provide for greater mobility to get to specialized positions to advance his career
91. Plaintiff loses between \$25,000 and \$50,000 a year in lost income and half of that amount in lost pension benefits for the rest of his life.
92. Plaintiff is further stripped of his overtime after his punitive transfer to the day tour.

93. The aforementioned similarly situated Lieutenants are not stripped of their overtime.
94. Plaintiff is treated less well due to his race and in retaliation for his sick leave accommodation which causes him to work in a hostile work environment.
95. Plaintiff is denied opportunity to work overtime.
96. On a day where he is forced to work overtime, Plaintiff submits his overtime slip, but his supervisors refuse to sign it. Captain Michael Lam refuse to sign overtime's slips for overtime submitted that was conducted.
97. Plaintiff is the only one treated in this manner which is unlawful discrimination and retaliation.
98. Plaintiff is the 2nd senior Lieutenant in the Command but due to the discrimination and retaliation of the Defendant JERONIMO, Plaintiff is treated as if he is a rookie.
99. Plaintiff made vacation selections for the year 2024 in 2023 for Lieutenants, prior to the Defendant assuming command, and was forced to re-submit vacations which prevented Plaintiff from getting the vacation he desired.
100. Vacation selections was made under the previous Commanding Officer instruction and direction, Inspector Ralph Clement.
101. Plaintiff, as the most senior Lieutenant, would have first pick of vacation, when assigned as Special Operations Lieutenant.
102. The Defendants chose vacations when Plaintiff was out of work to disallow him to pick.
103. Plaintiff takes vacation in January 2024.
104. When Plaintiff is out on approved vacation, he is contacted by his union trustee and informed that he is supposed to be in the command working. (Plaintiff Union Trustee is Lieutenant Gary Giersbach, retired).

105. The trustee informs Plaintiff that Defendant JERONIMO is threatening to suspend Plaintiff for being out on scheduled vacation (scheduled vacation was approved by Inspector Clement).
106. Plaintiff explains to the Trustee that he is out on approved vacation. Defendant JERONIMO informed trustee and Patrol Borough Manhattan South, Commanding Officer, Plaintiff is AWOL.
107. Despite knowing Plaintiff whereabouts and being on approved vacation, Plaintiff is forced to come into work by order of Chief James McCarthy and Jeronimo (Commanding Officer of Manhattan South is Chief James McCarthy).
108. Plaintiff is the only Lieutenant treated in this manner.
109. When Plaintiff arrives for work on his vacation time, there are at least five Sergeants working that day.
110. There was no business reason to demand that Plaintiff come into work on his vacation.
111. These actions were taken to harass Plaintiff.
112. Defendant JERONIMO subsequently tells Plaintiff, that his vacation was not approved because he did not hand write his submission and submitted them electronically.
113. Plaintiff submits the same dates for vacation which are approved by Defendant JERONIMO (on the day of 01/23/2024, Plaintiff is ordered to come into work, Defendant JERONIMO calls out sick and not present at work, at the 9th Precinct).
114. It's clear to Plaintiff that Defendant JERONIMO is discriminating and retaliating against him.
115. Thereafter, Plaintiff is assigned a disproportional amount of details.
116. Plaintiff is denied overtime on the details (details scheduled on straight time. Details

given without advance notice).

117. The assigned details are a punishment to Plaintiff.
118. He is assigned these positions due to his race and in retaliation for taking sick leave accommodation.
119. No other Lieutenant is assigned details on straight time.
120. These actions were taken purposefully to dissuade others from engaging in protected activity.
121. Around this time, Plaintiff issues a Sergeant a command discipline after it was discovered that there were discrepancies on a report compared to what actually transpired in the event.
122. The complainant of the accident report, stated the Sergeant lied on a Police Accident Report, with video supplied as evidence).
123. Plaintiff issued the sergeant a command discipline.
124. Shortly thereafter, on February 23, 2024, Plaintiff is abruptly transferred to the 1st Precinct.
125. Plaintiff requested a transfer to the 103 Precinct in Queens.
126. That request was denied.
127. This transfer was both discriminatory and retaliatory. Other transfers were put in by the Plaintiff, they also were not honored.
128. After Plaintiff is transferred to the 1st Precinct, he is told by the Commanding Officer, Defendant ROSENTHALL, in the 1st Precinct, they are not sure why he was transferred.
129. Present with Defendant ROSENTHAL is Executive Officer Captain Wong.
130. The Commanding Officer then asks Plaintiff to explain or share what happened in the 9th Precinct with Defendant.

131. Plaintiff is told that this is not the place for a disciplinarian, “Treat cops well and you’ll have no problems here.”
132. Plaintiff doesn’t explain what happened in the 9th Precinct and he is assigned to patrol on the 4:00 x 12:00 tour.
133. Plaintiff who worked in the 9th Precinct as the Special Operations Lieutenant has now been demoted all the way back to patrol in the 1st Precinct.
134. At this juncture, Plaintiff’s career and upward mobility within the NYPD, is over.
135. While working on Patrol, Plaintiff constantly attempts to hold officers accountable for not having activity, answering 9-1-1 jobs, responding to 3-1-1 complaints, taking reports, investigations and enforcement.
136. When Plaintiff attempted to discipline the officers for not properly completing their jobs, the Defendant ROSENTHALL, would get angry at Plaintiff.
137. Plaintiff met with Defendant ROSENTHALL who chastised him for disciplining the officers for failing to take police action while they were on patrol.
138. On one instance, Plaintiff explains to Defendant ROSENTHALL that two police officers failed to respond to a 311 call and refused to engage with two people who needed police assistance.
139. After the meeting Plaintiff, Defendant ROSENTHALL strips Plaintiff of overtime in retaliation for his complaints.
140. As stated before, Plaintiff witnesses two officers who fail to take police action regarding illegal license plates on a vehicle.
141. Plaintiff confronted the officers and disciplined them by issuing a command discipline to the officers in question.

142. Thereafter, Defendant ROSENTHALL retaliated against Plaintiff for taking action against the police officers who acted illegally.
143. The defendant involves or calls the Police Benevolent Union on the Plaintiff, advising they would like a sit down with the Plaintiff with the acting Platoon Commander.
144. Plaintiff denied the invite to attend such a meeting, honoring their request.
145. Thereafter a meeting was had between the union and Plaintiff's supervisors to discuss the Plaintiffs leadership and supervision.
146. The meetings took place with Plaintiff present and also again outside Plaintiff's presence.
147. Defendant has PBA Union representatives, from the Precinct, attend roll calls, to scrutinized, report, and supervise Plaintiff.
148. As a result of the constant undermining, the police officers are now supervising the Plaintiff, a lieutenant three ranks higher than them, as the Platoon Commander, undermining Plaintiff decision making and supervision.
149. Defendant ROSENTHALL retaliates against Plaintiff on a nearly daily basis from this point forward.
150. Specifically, Plaintiff is being retaliated against for complaining about the illegal actions of the police officers in the Command in violation of Civil Service 75-b.
151. Plaintiff is further stripped of overtime in retaliation for his complaints.
152. Plaintiff also couldn't issue command disciplines to cops when warranted.
153. When Plaintiff tried to lead, his work had to be vetted and investigated then sought through the proper channels as per the Defendant ROSENTHALL .
154. Plaintiff is the only person treated in this manner and the only one who engaged in protected activity.

155. Any command disciplines issued by the Plaintiff had to be investigated by Lt. Kengyan Lee.
156. Plaintiff is assigned retaliatory details, out of order, in retaliation for his complaints of the police officer illegal and unlawful conduct.
157. Plaintiff is the only Black Lieutenant in the 1st Precinct and the only Lieutenant treated in this manner.
158. Plaintiff is the most senior Lieutenant but is assigned retaliatory and discriminatory details.
159. Plaintiff is the only Lieutenant who is micromanaged by Defendant ROSENTHALL and with the help of Timothy Wong, the Executive Officer.
160. No other platoons / platoon commanders received as much as supervision as the Plaintiff.
161. Plaintiff is forced to check in at all times and if his assignments runs over he is forced to inform the command.
162. Major or minor crime, decision making on the Platoon, is either vetted through a supervisor of a lower rank or personnel inside, performing a non-patrol function (from lieutenant and below).
163. Plaintiff is treated as if he is an incompetent supervisor and a rookie wherein Sergeants override Plaintiff's judgement or orders despite being a lower rank.
164. Plaintiff is the only Lieutenant treated in this manner.
165. At the time Defendant ROSENTHALL was discriminating and retaliating against Plaintiff, he was the only Black Lieutenant in the Command
166. Defendant ROSENTHALL carried out these actions, with the help of Executive Officer Timothy Wong).
167. On October 30, 2024, Defendant FISHER becomes the Commanding Officer.

168. The discrimination and retaliation continued under the new Commanding Officer and previous Executive Officer Timothy Wong.
169. Downgrading Crime reported and overriding the Plaintiff decision making.
170. Plaintiff is singled out as the only Black Lieutenant in the Command.
171. The other Lieutenants in the 1st Precinct consisted of the following (in addition to the aforementioned):
- a. Plaintiff - Black Male
 - b. Lt. Farina - White Male
 - c. Lt. Camelo -Hispanic Male
 - d. Lt. Pasolini -White Male
 - e. Lt. Alcantara -White Male
172. Plaintiff is treated less well and denied employment benefits due to his race, accommodation requests and complaints of misconduct.
173. Around this time, Lieutenant Alcantara informs Plaintiff that the Command is targeting him and warns Plaintiff to be careful.
174. The constant retaliation and discrimination takes a toll on Plaintiff.
175. Plaintiff is diagnosed with high blood pressure due to the stress of the discrimination and retaliation on October 20, 2024.
176. Plaintiff is repeatedly harassed due to his race, accommodation requests and complaints of misconduct.
177. . Plaintiff is denied days off and lost time often.
178. Despite having leave hours and days in the books. Plaintiff is the senior Lieutenant in the command, 1st Precinct.

179. Plaintiff is denied overtime by Defendant Fisher and Captain Wong.
180. These adverse actions are due to Plaintiff's race and in retaliation for protected complaints.
181. Other Lieutenants who are not Black and who did not engage in protected activity are not treated in this manner.
182. As a result of the diagnosis Plaintiff is placed on limited duty on November 6, 2024.
183. On December 19, 2024, Plaintiff is placed on restricted duty due to his high blood pressure which stems from the discrimination and retaliation described herein.
184. The moment Plaintiff is placed on restricted duty, he is unable to earn overtime or get promoted.
185. The Defendant CITY has a facially discriminatory policy where disabled officers cannot earn overtime or get promoted due to being disabled.
186. Plaintiff repeatedly asks for overtime from Defendant FISHER.
187. Plaintiff is informed that he is not allowed to do overtime because he is on restricted duty.
188. Plaintiff is told by Defendant FISHER that the orders that a disabled officer cannot earn overtime came directly from Defendant KINSELLA .
189. Plaintiff's overtime is dramatically altered due to the NYPD's discriminatory policy.
190. Able bodied officers are allowed to earn overtime.
191. Plaintiff lost hundreds of hours of overtime and tens of thousands of dollars in lost income.
192. Plaintiff objects to the policy but is told that it comes from Defendant KINSELLA .
193. Around this time, Plaintiff is randomly issued a command discipline related to the 9th Precinct where he has not worked for more than a year which is now being escalated to charges and specifications.
194. The discipline was clearly retaliatory as Plaintiff was investigated by the Internal Affairs

Bureau and completely unjust.

195. Plaintiff was issued a Command Discipline by Darrien King.
196. After being investigated and cleared of wrongdoing, Plaintiff is still issued command discipline.
197. While in the Command at the 1st Precinct on May 22, 2025, Plaintiff is approached by Lieutenant Kengyan Lee and tried to fight him.
198. On this date, Lieutenant Lee was angry with Plaintiff after he refused to sign a command discipline that was retaliatory.
199. Plaintiff did not want to sign the command discipline as it was discriminatory in nature.
200. This angered Lieutenant Lee who refused to let Plaintiff leave the locker room.
201. When Plaintiff asked Lieutenant Lee to move, the Lieutenant told Plaintiff to physically move him.
202. Plaintiff is the only Lieutenant treated in this manner
203. This was yet another attempt of retaliation in effort to get the Plaintiff suspended, disciplined, or even arrested. Defendant FISHER and current Executive Officer, we're
204. made aware of the incident by Lieutenant Lee.
205. Defendant FISHER failed to take action regarding retaliation and discriminatory treatment, promoting a hostile work environment for Plaintiff.
206. That same day, May 22, 2025, Plaintiff was transferred to the Bronx Court Section.
207. Plaintiff's career was ruined as a result of the discrimination and retaliation.
208. Plaintiff has no choice but to submit his retirement papers.
209. Plaintiff's last day of employment was July 16, 2025.
210. Plaintiff suffered several adverse employment actions in retaliation for lawfully

protected complaints of discrimination, accommodation requests and for complaining about failure for police officers to take law enforcement action.

211. Plaintiff believes that the adverse employment actions were a direct result of Plaintiff's race, disability and in retaliation for protected complaints but at the very least, these protected characteristics played a factor in the adverse employment actions taken against him.
212. The Defendants were aware of the discriminatory treatment toward Plaintiff yet failed to take action to prevent said discriminatory treatment.
213. The Defendant CITY is strictly liable for these actions and inactions pursuant to New York State Human Rights Law §8-107(13)(b).
214. Upon information and belief, Plaintiff is being retaliated against in an effort of the Defendants herein to justify their unlawful actions.
215. That at all times herein the Defendant CITY OF NEW YORK, knew or should have known of the discriminatory and retaliatory actions taken toward Plaintiff yet failed to intervene to prevent these unlawful actions against Plaintiff.
216. The Defendants herein, if properly trained, would not have taken the discriminatory and retaliatory actions towards Plaintiff.
217. Plaintiff at all times herein was fit for duty as a Police officer, Detective, Sergeant, and Lieutenant of the Defendant CITY OF NEW YORK.
218. As a result of denial of employment by the Defendants herein, Plaintiff lost substantial income in promotional opportunities, overtime, salary, and pension benefits as a result of the unlawful actions of the Defendants herein.
219. Plaintiff alleges that the actions of the Defendants herein caused him to suffer severe and

pervasive emotional distress as a result of that hostile environment, which also affected his health.

220. Plaintiff alleges that the defendants herein had actual knowledge of the discriminatory and retaliatory treatment of Plaintiff herein and failed to intercede to prevent the unlawful behavior.
221. Plaintiff alleges defendant CITY OF NEW YORK engaged in various unlawful employment actions against Plaintiff in retaliation for his lawfully protected complaints of race discrimination.
222. Plaintiff suffered several adverse employment actions as a result of his race, disability and in retaliation for protected complaints.
223. Plaintiff suffered several adverse employment actions in retaliation for lawfully protected complaints of discrimination.
224. Plaintiff believes that the adverse employment actions were a direct result of Plaintiff's race and national origin but at the very least, these protected characteristics played a factor in the adverse employment actions taken against him.

RACE DISCIMINATION- FAILURE TO PROMOTE BLACK LIEUTENANTS TO LIEUTENANT SPECIAL ASSIGNMENT OR SUPERVISOR OF DETECTIVES

225. Several positions within the NYPD require a civil service examination before an employee can earn that rank.
226. Ranks within the NYPD which require the taking and passing of a civil service examination are police officer, sergeant, lieutenant, and captain.
227. There are several promotional opportunities within the NYPD that do not require the passing of a civil service examination.

228. These positions include but are not limited to detective 3rd grade, detective 2nd grade, detective 1st grade, Sergeant Special Assignment, Sergeant Supervisor of Detectives, Lieutenant Special Assignment, Lieutenant Supervisor of Detectives, and Deputy Inspector.
229. The NYPD discriminates against Black Lieutenants on the basis of race by failing to promote Black Lieutenants to Lieutenant Special Assignment at the same rate as white Lieutenants.
230. As of the statistics of the New York Department of Citywide Services produced in January 2021 show discrimination against Plaintiff on the basis of race.
231. In January 2021, there were a total of 671 white Lieutenants (male and female) who were eligible for promotion to Lieutenant Special Assignment.
232. Of those potential 671 white candidates for promotion Lieutenant Special Assignment, 57 were promoted to Lieutenant Special Assignment
233. This equates to a promotional rate of 8.49%.
234. Conversely, there were 127 Black Lieutenants in the NYPD who were eligible for promotion to Lieutenant Special Assignment.
235. Of those potential 127 Black candidates for promotion Lieutenant Special Assignment, only 6 were promoted to Lieutenant Special Assignment.
236. This equates to a promotional rate of 4.72%.
237. This discrepancies in promotional rates shows and adverse impact rate of 0.56.
238. This means that for every 1 White Lieutenant that receive a discretionary promotion within the rank of Lieutenant, 0.56 Black Lieutenant receive the promotion.

239. When showing discrimination in statistics a Plaintiff can show discrimination based on the "four-fifths rule." –
240. A selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5ths) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact. Uniform Guidelines on Employee Selection Procedures.
241. Here the statistical breakdown of Black Lieutenants promoted discretionarily within the rank of Lieutenant to Special Assignment compared to white Lieutenants is 0.56.
242. This means that Black Lieutenants are selected for promotion to Lieutenant Special Assignment 56% as frequently as white Lieutenants.
243. The Defendants discriminate against Black Lieutenants by failing to promote them within the rank of Lieutenant compared to white Lieutenants.
244. Plaintiff is a Black male.
245. Plaintiff was denied promotion to Lieutenant Special Assignment, which comes with a pay raise and increase in overtime pay, due to his race.
246. At all times herein, Plaintiff was qualified for promotion to Lieutenant Special Assignment but was denied promotion due to his race.
247. Officers in the rank Lieutenant Special Assignment earn approximately \$25,000 more in salary per year than Lieutenants.
248. Additionally, Lieutenant Special Assignment are given a higher rate of overtime pay.
249. At all times herein, Plaintiff excelled in his role as a Lieutenant, and was qualified for promotion to Lieutenant Special Assignment and Lieutenant Supervisors of Detective Squad based on his performance.

250. Plaintiff had a distinguished career with several specialized and distinguished work histories in the rank of Lieutenant but was denied promotion due to his race.
251. In fact, Plaintiff was submitted by his previous supervisor, Inspector Clement, for promotion Lieutenant Special Assignment in numerous years but is not selected.
252. Plaintiff spent six (6) years in the rank of Lieutenant without being promoted to Lieutenant Special Assignment.
253. Despite being qualified for this position; Plaintiff was denied promotion due to his race.
254. The Defendant CITY has a pattern and practice of discriminating against Black Lieutenants by failing to promote them to the rank of Lieutenant Special Assignment at a rate they do white Lieutenants.
255. The Defendant CITY has a pattern and practice of discriminating against Black Lieutenants.
256. The Defendant CITY is aware of the discrimination in promotions in the rank of Lieutenant of Black candidates yet failed to take action to stop their discriminatory practices.
257. Plaintiff was denied promotion to Lieutenant Special Assignment due to his race.
258. The discrimination of Black Lieutenants continues to date and continued up until Plaintiff was constructively discharged.
259. The Defendant CITY knows about its discriminatory practices and have failed to correct them.
260. Plaintiff could have been promoted to Lieutenant at any time during his career with the NYPD but was denied promotion due to his race.
261. As a result of the Defendant CITY's failure to promote Plaintiff, he lost approximately \$25,000 in lost salary per year.

262. As a result of the Defendant CITY's failure to promote Plaintiff, Plaintiff lost approximately \$12,500 a year in lost pension benefits.
263. Plaintiff, at all times herein, was treated less well than abled bodied employees due to his race.
264. This disparate treatment resulted in Plaintiff being forced to work in a hostile work environment as a result of his race.
265. At all times herein, the Defendants were aware of the discriminatory way in which they awarded discretionary promotions and intentionally discriminated against Plaintiff on the basis of his race.
266. The Defendants, at all times herein, had actual notice of the discriminatory promotional process on the basis of race yet failed to take action to cure the problem, resulting in discrimination towards Plaintiff.
267. The Defendants, at all times herein, had constructive notice of the discriminatory promotional process on the basis of race yet failed to take action to cure the problem, resulting in discrimination towards Plaintiff.
268. At all times herein, Plaintiff's race was a factor in his being denied promotion to Lieutenant Special Assignment and/or Lieutenant Supervisor of Detective Squad.
269. The Defendants, at all times herein, had actual notice of the discriminatory promotional process on the basis of race yet failed to take action to cure the problem, resulting in discrimination towards Plaintiff.
270. At all times herein, Plaintiff's race was a factor in his being denied promotion to Lieutenant Special Assignment and/or Lieutenant Supervisor of Detective Squad.

271. The Defendants, at all times herein, had constructive notice of the discriminatory promotional process on the basis of race yet failed to take action to cure the problem, resulting in discrimination towards Plaintiff.
272. At all times herein, the Defendants were aware of the discriminatory way in which they awarded discretionary promotions and intentionally discriminated against Plaintiff on the basis of his race.

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

273. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to this Count.
274. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny employment on the basis of his race.
275. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race, created a hostile work environment by the conduct of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.
276. Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA discriminated against Plaintiff, as described herein, because he is Black.
277. Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA, discriminated against Plaintiff, as described herein, because he is Black.
278. Defendant's actions were taken under circumstances giving rise to an inference of

discrimination.

279. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
280. Plaintiff alleges Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , engaged in various unlawful employment actions against Plaintiff based on his race.
281. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT II
RACE DISCRIMINATION
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF NEW YORK CITY
ADMINISTRATIVE CODE § 8-107

282. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to this Count.
283. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny employment on the basis of his race.
284. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race,

created a hostile work environment by the conduct of Defendants CITY OF NEW YORK and HOLLEY, and without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.

285. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
286. Defendant CITY OF NEW YORK discriminated against Plaintiff, as described herein, because he is Black.
287. Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA discriminated against Plaintiff, as described herein, because he is Black.
288. Defendant subjected Plaintiff to a materially adverse and hostile work environment by subjecting him, day after day, month after month, without supervisory intervention to discrimination and retaliation based his race.
289. The actions of the Defendant towards Plaintiff were severe and pervasive.
290. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
291. Plaintiff alleges Defendants CITY OF NEW YORK, engaged in various unlawful employment actions against Plaintiff based on his race.
292. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices, including subjecting Plaintiff to a hostile work environment, of Defendants CITY OF NEW YORK, Plaintiff incurred significant legal costs, back pay, front pay, compensatory

damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

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

293. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to this Count.
294. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny employment in retaliation for Plaintiff engaging in protected activity.
295. Plaintiff engaged in protected activity when he complained of discrimination related to his race, skin color, religion, and national origin.
296. Plaintiff was retaliated against by the Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , as a result of his engagement in protected activity.
297. Defendant's actions were taken under circumstances giving rise to an inference of retaliation.
298. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
299. Plaintiff alleges Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , engaged in various unlawful employment actions against Plaintiff in retaliation for Plaintiff's lawfully protected complaints.
300. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , Plaintiff incurred

significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT IV
RACE DISCRIMINATION
STRICT LIABILITY IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107(13)(b)

301. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to this Count.
302. Plaintiff alleges that New York City Administrative Code § 8-107 (13) (b), makes a Defendant strictly liable for the discriminatory acts of managers and supervisors against a subordinate employee, such as the Plaintiff herein.
303. Plaintiff was subjected to repeated race discrimination following the lawful complaints made by Plaintiff.
304. The Defendant was aware of the actions of managers and supervisors, including but failed to take corrective remedial action which forced Plaintiff to be subjected to future discrimination.
305. The Defendant failed to exercise reasonable diligence to prevent such discriminatory conduct.
306. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race, created a hostile work environment by the conduct of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , and without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.

307. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
308. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.
309. Plaintiff alleges Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , engaged in various unlawful employment actions against Plaintiff based on his race.
310. The Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are vicariously liable for the actions of their employees as described herein as they held a supervisory position to Plaintiff wherein, they exercised managerial and supervisory responsibility.
311. The Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are vicariously liable for the actions of their employees as described herein as they held a supervisory position to Plaintiff wherein, they exercised managerial and supervisory responsibility.
312. The Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are vicariously liable for the actions of their employees as described herein as they has actual and constructive notice of the discriminatory and retaliatory conduct as described herein yet failed to exercise reasonable diligence to prevent it.
313. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are, Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional

reputation in an amount to be determined at trial.

314. As a result of Defendant's willful actions, they are strictly liable to Plaintiff for their actions.

COUNT V
RETALIATION

STRICT LIABILITY IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107(13)(b)

315. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to this Count.
316. Plaintiff alleges that New York City Administrative Code § 8-107 (13) (b), makes a Defendant strictly liable for the acts of managers and supervisors against a subordinate employee, such as the Plaintiff herein.
317. Plaintiff was subjected to repeated retaliatory acts following the lawful complaints made by Plaintiff regarding skin color discrimination.
318. The Defendant was aware of the actions of managers and supervisors but failed to take corrective remedial action which forced Plaintiff to be subjected to future retaliation.
319. The Defendant failed to exercise reasonable diligence to prevent such retaliatory conduct.
320. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's race, created a hostile work environment by the conduct of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendant CITY OF NEW YORK.
321. Defendant's actions were taken under circumstances giving rise to an inference of retaliation.
322. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff was

denied a promotion, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, was denied overtime, and endured severe emotional pain and trauma, all to his detriment in an amount to be determined at trial.

323. The Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are vicariously liable for the actions of their employees as described herein as they held a supervisory position to Plaintiff wherein, they exercised managerial and supervisory responsibility.
324. The Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are vicariously liable for the actions of their employees as described herein as they held a supervisory position to Plaintiff wherein, they exercised managerial and supervisory responsibility.
325. The Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are vicariously liable for the actions of their employees as described herein as they has actual and constructive notice of the discriminatory and retaliatory conduct as described herein yet failed to exercise reasonable diligence to prevent it.
326. As a result of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA are, Individually, willful actions they are strictly liable to Plaintiff for their actions.

COUNT VI
DISABILITY DISCRIMINATION
IN VIOLATION OF NEW YORK CITY
ADMINISTRATIVE CODE § 8-107
(AGAINST ALL DEFENDANTS)

327. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count I of this complaint.
328. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny

employment benefits on the basis of his disability.

329. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's disability, created a hostile work environment by the conduct of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA . The wrongful conduct was condoned by the Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA .
330. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
331. Defendants failed to engage in cooperative dialogue related to Plaintiff's condition and failed to test him to determine whether he could perform the essential functions of a police officer, with or without reasonable accommodation.
332. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff lost his job, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, and endured severe emotional pain and trauma, all to his detriment.
333. Plaintiff alleges Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , engaged in various unlawful employment actions against Plaintiff based on his disability.
334. Even if Plaintiff was found to be disabled from full duty police work, the Defendants discriminated against Plaintiff by failing to allow him to earn overtime, get promoted, transfer, or obtain other employment benefits available to officer who are perceived to be able bodied.
335. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices

of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT VII
DISABILITY DISCRIMINATION
HOSTILE WORK ENVIRONMENT
IN VIOLATION OF NEW YORK CITY
ADMINISTRATIVE CODE § 8-107
(AGAINST ALL DEFENDANTS)

336. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count II of this complaint.
337. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to deny employment on the basis of his disability.
338. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiffs stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's disability, created a hostile work environment by the conduct of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA . and without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA .
339. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
340. At all times herein Plaintiff was treated less well based on his disability in that he was treated less well than officers who were perceived to be able bodied.
341. Defendant subjected Plaintiff to a materially adverse employment actions through the

constant threat of termination based on disability and hostile work environment by subjecting him day after day, month after month, without supervisory intervention to discrimination and retaliation based his disability.

342. The actions of the Defendant towards Plaintiff were severe and pervasive.
343. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff lost his job, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, lost career, and business opportunities, suffered severe damage to his good name and reputation, and endured severe emotional pain and trauma, all to his detriment.
344. Plaintiff alleges Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA engaged in various unlawful employment actions against Plaintiff based on his disability.
345. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices, including subjecting Plaintiff to a hostile work environment, of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA . Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.

COUNT VIII
DISABILITY DISRIMINATION
STRICT LIABILITY IN VIOLATION OF
NEW YORK CITY ADMINISTRATIVE CODE § 8-107(13)(b)
(AGAINST ALL DEFENDANTS)

346. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count III of this complaint.
347. Plaintiff alleges that New York City Administrative Code § 8-107 (13) (b), makes a

Defendant strictly liable for the discriminatory acts of managers and supervisors against a subordinate employee, such as the Plaintiff herein.

348. Plaintiff was subjected to repeated disability discrimination following the lawful complaints made by Plaintiff regarding his reasonable accommodation and disability.
349. The Defendant was aware of the actions of managers and supervisors, including the Defendants herein but failed to take corrective remedial action which forced Plaintiff to be subjected to future discrimination.
350. The Defendant failed to exercise reasonable diligence to prevent such discriminatory conduct.
351. Even if Plaintiff was found to be disabled from full duty police work, the Defendants discriminated against Plaintiff by failing to allow him to earn overtime, get promoted, transfer, or obtain other employment benefits available to officer who are perceived to be able bodied.
352. Defendants failed to engage in cooperative dialogue related to Plaintiff's condition and failed to test him to determine whether he could perform the essential functions of a police officer, with or without reasonably accommodation.
353. Plaintiff performed his job duties satisfactorily which is reflected in Plaintiff's stellar performance evaluations. Nevertheless, Defendant denied Plaintiff benefits of employment, including all favorable conditions and emoluments thereof because of Plaintiff's disability, created a hostile work environment by the conduct of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA and without any non-discriminatory basis thereof. The wrongful conduct was condoned by the Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA .

354. Defendant's actions were taken under circumstances giving rise to an inference of discrimination.
355. The direct and proximate cause of Defendant's recklessness and negligence, Plaintiff lost his job, suffered lost past and future wages, lost other valuable benefits and emoluments of employment, hurt his credit rating, lost career, and business opportunities, suffered severe damage to his good name and reputation, and endured severe emotional pain and trauma, all to his detriment.
356. Plaintiff alleges Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA engaged in various unlawful employment actions against Plaintiff based on his disability.
357. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA , Plaintiff incurred significant legal costs, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, emotional distress, and damage to his personal and professional reputation in an amount to be determined at trial.
358. As a result of Defendant's willful actions, they are strictly liable to Plaintiff for their actions.

COUNT IX

**FAILURE TO PROVIDE REASONABLE ACCOMODATION/ENGAGE IN
COOPERATIVE DIALOGUE
(AGAINST ALL DEFENDANTS)**

359. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count IV of this complaint.
360. Defendant discriminated against Plaintiff because of his disability and failed to

reasonably accommodate him.

361. Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA failed to engage in cooperative dialogue related to Plaintiff's condition and failed to test him to determine whether he could perform the essential functions of a police officer, with or without reasonable accommodation.

362. By reason thereof, Defendants JERONIMO, ROSENTHALL, FISHER and KINSELLA has violated New York City Administrative Code § 8-101 et seq. and has been damaged in an amount to be determined at trial.

COUNT X

VIOLATION OF NEW YORK STATE CIVIL SERVICE LAW §75-B
(AGAINST DEFENDANT CITY OF NEW YORK)

363. Plaintiff repeats and re-alleges all the allegations contained in all preceding paragraphs of this complaint with full force and effect as though set forth at length herein.

364. The Defendants retaliated against Plaintiff for engaging in protected activity in violation of New York State Civil Service Law §75.

365. Specifically Plaintiff engaged about protected activity when he complained about the illegal actions of the several co-workers in his unit, command or on patrol on his platoon.

366. Specifically, he punished police officers for failing to take police action and falsifying records.

367. When Plaintiff spoke up about these illegalities he was retaliated against.

368. Plaintiff hereby demands compensatory and punitive damages against defendants in an amount to be proven at trial that exceeds the jurisdictional limitations of all lower courts that would otherwise have jurisdiction against each of the defendants, individually and severally.

369. Civil Service Law § 75-b provides, in pertinent part: “A public employer shall not dismiss or take other disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee discloses to a governmental body information: (i) regarding a violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action.
370. “Improper governmental action” shall mean any action by a public employer or employee, or an agent of such employer or employee, which is undertaken in the performance of such agent's official duties, whether or not such action is within the scope of his employment, and which is in violation of any federal, state or local law, rule or regulation.
371. Upon receiving Plaintiff’s multiple complaints of corruption and misconduct Plaintiff was retaliated against.
372. As a result of the foregoing, Plaintiff’s career is irreparably damaged, and he sustained serious emotional distress and financial harm.
373. As a result of Defendant CITY OF NEW YORK’s willful actions they are liable to Plaintiff for their actions.
- 374.

COUNT XI

NEW YORK CITY ADMINISTRATIVE CODE §8-502
(AGAINST ALL DEFENDANTS)

375. Plaintiff re-alleges and incorporates all paragraphs contained herein by reference to Count V of this complaint.
376. By reason thereof, Defendant has violated New York City Administrative Code §8-

502(a), and Plaintiff has been damaged in an amount to be determined at trial.

JURY TRIAL

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that the Court:

- a. Award compensatory damages for the back pay, front pay, pain, suffering, emotional distress, loss of dignity, humiliation, and damages to reputation and livelihood endured by Plaintiff and all other damages afforded to Plaintiff by statute or otherwise in an amount to be determined at trial.
- b. Award Plaintiff punitive damages in an amount to be determined at trial New York City Human Rights Law Administrative Code §8-502(a).
- c. Find Defendants strictly liable pursuant to New York City Human Rights Law Administrative Code §8-107(13)(b).
- d. Award Plaintiff costs for this action and reasonably attorneys' fees, as provided for in New York City Human Rights Law Administrative Code §8-502 (f).
- e. All defendants herein are joint and severally liable for the actions of the any and all of the named Defendants herein.
- f. Grant Plaintiff such other and further relief as may be required in the interest of justice.

Dated: November 25, 2025
New York, NY

Respectfully submitted,

By:____/s/_____

John Scola

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Attorneys for JERMAINE ODEN
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VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, the undersigned, an attorney duly admitted to practice law in the State of New York, under penalties of perjury do affirm.

That I am the attorney of record for the plaintiff in the within matter and make this affirmation in accordance with CPLR 3020. I have read the within VERIFIED COMPLAINT and know the contents thereof to be true to your affirmant's own knowledge, with the exception of those matters therein stated to be alleged upon information and belief. Your affirmant bases his belief regarding those matters upon the contents of the file and conversation with witnesses and the claimant.

This verification is made by your affirmant and not by the claimant for the following reason: The claimants resides in a different County than where your affirmant maintains an office.

Dated: New York, New York
November 25, 2025

_____/s/_____
JOHN SCOLA