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

LEE HELTON, Plaintiff, -against- CITY OF NEW YORK, GIORLYS J. ALVAREZ, and LEI CUI, Defendants.	Index No.: **SUMMONS** **Plaintiff designates New York County as the place of trial**

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action, a copy of which is served upon you herewith, and to serve a copy of your answer upon Plaintiff's attorney within twenty (20) days after the 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. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Plaintiff designates New York County as the place of trial. The basis of venue is CPLR 503: Defendant City of New York maintains its principal office in New York County, and NYPD Headquarters is located in New York County.

Dated: New York, New York
October 15, 2026

Respectfully submitted,

LAW OFFICE OF JOHN A. SCOLA, PLLC
Attorneys for Plaintiff

/s/ John A. Scola
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TO:
CITY OF NEW YORK
c/o Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007

GIORLYS J. ALVAREZ
c/o New York City Police Department
Police Cadet Corps Unit, NYPD Police Academy
28-11 College Point Boulevard
College Point, New York 11356

LEI CUI
c/o New York City Police Department
Police Cadet Corps Unit, NYPD Police Academy
28-11 College Point Boulevard
College Point, New York 11356

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

LEE HELTON, Plaintiff, -against- CITY OF NEW YORK, GIORLYS J. ALVAREZ, and LEI CUI, Defendants.	Index No.: **VERIFIED COMPLAINT** **JURY TRIAL DEMANDED**

Plaintiff LEE HELTON ("Plaintiff"), by and through his attorney, the Law Office of John A. Scola, PLLC, complaining of the Defendants CITY OF NEW YORK, GIORLYS J. ALVAREZ and LEI CUI (collectively, "Defendants"), respectfully alleges as follows:

INTRODUCTION

This is an action for retaliation and interference with protected rights under the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 et seq. ("NYCHRL"). Plaintiff is a New York City Police Department ("NYPD") Sergeant with more than nineteen years of service. In March 2026, Defendant Captain Giorlys J. Alvarez, the Commanding Officer of the NYPD Police Cadet Corps Unit, brought Plaintiff into her unit with promises of guaranteed overtime, a flexible schedule, weekends off and administrative work in the office, reporting directly to her. Captain Alvarez kept those promises until Plaintiff did something she did not like.

On June 17, 2026, after a young female Police Cadet who was being bullied and fat-shamed by a sergeant in the unit came to Plaintiff and asked him to please do something to help her, Plaintiff filed a complaint with the NYPD Office of Equal Employment Opportunity ("OEEO") on her behalf. When Plaintiff returned from vacation on July 8, 2026, Captain Alvarez stopped speaking to him, and her Executive Officer, Defendant Lieutenant Cui, called him into the office, asked him why he had called OEEO, and told him that his assignment would change, on orders

coming straight from Captain Alvarez. Plaintiff was banned from the office, forbidden to speak with the cadets, made to take his assignments from a sergeant with less time on the job than he has, left waiting in his car for an hour or more at a time, and made to change uniforms three and four times a day. He lost his overtime. Worn down by months of this treatment, Plaintiff has been driven into retirement, at a permanent cost to his pension.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to CPLR 301 and N.Y.C. Admin. Code § 8-502(a).

2. Venue is proper in New York County pursuant to CPLR 503 because Defendant City of New York maintains its principal office in New York County, and NYPD Headquarters is located in New York County.

3. Within ten days after the commencement of this action, Plaintiff will serve a copy of this Verified Complaint upon the New York City Commission on Human Rights and the Corporation Counsel of the City of New York, in accordance with N.Y.C. Admin. Code § 8-502(c).

4. No notice of claim is required as a condition precedent to the claims asserted herein under the NYCHRL.

STATUTE OF LIMITATIONS

5. This action is timely commenced within three years of the unlawful acts complained of, pursuant to N.Y.C. Admin. Code § 8-502(d).

PARTIES

6. Plaintiff LEE HELTON is a natural person who resides in Richmond County, New York.

7. Plaintiff has been employed by the Defendant CITY OF NEW YORK, through the NYPD, since in or about July 2007, and has held the rank of Sergeant since in or about July 2015.

8. At all relevant times, Plaintiff was a "person" and an "employee" within the meaning of N.Y.C. Admin. Code § 8-102.

9. Defendant CITY OF NEW YORK (the "City") is a municipal corporation organized and existing under the laws of the State of New York. The NYPD is an agency of the City.

10. At all relevant times, the City was Plaintiff's "employer" within the meaning of N.Y.C. Admin. Code § 8-102, and employed far more than four persons.

11. Defendant GIORLYS J. ALVAREZ ("Captain Alvarez") is a Captain in the NYPD and is an employee of the Defendant City. At all relevant times since in or about January 2026, Captain Alvarez has been the Commanding Officer of the NYPD Police Cadet Corps Unit, and at all relevant times since on or about March 31, 2026, she has exercised supervisory authority over Plaintiff.

12. Defendant LEI CUI ("Lieutenant Cui") is a Lieutenant in the NYPD and is an employee of the Defendant City. At all relevant times, Lieutenant Cui was the Executive Officer of the NYPD Police Cadet Corps Unit and exercised supervisory authority over Plaintiff.

13. Captain Alvarez and Lieutenant Cui are sued in their individual capacities.

FACTUAL ALLEGATIONS

Plaintiff's Career with the NYPD

14. Plaintiff entered the NYPD Police Academy in or about July 2007.

15. From on or about January 1, 2008 through on or about July 4, 2008, Plaintiff was assigned to Operation Impact in the Housing Bureau, Police Service Area 2.

16. In or about July 2008, Plaintiff was assigned to the 120th Precinct on Staten Island, where he served as a Police Officer.

17. In or about July 2015, Plaintiff was promoted to the rank of Sergeant. He was then assigned to the 61st Precinct, where he served for approximately two years.

18. In or about July 2017, Plaintiff was assigned to the Homeless Unit and Site Security under the Office of the Chief of Department, where he served for approximately three years, until the unit was dismantled in or about July 2020 as part of City budget cuts.

19. In or about July 2020, Plaintiff returned to the 120th Precinct as a Sergeant.

20. From in or about January 2021 until in or about August 2023, Plaintiff served as a full-duty Sergeant in the Equipment Section, under the Department of Management and Budget, supervising police officers with disciplinary issues.

21. In or about August 2023, Plaintiff was assigned to the 73rd Precinct, where he worked in Crime Analysis.

22. Captain Alvarez also served at the 73rd Precinct, and Plaintiff came to know her there.

Captain Alvarez Brings Plaintiff into the Police Cadet Corps Unit

23. The NYPD Police Cadet Corps is a program through which the NYPD recruits college students to become police officers. Police Cadets are civilian members of the NYPD who work part-time for the Department while they attend college, and who are expected to go on to the Police Academy and appointment as Police Officers.

24. The Police Cadet Corps Unit, located at the NYPD Police Academy, is the parent command of all Police Cadets. Its supervisors recruit, train, inspect and discipline the cadets.

25. In or about January 2026, Captain Alvarez became the Commanding Officer of the Police Cadet Corps Unit.

26. Captain Alvarez brought her own people into the unit, including Lieutenant Cui, whom she brought in as her Executive Officer.

27. Captain Alvarez recruited Plaintiff to join the Police Cadet Corps Unit. To bring him in, she promised him twenty to thirty hours of guaranteed overtime per month; unlimited overtime in time that he could build up; a flexible schedule in which he could adjust and make up

his own hours; weekends off; no details; and administrative work only, in the office, reporting directly to her rather than to the lieutenant or the other sergeants.

28. On or about March 31, 2026, Plaintiff was assigned to the Police Cadet Corps Unit.

29. From March 31, 2026 until July 8, 2026, Plaintiff served as the unit's administrative sergeant. He worked inside the office, Monday through Friday, and reported directly to Captain Alvarez.

30. During that same period, Plaintiff received the overtime that Captain Alvarez had promised him.

31. Plaintiff was also slated to teach the Police Cadets.

32. Plaintiff performed his duties well.

Captain Alvarez's Treatment of the Unit's Only Black Sergeant

33. During the period relevant to this action, the supervisors of the Police Cadet Corps Unit included Captain Alvarez, Lieutenant Cui, and Sergeants Davis, Mojica-Lopez, Alonzo and Plaintiff. The unit was also staffed by Police Officer Jones.

34. Sergeant Davis was the only Black sergeant in the unit.

35. In or about April 2026, Sergeant Davis asked a question about issuing a Command Discipline to a suspended cadet who was not on the payroll and who therefore could not be served with one.

36. Captain Alvarez punished Sergeant Davis for asking. She reassigned him to a fixed security post inside the building every day for two weeks. She then sent him to the 75th Precinct every day, Monday through Friday, for a full week.

37. Captain Alvarez then sought to remove Sergeant Davis from the Police Cadet Corps altogether.

38. Plaintiff objected. He told Captain Alvarez, in words or substance, that removing Sergeant Davis would not be a good look.

39. Captain Alvarez responded, in words or substance, that she did not like Sergeant Davis and did not trust him, that he was sneaky, and that she wanted Plaintiff to oversee his work.

Plaintiff Files an OEEO Complaint on Behalf of a Bullied Cadet

40. Daylin Monsalve was a female Police Cadet who worked at the Police Cadet Corps Unit. She is now a Probationary Police Officer in the Police Academy.

41. Sergeant Alonzo, a supervisor in the unit, subjected Cadet Monsalve to constant, demeaning comments about her weight and her body.

42. Upon information and belief, Cadet Monsalve complained about Sergeant Alonzo's conduct to Lieutenant Cui, the unit's Executive Officer, and Lieutenant Cui did nothing to stop it.

43. Cadet Monsalve came to Plaintiff. She told him that she was embarrassed, and she asked him, in words or substance, to please do something to help her.

44. On Wednesday, June 17, 2026, Plaintiff filed a complaint with OEEO on behalf of Cadet Monsalve, reporting Sergeant Alonzo's harassment of her. The complaint was assigned EEO report number 551.

45. Plaintiff's June 17, 2026 OEEO complaint was protected activity under N.Y.C. Admin. Code § 8-107(7) and § 8-107(19).

46. Upon information and belief, Captain Alvarez learned of Plaintiff's OEEO complaint through Lieutenant Cui.

47. On Saturday, June 20, 2026, Plaintiff left on vacation. His first day back at work was Wednesday, July 8, 2026.

48. Upon Plaintiff's return, Captain Alvarez stopped speaking to him. She ignored him, refused to say hello to him or acknowledge him, and avoided him at all costs.

49. On July 8, 2026, Plaintiff's first day back at work after his OEEO complaint, at approximately 7:35 a.m., Lieutenant Cui called Plaintiff into the office. He asked Plaintiff why he had called OEEO, and told him that his assignment would change, on orders coming straight from Captain Alvarez.

50. Lieutenant Cui also told Plaintiff that he was to have no contact with Captain Alvarez.

Captain Alvarez Retaliates

51. From that day forward, everything changed.

52. Captain Alvarez removed Plaintiff as the unit's administrative sergeant and took away his overtime.

53. Lieutenant Cui told Plaintiff that, per Captain Alvarez, he was banned from the Police Cadet Corps, was not to be in the building unless he had to be, and had to leave as soon as he received his assignment.

54. Lieutenant Cui told Plaintiff that, per Captain Alvarez, he could not speak with any cadets, and that if a cadet approached him he had to direct the cadet to Sergeant Alonzo. Police Officer Jones, Sergeant Mojica-Lopez and Sergeant Davis witnessed this directive.

55. Plaintiff was directed to go to Lieutenant Cui for his assignment each day and, if Lieutenant Cui was not there, to go to Sergeant Alonzo, a fellow sergeant with less time on the job than Plaintiff, and ask her for his assignment.

56. After receiving his assignment, Plaintiff was required to wait in his car, or for another supervisor or officer, before completing it. He was at times left waiting in his car for an hour to an hour and a half.

57. Captain Alvarez sent Plaintiff out to inspect cadets at commands in different boroughs, and assigned him to recruitment duty in the Bronx, where he had to arrive early and hand out flyers. Before his OEEO complaint, Plaintiff was sent on such assignments once or twice a month at most. After his OEEO complaint, he was sent on them every day.

58. Contrary to what Captain Alvarez had promised him, Plaintiff was also assigned to cadet details.

59. Captain Alvarez, through Lieutenant Cui and Sergeant Alonzo, repeatedly changed Plaintiff's assignment during the day, from recruitment, which required one uniform, to

inspections, which required a different uniform, to a cadet detail, which required yet another uniform. Plaintiff then had to return to the Police Academy and change back into an administrative uniform. Plaintiff was at times required to change uniforms three or four times in a single day. This went on every day.

60. Plaintiff was pulled from teaching and was given no cadet class.

61. Plaintiff was constantly talked down to.

62. Each of these actions was taken because of Plaintiff's protected activity, and each was reasonably likely to deter a person from engaging in protected activity.

Plaintiff Complains to IAB

63. Plaintiff is not the only member of the unit who has been punished for complaining.

64. Upon information and belief, Police Cadet Ali Alsaidi also complained to OEEO on behalf of Cadet Monsalve, and was released from the Police Cadet Corps program in or about July 2026.

65. Upon information and belief, as soon as Cadet Monsalve and Cadet Alsaidi made complaints against Sergeant Alonzo, Lieutenant Cui and Captain Alvarez, their assignments were changed.

66. Plaintiff waited to see whether the retaliation would stop. It did not. On July 23, 2026, after Cadet Alsaidi was released from the Police Cadet Corps program, Plaintiff called the NYPD Internal Affairs Bureau ("IAB") and reported Captain Alvarez and Lieutenant Cui for what they had done to Cadet Alsaidi and Cadet Monsalve. The complaint was assigned IAB log number 2026-28440.

67. Plaintiff's complaint to IAB was further protected activity under N.Y.C. Admin. Code § 8-107(7) and § 8-107(19).

68. The retaliation against Plaintiff continued after his complaint to IAB.

Captain Alvarez's Treatment of Muslim Cadets

69. Upon information and belief, Cadet Endi Haxhaj, a Muslim cadet, had his hours cut from approximately thirty-four hours per week to approximately ten hours per week, although he had done nothing wrong other than forgetting his patent leather shoes on one occasion.

70. Upon information and belief, three other Muslim cadets were removed from their commands and assigned to Police Cadet Corps security at the Police Academy, where they stood security from 7:00 a.m. to 3:00 p.m.

71. Upon information and belief, Muslim cadets who were placed on academic probation for falling below twelve college credits were assigned to fixed posts at the Police Academy, while non-Muslim cadets in the same position were simply told to do better.

72. Upon information and belief, since Captain Alvarez took command, the Police Cadet Corps Unit has generated multiple OEEO complaints and multiple open IAB cases.

Plaintiff Is Driven into Retirement

73. Plaintiff grew tired of coming to work and being bullied: the constant changing of his assignments, being barred from the office, being constantly talked down to, and having to take directions and assignments from a fellow sergeant with less time than he has.

74. As a result, Plaintiff has been forced to retire. He is currently using his accrued time while remaining active with the NYPD, and his retirement will become effective on July 30, 2027.

75. Plaintiff would not have retired but for Defendants' retaliation.

76. Defendants deliberately made Plaintiff's working conditions so intolerable that a reasonable person in his position would have felt compelled to retire. Plaintiff's retirement is a constructive discharge.

Liability and Damages

77. The close temporal proximity between Plaintiff's June 17, 2026 OEEO complaint and Lieutenant Cui's demand, on Plaintiff's very first day back at work, to know why Plaintiff had

called OEEO, followed immediately by the change in Plaintiff's assignment and conditions, demonstrates that Defendants acted because of Plaintiff's protected activity.

78. Captain Alvarez and Lieutenant Cui each exercised managerial and supervisory responsibility over Plaintiff, and the City is strictly liable for their conduct under N.Y.C. Admin. Code § 8-107(13)(b)(1).

79. Lieutenant Cui personally carried out the retaliation against Plaintiff. He demanded to know why Plaintiff had called OEEO, told Plaintiff that his assignment would change, banned him from the building, forbade him to speak with the cadets, and handed down the assignments by which Plaintiff was punished. Lieutenant Cui also knew of Sergeant Alonzo's harassment of Cadet Monsalve and failed to take immediate and appropriate corrective action.

80. As a result of Defendants' conduct, Plaintiff has lost, and continues to lose, approximately $3,540 per month in overtime and other income.

81. As a further result of Defendants' conduct, Plaintiff's pension will be reduced by approximately $1,200 per month for every month that he collects it.

82. As a further result of Defendants' conduct, Plaintiff has suffered and continues to suffer emotional distress, humiliation, anxiety and damage to his professional reputation.

83. Defendants acted willfully, wantonly and with reckless disregard for Plaintiff's rights under the NYCHRL.

AS AND FOR A FIRST CAUSE OF ACTION

(Retaliation — N.Y.C. Admin. Code § 8-107(7) — Against All Defendants)

84. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

85. N.Y.C. Admin. Code § 8-107(7) prohibits retaliation or discrimination in any manner against any person because that person has opposed any practice forbidden under the NYCHRL or has assisted another in a proceeding or investigation of such a practice.

86. Plaintiff engaged in protected activity by filing an OEEO complaint on behalf of Cadet Monsalve on June 17, 2026, and by reporting Captain Alvarez and Lieutenant Cui to IAB on July 23, 2026.

87. Defendants knew of Plaintiff's protected activity.

88. Defendants retaliated against Plaintiff by, among other things, taking away his overtime, removing him as administrative sergeant, banning him from the office, forbidding him to speak with cadets, making him take his assignments from a junior sergeant, leaving him waiting in his car, changing his assignments and uniforms several times a day, pulling him from teaching, and driving him into retirement.

89. Defendants' conduct was reasonably likely to deter a person from engaging in protected activity.

90. As a direct and proximate result of Defendants' retaliation, Plaintiff has suffered and continues to suffer economic loss, emotional distress and other damages, and is entitled to compensatory damages, punitive damages against Captain Alvarez and Lieutenant Cui, attorneys' fees and costs.

AS AND FOR A SECOND CAUSE OF ACTION

(Interference with Protected Rights — N.Y.C. Admin. Code § 8-107(19) — Against All Defendants)

91. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

92. N.Y.C. Admin. Code § 8-107(19) makes it an unlawful discriminatory practice for any person to coerce, intimidate, threaten or interfere with any person in the exercise of rights protected by the NYCHRL, or on account of that person having aided or encouraged any other person in the exercise of such rights.

93. Defendants coerced, intimidated, threatened and interfered with Plaintiff on account of his having aided and encouraged Cadet Monsalve and Cadet Alsaidi in the exercise of

their rights under the NYCHRL, including by demanding to know why he had called OEEO, changing his assignment on that account, and forbidding him to speak with the cadets.

94. As a direct and proximate result, Plaintiff has suffered and continues to suffer economic loss, emotional distress and other damages, and is entitled to compensatory damages, punitive damages against Captain Alvarez and Lieutenant Cui, attorneys' fees and costs.

AS AND FOR A THIRD CAUSE OF ACTION

(Aiding and Abetting — N.Y.C. Admin. Code § 8-107(6) — Against Captain Alvarez and Lieutenant Cui)

95. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

96. N.Y.C. Admin. Code § 8-107(6) makes it an unlawful discriminatory practice for any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under the NYCHRL, or to attempt to do so.

97. Captain Alvarez and Lieutenant Cui each actually participated in, and aided, abetted, incited, compelled and coerced, the retaliation against Plaintiff described above.

98. As a direct and proximate result, Plaintiff has suffered and continues to suffer economic loss, emotional distress and other damages, and is entitled to compensatory damages, punitive damages, attorneys' fees and costs.

AS AND FOR A FOURTH CAUSE OF ACTION

(Employer Liability — N.Y.C. Admin. Code § 8-107(13)(b) — Against the City)

99. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

100. The City is liable for the unlawful discriminatory practices of its employees where the employee exercised managerial or supervisory responsibility, where the City knew of the conduct and acquiesced in it or failed to take immediate and appropriate corrective action, or where

the City should have known of the conduct and failed to exercise reasonable diligence to prevent it. N.Y.C. Admin. Code § 8-107(13)(b).

101. Captain Alvarez and Lieutenant Cui each exercised managerial and supervisory responsibility over Plaintiff.

102. The City, through Captain Alvarez, Lieutenant Cui and other supervisors, knew of the retaliation against Plaintiff and against others in the unit who complained, and acquiesced in that conduct and failed to take immediate and appropriate corrective action.

103. The City is therefore liable for the retaliation and interference against Plaintiff, and Plaintiff is entitled to compensatory damages, attorneys' fees and costs.

JURY TRIAL DEMANDED

104. Plaintiff demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants as follows:

(a) Declaring that Defendants violated the New York City Human Rights Law;

(b) Awarding Plaintiff back pay, front pay, lost overtime, the lost value of his pension and all other economic damages;

(c) Ordering Defendants to restore Plaintiff to his position as administrative sergeant, with the overtime and conditions he held before his protected activity;

(d) Awarding Plaintiff compensatory damages for emotional distress, humiliation and damage to his reputation;

(e) Awarding Plaintiff punitive damages against Captain Alvarez and Lieutenant Cui;

(f) Awarding Plaintiff reasonable attorneys' fees, expert fees and costs pursuant to N.Y.C. Admin. Code § 8-502;

(g) Awarding pre-judgment and post-judgment interest; and

(h) Granting such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 15, 2026

Respectfully submitted,

LAW OFFICE OF JOHN A. SCOLA, PLLC
Attorneys for Plaintiff

/s/ John A. Scola
By: John A. Scola, Esq.
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New York, New York 10004
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ATTORNEY VERIFICATION

JOHN A. SCOLA, an attorney duly admitted to practice law in the courts of the State of New York, affirms the following under penalty of perjury pursuant to CPLR 2106:

I am the attorney for Plaintiff LEE HELTON in this action. I have read the foregoing Verified Complaint and know the contents thereof. The same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true. The grounds of my belief as to all matters not stated upon my own knowledge are my conversations with Plaintiff and my review of the materials in my file.

This verification is made by me rather than by Plaintiff pursuant to CPLR 3020(d)(3) because Plaintiff resides in a county other than New York County, the county in which I maintain my office.

I affirm this 15th day of October, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

/s/ John A. Scola
John A. Scola, Esq.