

SUPREME COURT OF NEW YORK
COUNTY OF QUEENS

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STEVEN LEE,

Plaintiff,

- against -

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, FORMER NEW YORK CITY
POLICE COMMISSIONER WILLIAM BRATTON,
CURRENT NEW YORK CITY POLICE
COMMISSIONER JAMES O'NEILL, NEW YORK
CITY INTERNAL AFFAIRS BUREAU, NEW YORK
CITY POLICE DEPUTY COMMISSIONER JOSEPH
REZNICK, DEPUTY-INSPECTOR CAROLINE ROE,
DEPUTY INSPECTOR BIENVENIDO MARTINEZ,
ASSISTANT CHIEF DIANA L. PIZZUTI, and
DETECTIVE ROBERT YOUNG,

Defendants.
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Index No.:

Date Purchased:

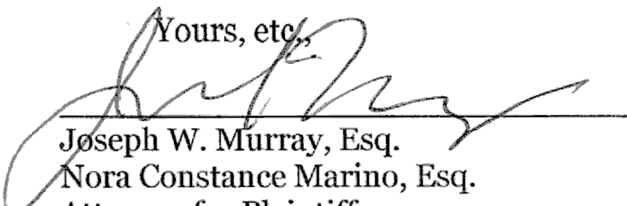
SUMMONS

Plaintiff designates
QUEENS County as place
of trial. The basis of venue
is: Location of incident.
NYPD 109 Precinct,
37-05 Union Street,
Flushing, NY 11354; also
IAB Group 26
IAB Group 52
NYPD Police Academy
13030 28th Avenue
Flushing, NY 11354

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, of if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Queens County, New York
April 20, 2019

Yours, etc.,

Joseph W. Murray, Esq.
Nora Constance Marino, Esq.
Attorney for Plaintiff
125-10 Queens Blvd., Ste. 5
Kew Gardens, NY 11415
718-514-3855

[SERVICE LIST NEXT PAGE]

SERVICE LIST:

THE CITY OF NEW YORK
Office of Corporation Counsel
100 Church Street
New York, NY 10007

NEW YORK CITY POLICE DEPARTMENT
One Police Plaza
New York, NY

NEW YORK CITY INTERNAL AFFAIRS BUREAU
315 Hudson Street
New York, NY 10014

FORMER NEW YORK CITY POLICE COMMISSIONER WILLIAM BRATTON,
One Police Plaza
New York, NY

CURRENT NEW YORK CITY POLICE COMMISSIONER JAMES O'NEILL,
One Police Plaza
New York, NY

IAB DEPUTY COMMISSIONER JOSEPH REZNICK,
315 Hudson Street
New York, NY 10014

DEPUTY-INSPECTOR CAROLINE ROE,
One Police Plaza
New York, NY

DEPUTY INSPECTOR BIENVENIDO MARTINEZ,
One Police Plaza
New York, NY

ASSISTANT CHIEF DIANA L. PIZZUTI,
One Police Plaza
New York, NY

DETECTIVE ROBERT YOUNG,
One Police Plaza
New York, NY

SUPREME COURT OF NEW YORK
COUNTY OF QUEENS

-----X

Index No.:

STEVEN LEE,
Plaintiff,

VERIFIED COMPLAINT

- against -

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, FORMER NEW YORK CITY
POLICE COMMISSIONER WILLIAM BRATTON,
CURRENT NEW YORK CITY POLICE
COMMISSIONER JAMES O'NEILL, NEW YORK
CITY INTERNAL AFFAIRS BUREAU, NEW YORK
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ASSISTANT CHIEF DIANA L. PIZZUTI, and
DETECTIVE ROBERT YOUNG,

Defendants.

-----X

Plaintiff Steven Lee, by and through his attorneys JOSEPH W. MURRAY AND
NORA CONSTANCE MARINO, as and for his complaint in this action, alleges as
follows:

NATURE OF THE ACTION

1. This action concerns defendants' illegal retaliation against the plaintiff for
plaintiff's reporting and exposing police corruption within the New York City Police
Department (hereinafter, "NYPD"). Plaintiff seeks compensatory and punitive damages,
injunctive and declaratory relief, and such other relief as this Court deems equitable and
just.

2. Defendants have engaged in retaliatory action, consisting of a persistent
campaign to harass, defame, threaten, intimidate, extort, and endanger plaintiff's life,
denied plaintiff overtime, denied plaintiff compensation for time taken while
undercover, denied plaintiff transfer and promotion with corresponding Special
Assignment Salary, denied plaintiff Line Of Duty (hereinafter, "LOD") status, denied

plaintiff authorization for treatment of plaintiff's LOD injury, and otherwise damaged plaintiff, thus violating plaintiff's constitutional and other rights.

3. By their extortionate and retaliatory actions, defendants have sought to punish the plaintiff, who has and had continually acted honorably and nobly, in good faith, as a dutiful sworn officer of the NYPD.

4. Defendant NYPD and Internal Affairs Bureau (hereinafter, "IAB") are "public employers"; the individual defendants are agents of a public employer. The public employers are a public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of the state, or agents thereof.

5. Plaintiff is/was a resident of Queens County and a "public employee" in that he is/was a person holding a position by appointment or employment in the service of a public employer.

6. Defendants have and continue to violate Section 75-b of the Civil Service Law, in that they engaged in retaliatory actions against plaintiff.

7. Plaintiff has been the subject of personnel action, meaning an action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

8. Plaintiff has been the subject of disciplinary or other adverse personnel action regarding his employment because the plaintiff has disclosed to a governmental body and/or defendants information 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 which the plaintiff reasonably believes to be true and reasonably believes constitutes an improper governmental action.

9. The defendants herein engaged in disciplinary or other adverse personnel action against plaintiff regarding plaintiff's employment because the plaintiff disclosed to defendants or some other governmental body information 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 which the plaintiff reasonably believed to be true and reasonably believed constitutes an improper governmental action, such as an action by defendant or an agent of defendant, which was 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.

10. Defendants further violate Section 740 of the Labor Law in that they have taken and continue to take retaliatory personnel action against the plaintiff because the plaintiff has disclosed to certain defendants, or a supervisor or to a public body, an activity, policy or practice of the NYPD and/or IAB, or employees or agents thereof, that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety, and/or plaintiff has provided information to a public body and/or the NYPD and/or IAB regarding a violation of a law, rule, or regulation by defendants; and/or plaintiff has objected to, or refused, to participate in any such activity, policy, or practice in violation of a law, rule, or regulation.

NOTICE OF CLAIM

11. Within ninety days after the within claim arose, Plaintiff filed a Notice of Claim upon Defendant City of New York by delivering a copy of the notice to the person designated by law as a person to whom such claim may be served.

12. The Notice of Claim was in writing, sworn to by Plaintiff and contained the name and address of the Plaintiff.

13. The Notice of Claim set out the nature of the claim, the time when and the place where and manner by which the claim arose, and the damages and injuries claimed to have been sustained by Plaintiff.

14. A 50-h hearing was held pursuant to Section 50-h of the General Municipal Law.

15. The City of New York has neglected and failed to adjust the claims within the statutory time period.

THE PARTIES

16. The parties are identified and described herein with respect to the relevant times, incidents, and events, described herein.

17. Plaintiff Steven Lee ("Plaintiff" or "Lee") is and was at all relevant times a resident of the State of New York, Queens County, serving is an active duty police sergeant within the NYPD at the 109 Precinct supervising the Conditions Unit, thereafter, as undercover assigned to the IAB Group 26; Plaintiff was then transferred to IAB Group 52, and is currently assigned to the NYPD Police Academy security detail.

18. Defendant City of New York ("City"), is a municipal corporation duly incorporated and authorized under the laws of the State of New York pursuant to § 431 of its Charter. The City of New York is authorized under the laws of the state of New

York to maintain a police department, the NYPD, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The City assumes the risks incidental to the maintenance of a police force and the employment of police officers.

19. Defendant NYPD is a police department as and for the City of New York. The 109th Precinct (“109”) is a part of NYPD, a precinct and a patrol area of the NYPD within Northeast Queens county, which encompasses Downtown Flushing, East Flushing, Queensborough Hill, College Point, Malba, Whitestone, Beechhurst, and Bay Terrace.

20. Defendant Former Police Commissioner William Bratton (“Bratton”), at relevant times was Police Commissioner of the NYPD serving as the Chief Executive Officer of the NYPD who associated with corrupt members of the NYPD and an individual named Jimmy Li, a reputed organized crime figure associated with Chinese gangs and other criminal enterprises.

21. Defendant Current Police Commissioner James O’Neill (“O’Neill”) is the current Police Commissioner of the NYPD.

22. Defendant IAB is an agency and /or a bureau within the NYPD whose mission is to uncover unethical and/or illegal behavior and/or acts, engaged in by members of the NYPD.

23. Defendant Deputy Commissioner Joseph Reznick (“Reznick”) is currently and was at relevant times Deputy Commissioner of IAB of the NYPD.

24. Defendant Deputy Inspector Caroline Roe (“Roe”) is and was at relevant times the commanding officer of IAB Group 52.

25. Defendant Deputy Inspector Bienvenido Martinez (“Martinez”) is and was at relevant times the commanding officer of IAB Group 1.

26. Defendant Assistant Chief Diana L. Pizzuti ("Pizzuti") was at relevant times a member of the NYPD in the rank of Assistant Chief, Commanding Officer of Patrol Borough Queens North, wherein the 109 Precinct was located

27. Defendant Detective Robert Young ("Young") was at relevant times assigned to Patrol Borough Queens North as Chauffeur to Assistant Chief Diana L. Pizzuti, the Commanding Officer of Patrol Borough Queens North.

RELEVANT NON PARTIES

28. Detective Yatyu Yam ("Yam") was at relevant times a member of the NYPD in the rank of detective, who was assigned to the 109 Precinct Conditions Unit, 109 Precinct Anti-crime Unit, and 109 Precinct Detective Squad. Yam was a corrupt member of the NYPD who conspired with Lieutenant Robert Sung, Jimmy Li, and unapprehended other members of the NYPD to commit numerous crimes. Due to the courageous undercover efforts of Plaintiff, Yam was arrested, convicted, and forced to leave the NYPD.

29. Lieutenant Robert Sung ("Sung") was at relevant times a Korean-American member of the NYPD in the rank of lieutenant, who was assigned to the 109 Precinct, as the Special Operations Lieutenant and direct supervisor of Plaintiff, while Plaintiff was assigned to the 109th police precinct as the Conditions Unit Sergeant. Sung was a corrupt member of the NYPD who conspired with Yam, Jimmy Li, and unapprehended other members of the NYPD and the community to commit numerous crimes. Due to the courageous undercover efforts of Plaintiff, Sung was arrested, convicted, and forced to retire from the NYPD.

30. Captain Thomas Conforti ("Conforti") was at relevant times a member of the NYPD in the rank of Captain and then promoted to Deputy Inspector, assigned as

the Commanding officer of the 109 Precinct. Conforti was also a victim of retaliation for reporting corruption.

31. Lieutenant William Seeger ("Seeger") was at relevant times a member of the NYPD in the rank of Lieutenant, assigned to IAB Group 26; Seeger was assigned to Plaintiff's undercover investigation in the 109 Precinct, as one of Plaintiff's "handlers".

32. Sergeant Darrell Owens ("Owens") was at relevant times a member of the NYPD in the rank of Sergeant, assigned to IAB Group 26 as a Case Officer; Owens was assigned to Plaintiff's undercover investigation in the 109 Precinct, as one of Plaintiff's "handlers".

33. Jimmy Li ("Li") is the owner of JJNY Café, Inc., 147-32 Northern Blvd, Queens, NY, and CEO KTV & Café, located at 41-02 College Point Blvd., Queens, NY; Jimmy Li is a reputed organized crime figure operating within the confines of the 109 Precinct who conspired with corrupt members of the NYPD including Yam, Sung, and unapprehended other members of the NYPD and the community to commit numerous crimes.

34. New York State Liquor Authority Beverage Control Officer Charles Stravalle ("Stravalle") is a retired as a Captain with the NYPD and was a colleague of Conforti and Pizzuti.

NATURE OF THE CASE

35. Plaintiff is employed as a Sergeant of NYPD. Since the early 2000s to this date, numerous members of NYPD have engaged in organized crime activities that included extortion, burglaries, robberies, prostitution, drug possession, drug sales, official misconduct (on and off duty) related to criminal enterprises (prostitution, sex

and drug trafficking) which were operating primarily within the 109 Precinct and other Asian communities throughout the City of New York.

36. Additionally, retired NYPD officer Wade Williams ("Williams"), formerly assigned to the 109 Precinct, operated a private security business within the 109 Precinct. If the Chinese bar owners within the 109 Precinct did not hire Williams to do their security, Sung ordered extra enforcement against these bars. If the bar owners did hire Williams' company to do their security, Williams would overcharge them for the security staff that he supplied and split the proceeds with Sung. In essence, Sung was a silent partner in William's security business. Williams also had Korean karaoke bars and a house of prostitution within the confines of the 109 Precinct that he was also protecting.

37. The Police Commissioner's Office through IAB covered up and otherwise sought to suppress the discovery and exposure of these aforementioned activities to protect political careers of members of the Department; protect corrupt members of the Department; and protect the image of the Department.

38. The Police Commissioner's Office through IAB suppressed and destroyed evidence despite Plaintiff's successful efforts to uncover evidence of other criminal activity perpetrated by other unapprehended members of the NYPD and the community.

39. The Police Commissioner's Office limited and narrowed the scope of the IAB investigation into the illegal acts taking place in the 109 Precinct.

40. The Police Commissioner's Office through IAB intentionally interfered with Federal Bureau of Investigation ("FBI") inquiries about aforementioned activities.

41. It is alleged that the defendants herein retaliated against the Plaintiff for Plaintiff's attempts and successes at exposing internal police corruption.

STATEMENT OF FACTS

42. In 2013, shortly after being assigned to the 109th Precinct, Plaintiff discovered that the 109 Precinct, despite having a full inspector as the commanding officer (Inspector Maguire) and a captain as the executive officer (Captain Ng) to oversee and direct activities within the 109 Precinct, that the 109 Precinct was actually being controlled by the 109 Precinct lieutenants, mostly notably by Lieutenant Sung.

43. The 109 Precinct lieutenants controlled what personnel received overtime; what personnel were approved for time off; the lieutenants controlled the 109 Precinct personnel and assignment changes; and most importantly, the 109 Precinct lieutenants directed the enforcement activity of 109 Precinct personnel.

44. At the request of the 109 Precinct police officers and their union representatives, a new commanding officer (Captain Conforti) and executive officer (Capt. Miller) were brought into the 109 Precinct.

45. Conforti was specifically requested because he was known as a "straight" (honest) police commander.

46. Soon after Conforti transferred in, the 109 Precinct Integrity Control Officer ("ICO") Lieutenant Dolphin, transferred out of the 109 Precinct and into the 111 Precinct.

47. Conforti wanted to select his own executive officer but Chief Pizzuti denied that request and put her own person in (Captain Miller) as executive officer.

48. Miller became friends with Sung and they were both adverse to Conforti.

49. Plaintiff grew suspicious of the special treatment that the karaoke bars within the 109 Precinct were being given and suspected that it was because these places must “do the right thing” which is an NYPD slang term used to describe providing free admission, free food or free drinks to police officers.

50. Plaintiff also suspected that these karaoke bars were offering 109 Precinct officers a place to meet friendly girls. Later, Plaintiff learned that cops were actually getting paid off.

51. Some of Plaintiff's colleagues, (other NYPD officers), were especially “protective” of certain karaoke bars within the confines of the 109 Precinct, including, JJNY Café, Inc., 147-32 Northern Blvd, Queens, New York, (“JJNY”) and CEO KTV & Café, located at 41-02 College Point Blvd., Queens, NY, (“CEO”) which Plaintiff discovered were owned by reputed organized crime figure Jimmy Li.

52. The karaokes offered pay-by-the-hour private rooms for patrons to engage in karaoke; however, it was later learned by Plaintiff to be understood and known by his colleagues at the 109 Precinct that drugs and prostitutes were also available and for sale to patrons.

53. Yam worked closely with Sung and was a liaison to the Korean and Chinese community. If there were any arrests involving the karaoke clubs, Sung and Yam would intervene and/or interject.

54. It became known that the karaoke bars were “Sung’s and/or Yam’s places”, and that, if as an officer, you attempted to enforce the law, issue a summons or make an arrest at or involving these karaokes, there would be negative repercussions from Sung.

55. It was “understood” in the 109 Precinct that those places were to be “left alone”.

56. Plaintiff was assigned to supervise the 109 Precinct Conditions Unit which was responsible for handling various precinct conditions, including, but not limited to patrolling and monitoring all licensed premises (karaoke bars, clubs, and other establishments where liquor is served) within the 109 Precinct.

57. Plaintiff, as the 109 Precinct Conditions Unit sergeant worked directly under Sung who was Plaintiff's direct supervisor.

58. In or around August of 2014, Plaintiff was approached by Sung, and informed that a new commanding officer was assigned to the 109 Precinct, that being Conforti.

59. In light of Conforti's reputation as a "straight" cop, it was unlikely that Conforti would continue the pattern of "looking the other way" and "turning a blind eye" to the illegal activity that had been taking place at the karaoke bars.

60. Sung and Conforti were adverse to each other and Sung did not want Conforti to remain as the commanding officer of the 109 Precinct.

61. Sung then came up with a plan to recruit one of the prostitutes from one of the karaoke bars to make fake rape allegations against Conforti.

62. Sung believed that upon presenting these false rape allegations, Conforti would immediately be transferred out of the 109 Precinct.

63. Plaintiff discovered that some of the prostitutes in the karaoke bars were known as "PRs", which meant "Public Relations" girls, who were tasked with "greeting" male customers. These PRs were involved in an ongoing scam with Yam.

64. The PRs had Yam's cell phone number, and would contact him directly and personally if they wanted assistance with a customer off-site.

65. The scam worked in this fashion: if a prostitute exchanged sexual favors for an agreed-upon fee of \$300, she would then demand a different amount, for example, \$700. If the customer refused to pay the now-higher fee, the prostitute would threaten to call the police and claim that the customer raped and robbed her. Yam would respond and support the prostitute's claim.

66. Having this already-established relationship with the PRs, Sung hatched his scheme to oust Conforti, figuring he could use one of the PRs to frame Conforti.

67. Sung solicited Plaintiff to find a prostitute willing to make the fake rape charges.

68. Plaintiff refused to participate in this fake rape scheme and broke his silence to warn Conforti of Sung's plan to have fake rape charges brought against Conforti.

69. Conforti contacted IAB and informed them of the plot to oust Conforti by framing him with fake rape charges.

70. IAB requested Plaintiff to go undercover to obtain further evidence of this fake rape plot. Plaintiff agreed, and further agreed to utilize various covert recording devices supplied and controlled by IAB.

71. Plaintiff was assigned IAB "handlers" Seeger and Owens.

72. One of the instructions Plaintiff was given by Plaintiff's handlers during this undercover investigation was to spend time with Sung and other officers, drinking in the karaoke bars together (on and off-duty) to gain Sung's trust and confidence.

73. During Plaintiff's interactions with Sung and others Sung, both on and off-duty, and others, made incriminating statements, and Plaintiff obtained recordings of statements evidencing corruption.

74. Plaintiff continued these undercover operations from approximately August of 2014 to December 2015.

75. Plaintiff was instructed by his handlers, and at the discretion of IAB, to spend additional time with Sung; he was further instructed to keep track of the time that Plaintiff worked this undercover investigation while off-duty, and to keep track of whatever time off Plaintiff requested in the furtherance of this investigation so he could be properly compensated at the end of the investigation; for example, on several occasions Plaintiff put in requests for time off at the direction of Sung to socialize with Sung and others. Although Plaintiff was actually still on-duty as an undercover officer, his time off was still deducted from his time bank and his overtime was not paid out to him in order to shield him from suspicion and maintain his undercover status.

76. During this time, Plaintiff learned of a far greater scheme of corruption, involving a huge network of police-protected karaoke bars, in exchange for free alcohol and free prostitutes. Two of the largest of these karaoke bars were JJNY and CEO which were owned by Li.

77. In addition to free alcohol and free prostitutes, Plaintiff learned that high ranking police personnel were also receiving large regular stipends, of thousands of dollars per month. In exchange, Li would receive warnings of upcoming drug or narcotics raids, warnings and information regarding DWI checkpoints, and if any of his customers or employees were arrested, they would receive special, or favored, treatment within the system.

78. In one instance, Plaintiff made three arrests at one of Li's establishments for violations of numerous crimes, including drug possession, drug usage, and drug sale.

79. During the course of those arrests, Plaintiff received a communication from Yam, ordering him not to effect the arrests, as these were people from “Sung’s place”, inferring that Sung was protecting the bar because it was one of Li’s karaoke bars, and as such it should be left alone.

80. Plaintiff complied and did not affect the arrests. He was later “rewarded”, by being told that if Plaintiff needed anything, “Jimmy would take care of [Plaintiff].” Plaintiff obtained an audio recording of Yam, “thanking” him for letting the suspects go.

81. Plaintiff informed IAB, by way of his handlers, Seeger and Owens, of all of these events. Shockingly, rather than pursue this obvious evidence of corruption, Plaintiff’s handlers told Plaintiff to just “stick to the rape frame-up plan”, and “don’t get involved in anything else.”

82. In or around December of 2014, Plaintiff was approached by defendant Young while defendant Young was off-duty and hanging out at the KTV karaoke bar in the 109 Precinct. At that time, defendant Young was defendant, Assistant Chief Diana L. Pizzuti’s, chauffeur. Defendant Young warned Plaintiff that IAB had a case involving Plaintiff and that Plaintiff was being watched by IAB.

83. Upon further discussion between defendant Young and Plaintiff, defendant Young confirmed to Plaintiff that this information came directly from defendant Pizzuti, who asked defendant Young if Plaintiff was a “good” guy.

84. Plaintiff learned that both IAB and Conforti knew that Pizzuti was the leaker so they stopped updating her on the investigation.

85. Plaintiff even learned later that then-Police Commissioner William Bratton was associated with Li and may also have been involved in the corruption with Li. See a copy of a photograph of Bratton and Li, annexed hereto as Exhibit-A.¹

86. Plaintiff was told by Li that a lieutenant from Brooklyn had a partnership in a Third Avenue club that involved illegal drugs and prostitution, and that the lieutenant wanted to expand into Queens, to maybe set up a protection arrangement with Plaintiff.

87. After reporting this to IAB, Plaintiff learned from his handlers that IAB had no interest in pursuing that investigation either.

88. Even when provided with audio recordings, Plaintiff's handlers would later tell him that the recordings were damaged, or inaudible and unusable.

89. Plaintiff also reported to IAB that NYPD lieutenant Peter Seih from the Narco/Vice squad was protecting a place in the 109 Precinct called the China bar, in that Lieutenant Seih told Plaintiff to "leave the place alone." Plaintiff reported this to his handlers who again told him not bother with that.

90. Plaintiff even recorded Li paying Plaintiff \$10,000 in cash for framing a rival karaoke bar for drug charges.

91. Eventually, in December 2015, Sung and Yam were arrested.

92. Sung and Yam were able to plead guilty to lesser charges; both avoided jail and kept their pensions.

¹ Upon information and belief, the photograph was taken during the Police Commissioner's Christmas party (January-2015) in which Li was an invited guest. Upon information and belief, the arrests of Sung and Yam took place on or about December 8, 2015, leaving little doubt that Bratton and other defendants were unaware who Li was.

93. Sung pleaded guilty to attempted official misconduct and received a conditional discharge on Sept. 25, 2017. Yatyu Yam pleaded guilty to second-degree obstructing governmental administration and received a conditional discharge on July 6, 2017.

94. Even before these arrests and despite these criminal convictions, Plaintiff wished to continue with the investigation, as he had already uncovered a myriad of evidence of widespread corruption at high levels of the NYPD.

95. However, IAB denied Plaintiff's requests to continue the investigation, and instead considered the matter closed.

**DEFENDANTS' RETALIATORY AND HOSTILE WORK
ENVIRONMENT ACTIONS**

96. Defendants' retaliatory actions consist of the following: The defendants exposed Plaintiff to serious physical injury or death by compromising the integrity of the undercover investigation Plaintiff was working on in the 109 Precinct and leaking to members of the 109 Precinct that IAB was conducting an investigation in the 109 Precinct; defendants failed to properly train Plaintiff in undercover operations, and was never provided with proper protective back-up.

97. Defendants denied Plaintiff the ability to take sick leave during the undercover investigation to treat Plaintiff's prior Line of Duty injury to his wrist.

98. Defendants denied Plaintiff authorizations to seek LOD medical treatment of his prior Line of Duty injury to his wrist, citing the bogus reasoning that Plaintiff did not go out sick due to the Line of Duty injury Plaintiff suffered to his wrist for a protracted period of time. Again, Plaintiff was denied the ability to go out sick by IAB during the course of the undercover investigation and when Plaintiff tried to seek

treatment for his Line of Duty Injury to his wrist, Plaintiff was denied treatment because Plaintiff did not go out sick on his prior Line of Duty injury to his wrist.

99. The defendants failed to fully reimburse Plaintiff for disbursements, overtime and time deducted from Plaintiff's leave bank in clear violation of the Fair Labor Standards Act 29 U.S.C. 207, 211, as previously promised to Plaintiff.

100. The defendants failed to give Plaintiff a promised promotion and associated Special Assignment Salary.

101. Defendants wrongfully and maliciously gave Plaintiff an undesirable work assignment to IAB Group 52 after his extraordinary undercover work was terminated.

102. While at Group 52 defendant Roe acting alone and/or in concert with other defendants, retaliated against Plaintiff through her intimidation of Plaintiff and otherwise created a hostile work environment for Plaintiff in her attempt to force Plaintiff to submit a request to return to uniform patrol within a patrol precinct command.

103. Defendant Roe acting alone or in concert with other defendants further retaliated against Plaintiff in that defendant Roe prepared a performance evaluation rating Plaintiff far below what would be warranted to acknowledge Plaintiff's extraordinary investigative police work and subsequent cooperation with investigators and prosecutors. See a copy of a letter dated November 28, 2018, from James M. Liander, Bureau Chief of the Queens County District Attorney's Integrity Bureau commending Plaintiff for the "remarkable job" that he did with the investigation, the intelligence he provided, the enormous amount of translations of recordings he provided, and the prosecution of Sung and Yam, annexed hereto as **Exhibit-B**.

104. The defendants further retaliated against Plaintiff in that they maliciously investigated Plaintiff's personal life and used this bogus investigation to set Plaintiff up, with a deliberate intent, to cause Plaintiff to miss a scheduled departmental interrogation of Plaintiff, which Plaintiff had been informed by his direct supervisor was canceled.

105. Defendant Roe conducted her own biased investigation into the facts and intimidated others to bear false witness against Plaintiff, and/or defendant Roe inaccurately reported the results of her investigation which was maliciously skewed against Plaintiff.

106. Defendant Roe alone and/or with other defendants set Plaintiff up with this bogus allegation to retaliate against Plaintiff.

107. Plaintiff was eventually interrogated by defendant Martinez who while acting alone and/or in concert with defendants Roe and Reznick, retaliated against Plaintiff by an unlawful abuse of his authority under the law to compel testimony from Plaintiff, as a fishing expedition, into various matters unrelated to the incident under investigation.

108. Defendant Martinez' conduct during the department interrogation of Plaintiff was in clear contravention of NYPD Patrol Guide Procedure 206-13(12) which requires subject officers to "[a]nswer questions specifically directed and narrowly related to official duties." *Id.*

109. Martinez acting alone and in concert with defendants Roe and Reznick abused their authority pursuant to the Department's own rules as a fishing expedition to discover anything that might possibly be used to retaliate against Plaintiff.

110. Defendants Roe, Martinez, Reznick, Police Commissioner O'Neill and other defendants further retaliated against Plaintiff in that Plaintiff has since been served with a letter of reprimand in connection with the underlying incident which was personal in nature, off-duty, not job related, where no crime was alleged, and a similarly situated officer would not have been subjected to the scrutiny that Plaintiff was subjected to.

111. Defendants are further retaliating against Plaintiff in that Plaintiff has since been advised that Plaintiff would soon be served with official Department Charges and Specifications for failing to appear at the aforementioned Department interrogation, which was clearly a bogus trap set up by defendant Roe and/or defendants Martinez, Reznick, Pizzuti, and Police Commissioner O'Neill.

112. A similarly situated officer would never be subjected to such discipline, were it not for the purpose of retaliating against Plaintiff.

113. Additional retaliatory actions consist of the following: the defendants are attempting to take properly-allocated vacation days away from Plaintiff; the defendants constantly harass/harassed the Plaintiff; the defendants removed Plaintiff from a supervisory capacity at IAB Group 52; the defendants deliberately placed Plaintiff in extremely uncomfortable and tense situations, by placing certain individuals who were involved in Plaintiff's undercover work directly into Plaintiff's resident precinct, in an obvious attempt to harass and intimidate the Plaintiff.

114. Moreover, some internal affair members have been transferred to where Plaintiff works at the police academy, in a further effort to intimidate Plaintiff; furthermore, Reznick coincidentally teaches at the location where Plaintiff has been transferred.

AS AND FOR A FIRST CAUSE OF ACTION
UNDER CIVIL SERVICE LAW 75-B

115. Plaintiffs repeat and reallege the foregoing paragraphs of the Complaint as if fully set forth herein.

116. Plaintiff had the right to report corruption, including participating in criminal prosecutions, on behalf of the public and as a public servant.

117. Defendants have and continue to violate Section 75-b of the Civil Service Law, in that they engaged in retaliatory actions against plaintiff.

118. Plaintiff has been the subject of personnel action, meaning an action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

119. Plaintiff has been the subject of disciplinary or other adverse personnel action regarding his employment because the Plaintiff has disclosed to a governmental body and/or defendants information 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 which the Plaintiff reasonably believes to be true and reasonably believes constitutes an improper governmental action.

120. The defendants herein engaged in disciplinary or other adverse personnel action against Plaintiff regarding Plaintiff's employment because the Plaintiff disclosed to defendants or some other governmental body information 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 which the Plaintiff reasonably believed to be true and reasonably believed constitutes an improper governmental action, such as an action by defendant or an agent of defendant, which was 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.

121. The defendants' retaliatory animus is evidenced by the actions set forth herein, inter alia.

122. By reason of the foregoing, the defendants, acting under color of state law, retaliated and are continuing to retaliate against Plaintiff for fulfilling his moral, ethical, and police duty, of exposing corruption and attempting redress of wrongs committed by the NYPD and/or its members, specifically, high-ranking members of the NYPD.

AS AND FOR A SECOND CAUSE OF ACTION
UNDER LABOR LAW SECTION 740

123. Plaintiffs repeat and reallege the foregoing paragraphs of the Complaint as if fully set forth herein.

124. Defendants violate Section 740 of the Labor Law in that they have taken and continue to take retaliatory personnel action against the Plaintiff because the Plaintiff has disclosed to certain defendants, or a supervisor or to a public body, an activity, policy or practice of the NYPD and/or IAB, or employees or agents thereof, that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety, and/or Plaintiff has provided information to a public body and/or the NYPD and/or IAB regarding a violation of a law, rule, or regulation by defendants; and/or Plaintiff has objected to, or refused, to participate in any such activity, policy, or practice in violation of a law, rule, or regulation.

AS AND FOR A THIRD CAUSE OF ACTION:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

125. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the paragraphs set forth above, with the same force and effect as if more fully set forth herein.

126. That each and all of the defendants herein had a duty of care to the Plaintiff; that said duty was breached by the defendants; that said breach resulted directly in emotional harm.

127. That defendants, through extreme, outrageous, negligent and reckless behavior, caused severe emotional distress, mental trauma, and/or bodily harm to the Plaintiff; that defendants engaged in extreme and outrageous conduct; negligently causing, or negligently disregarding a substantial probability of causing, severe emotional distress; and there lies a causal connection between the conduct and injury; and resulting severe emotional distress.

128. That defendants engaged in extreme and outrageous conduct against the Plaintiff, negligently and/or recklessly disregarding the substantial probability of causing, severe emotional distress; there exists a direct causal connection with the conduct of the defendants and the injuries suffered by Plaintiff, including but not limited to Plaintiff's severe emotional distress.

129. That defendants' actions go beyond all possible bound of decency, and is regarded as atrocious and utterly intolerable in a civilized community.

130. That the acts of defendants described herein constitute a negligent infliction of emotional distress against the Plaintiff, and the Plaintiff has suffered damages pursuant thereto, and he will continue to suffer same in the future.

AS AND FOR A FOURTH CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

131. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the paragraphs set forth above, with the same force and effect as if more fully set forth herein.

132. That the defendants engaged in extreme or outrageous conduct and intentionally caused severe emotional distress and bodily harm to the Plaintiff.

133. That the acts of defendants described herein were an intentional infliction of emotional distress against the Plaintiff, and the Plaintiff has suffered damages pursuant thereto, and he will continue to suffer same in the future.

134. That defendants, through extreme, outrageous, negligent and reckless behavior, caused severe emotional distress, mental trauma, and/or bodily harm to the Plaintiff; that defendants engaged in extreme and outrageous conduct; with an intent to cause, or disregard of a substantial probability of causing, severe emotional distress; and there lies a causal connection between the conduct and injury; and resulting severe emotional distress.

135. That defendants engaged in extreme and outrageous conduct against the Plaintiff, with an intent to cause, or a disregard of the substantial probability of causing, severe emotional distress; there is exists a direct causal connection with the conduct of the defendants and the injuries suffered by Plaintiff, including but not limited to Plaintiff's severe emotional distress.

136. That defendants' actions go beyond all possible bound of decency and is regarded as atrocious and utterly intolerable in a civilized community.

AS AND FOR A FIFTH CAUSE OF ACTION:
NEGLIGENT HIRING, RETENTION, AND SUPERVISION
AND RESPONDEAT SUPERIOR

137. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the paragraphs set forth above, with the same force and effect as if more fully set forth herein.

138. Defendant NYPD and IAB failed to take reasonable care in supervising or retaining the individual and other named defendants. Defendant NYPD and IAB knew or should have known of individual and other named defendants' propensity for the conduct that caused the injury.

139. The individual and other named defendants (defendants other than NYPD and IAB) were acting in the scope of their employment when they failed to properly execute their duties, failed to protect the Plaintiff, and retaliated against the Plaintiff.

140. The individual and other named defendants (defendants other than NYPD and IAB) were performing actions to further their employer's interest, or to carry out duties incumbent upon the employ in furthering the employer's business.

141. That by reason of the foregoing, Plaintiff requests an award of damages which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against defendants in an amount that exceeds the jurisdictional limits of all lower courts, to compensate Plaintiff for including, but not limited to, the following damages, *inter alia*:

-for back salary, pay and overtime for time worked during the aforementioned undercover investigation and time lost from Plaintiff's time bank due to leave time Plaintiff was required to submit in the furtherance of Plaintiff's undercover operations, with statutory interest;

-for back salary, pay and overtime Plaintiff lost out on from being denied promotion and corresponding Special Assignment Salary from the period after the undercover investigation was terminated to present, with statutory interest;

-for Line of Duty authorization of medical treatment be granted to Plaintiff's old Line of Duty injury to his wrist, which Plaintiff was wrongfully denied during the undercover investigation and afterwards.

-for Line of duty status be granted to Plaintiff's current wrist condition and that the Police Commissioner endorse Plaintiff's current limitations to Plaintiff's wrist as being Line of Duty related for Article II Accidental Disability Pension purposes;

-for personal injury damages, pain, and suffering, in connection with the denial of medical authorizations to treat Plaintiff's Line of Duty injury to his wrist, with statutory interest;

-for personal injury damages in connection with emotional distress;

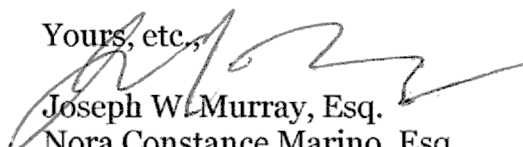
-for punitive damages;

-and for other such compensation and this court deems just and proper.

WHEREFORE, plaintiff requests an award of damages which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

Dated: April 20, 2019
Queens, NY

Yours, etc.,



Joseph W. Murray, Esq.
Nora Constance Marino, Esq.
Attorneys for Plaintiff
125-10 Queens Blvd., Ste. 5
Kew Gardens, NY 11415
718-514-3855

WHEREFORE, plaintiff requests an award of damages which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

Dated: April 19, 2019
Queens, NY

Yours, etc.,

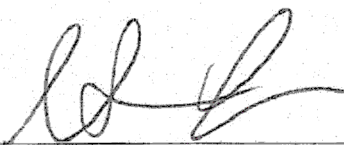
Joseph W. Murray, Esq.
Attorney for Plaintiff
125-10 Queens Blvd., Ste. 5
Kew Gardens, NY 11415
718-514-3855

INDIVIDUAL VERIFICATION


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

The undersigned, **STEVEN LEE**, being duly sworn, deposes and says, that I am the claimant in the within action, that I have read the foregoing **COMPLAINT** and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters, I believe them to be true.

DATED: April 19, 2019

X  L.S.
STEVEN LEE

Sworn to before me this 19th day of April, 2019



Notary Public

YI LUC
Notary Public, State of New York
Registration No. 01LU6385477
Qualified in Nassau County
Commission Expires October 10, 2021

EXHIBIT-A



EXHIBIT-B



DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568

Richard A. Brown
District Attorney

(718) 286-6000
www.queensda.org

November 28, 2018

Sgt. Steven Lee
NYPD

Dear Sgt. Lee:

This letter is to acknowledge your work performed during an investigation into corruption in the 109th Precinct. Your undercover work and testimony resulted in the arrest and conviction of two ranking members of NYPD: Det. Yat Yu Yam and Lt. Robert Sung.

Sgt. Lee did a remarkable job. He was always available to prepare the matter for court and to organize and transcribe an enormous amount of consensual audio tape recordings.

He also contributed intelligence and information which resulted in administrative follow-ups.

His work was invaluable in addressing and correcting issues within the 109th Precinct.

Sincerely,

James M Liander
Bureau Chief, Integrity Bureau
718-286-6512

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No.:

STEVEN LEE,

Plaintiff(s),

- against -

CITY OF NEW YORK, et al.,

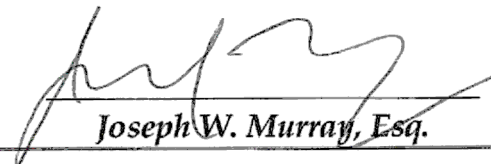
Defendant(s).

SUMMONS AND COMPLAINT

**Law Offices Of
JOSEPH W. MURRAY
NORA CONSTANCE MARINO**
Attorneys for Plaintiff
Office and Post Office Address, Telephone
**125-10 Queens Blvd., Ste. 5
Kew Gardens, New York 11415
PHONE: 718-514-3855**

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: 4/20/19 2019


Joseph W. Murray, Esq.

To :

Service of a copy of the within is hereby admitted.

Dated: _____ 20__

Attorney(s) for:

PLEASE TAKE NOTICE :

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

OF ENTRY: duly entered in the office of the clerk of the within named court on _____ 20__

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