

CITY OF NEW YORK DEPT. OF SOCIAL SERVICES
OFFICE OF THE CLERK
2012 AUG 15 PM 1:10

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

-----X
ANTHONY E. CRUM

SUMMONS

Plaintiff,

- against -

Index No.: 306827-2012

THE CITY OF NEW YORK; ADRIAN BENEPE; STEVE SACCOMANNO, as Supervisor; STEVE YANOLATOS, as Supervisor; and FARIZ AHMEMULIC, as Park Worker, each being sued individually and in their official capacities as employees of defendant THE CITY OF NEW YORK

Defendants'

RECEIVED
12 AUG 15 AM 9:23
COUNTY CLERK
BRONX COUNTY

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To the above-named Defendant:

You are hereby summoned and required to serve upon plaintiff's attorney, at the address stated below, an answer to the attached Verified Complaint.

If this summons was personally served upon you by the State of New York, the answer must be served within twenty days after such service of the summons, excluding the date of service. If the summons was not personally delivered to you within the State of New York, the answer must be served within thirty days after service of the summons is complete as provided by law.

If you do not serve an answer to the attached complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the complaint, without further notice to you.

The action will be heard in the Supreme Court of the State of New York, in and for the County of the Bronx, 851 Grand Concourse, Bronx, N.Y. 10451. This action is brought in the County of the Bronx because the defendant's actions occurred in the County of the Bronx.

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

-----X
ANTHONY E. CRUM

Plaintiff,

- against -

VERIFIED COMPLAINT
AND JURY DEMAND

Index No.:

THE CITY OF NEW YORK; ADRIAN BENEPE, as
Commissioner; STEVE SACCOMANNO, as Supervisor;
STEVE YANOLATOS, as Supervisor; and FARIZ
AHMEMULIC, as Parks Worker, each being sued individually and
in their official capacities as employees of defendant THE CITY
OF NEW YORK

Defendants'
-----X

CITY OF N.Y. CIV. DEPT.
OFFICE OF THE CLERK
COMMERCIAL CLERK
2012 AUG 15 PM 1:10

The plaintiff ANTHONY E. CRUM, by his attorney THE SANDERS FIRM, P.C., as and for his verified complaint against defendants THE CITY OF NEW YORK; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, respectfully set forth and allege that:

INTRODUCTION

This is an action for equitable relief and money damages on behalf of the plaintiff ANTHONY E. CRUM, (hereinafter referred to as "plaintiff") who was, and who is prospectively being deprived of his statutory rights as an employee as a result of defendants THE CITY OF NEW YORK; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S race discrimination, hostile work environment and retaliation.

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to New York State Executive Law § 296, and New York City Administrative Code § 8-107.
2. The unlawful employment practices, violations of plaintiff's statutory rights as an

employee were primarily committed within Bronx County.

PLAINTIFF

3. Plaintiff is a male citizen of the United States of America and is over twenty-one (21) years of age, a resident of New York County and is an employee of defendant THE CITY OF NEW YORK (hereinafter referred to as the “CITY”) more specifically the Parks Department City of New York (hereinafter referred to as “PARKS”). For the purposes of this litigation, defendant CITY may be identified interchangeably using CITY or PARKS to identify the employer which is defendant CITY.

DEFENDANTS’

4. Defendant CITY was and is a municipal corporation organized and existing under and by virtue of the law of the State of New York, and at all relevant times was plaintiff’s employer, with its central offices in the county of New York, and diverse other offices and facilities throughout the world.

5. Defendant CITY is an employer within the definitions contained New York State Executive Law § 296 and New York City Administrative Code § 8-107.

6. Defendants’ ADRIAN BENEPE, as Commissioner; STEVE SACCOMANNO, as Supervisor; STEVE YANOLATOS, as Supervisor; and FARIZ AHMEMULIC, as Parks Worker.

PROCEDURAL HISTORY

7. On or about January 4, 2012, plaintiff filed a Notice of Claim with defendant CITY’S Comptroller’s Office.

8. On or about April 3, 2012, plaintiff appeared for a GML 50h Hearing.

9. The Adjustment Period has passed without any settlement.

BACKGROUND

10. Plaintiff is a dark skinned male, part Shinnecock and Blackfoot Indian; self describes as Black, employee of the Parks Department City of New York (“PARKS”).

11. Plaintiff alleges that defendant CITY through its agents have a long history of discriminating against its minority employees.

12. Plaintiff alleges that defendant CITY through its agents has a long history of performing flawed and unfair internal investigations whenever minority employees complain about discrimination in the workplace.

13. Plaintiff alleges that defendant CITY through its agents engage in such biased behavior because of the decision makers preconceived notions that minority employees are incredible, immoral and worthy of less-protection.

14. Plaintiff alleges that in 2008, defendant CITY paid out \$ 20 million dollars to settle a 2001 federal discrimination lawsuit brought by 11 then current and former employees that charged the former Parks Commissioner Henry Stern and defendant ADRIAN BENEPE fostered a racially hostile work environment for black and Hispanic employees.

15. Plaintiff alleges that the lawsuit contended that Mr. Stern made racially derogatory remarks and tolerated offensive symbols, like three hangman's nooses that were displayed over the last seven years on parks property.

16. Plaintiff alleges that apparently defendants' CITY and ADRIAN BENEPE have not changed their racially insensitive ways.

17. Plaintiff alleges that on or about December 20, 2011, he found a dark skinned Black doll hanging by its neck with a chain replicating a ‘Hangman’s Noose’ in the garage located at One Bronx River Parkway, Ranaqua Bronx Park headquarters.

18. Plaintiff alleges that he was startled and shocked.

19. Plaintiff alleges that he immediately sought the advice of Supervisor Patricia Ferguson.

20. Plaintiff alleges that after a brief discussion, he met with Deputy Chief Peter Jones.

21. Plaintiff alleges that after a brief discussion, he and Deputy Chief Peter Jones walked into the garage.

22. Plaintiff alleges that Deputy Chief Peter Jones snapped several pictures with his Department Blackberry and messaged and/or emailed them to Borough Commissioner Hector Aponte.

23. Plaintiff alleges that shortly thereafter, numerous employees from other locations began showing up and taking pictures of the articles.

24. Plaintiff alleges that later that morning, defendant FARIZ AHMEMULIC admitted to him and other employees that, he hung the 'noose' as a joke.

25. Plaintiff alleges that shortly thereafter, in an attempt to cover up defendant FARIZ AHMEMULIC'S racially offensive conduct, defendant ADRIAN BENEPE through defendants' STEVE SACCOMANNO and STEVE YANOLATOS told him to remove the doll and chain from the fence.

26. Plaintiff alleges that defendant ADRIAN BENEPE tried to contain the leaks.

27. Plaintiff alleges that the media and other watchdog groups received tips about the incident.

28. Plaintiff alleges that defendant ADRIAN BENEPE tried to contain the leaks.

29. Plaintiff alleges that over the course of a few hours, he and other employees were interviewed by Park Enforcement Officers Sergeant Jerry Codero and Police Officer Darlene

Lewis under the direction of defendant ADRIAN BENEPE through Borough Commissioner Hector Aponte.

30. Plaintiff alleges that defendant ADRIAN BENEPE intentionally caused the New York City Police Department not to be notified until several hours later.

31. Plaintiff alleges that when the police arrived, they removed the doll and chain from the premise.

32. Plaintiff is unaware if the NYPD investigators ever notified that the crime scene had been tampered with.

33. Plaintiff alleges that at some point, he also found the KKK symbol scratched onto a first floor bathroom wall.

34. Plaintiff alleges that despite FARIZ AHMEMULIC'S racially offensive conduct, he was not immediately suspended by defendant ADRIAN BENEPE.

35. Plaintiff alleges that the Caucasian employees were upset because he "blew it out of proportion."

36. Plaintiff alleges that he tried to return to work but, could not do so.

37. Plaintiff alleges that shortly thereafter, he sought professional mental health intervention and was referred to Psychiatrist Antal F. Borbely, M.D., a consultant with his labor union.

38. Plaintiff alleges that Dr. Antal F. Borbely, M.D., continues to provide him with mental health care.

39. Plaintiff alleges that on or about January 11, 2012, he met with the Department Advocate.

40. Plaintiff alleges that later that day, the Bronx District Attorney's Office

announced the arrest of defendant FARIZ AHMEMULIC for Aggravated Harassment, a Felony.

41. Plaintiff alleges that on or about May 3, 2012, Dr. Antal F. Borbely, M.D., diagnosed him as suffering from Major Depressive Disorder following a racially motivated incident.

42. Plaintiff alleges that for some inexplicable reason, the Bronx District Attorney's Office has not kept in touch with him to assist with the prosecution of defendant FARIZ AHMEMULIC.

43. Plaintiff alleges that to this day the Department Advocate has not notified him of any findings with regard to his complaints against defendants' STEVE SACCOMANNO; STEVE YANOLATOS and FARIZ AHMEMULIC.

44. Plaintiff alleges that throughout this ordeal, his health coverage has been spotty at best.

45. Plaintiff alleges that defendant CITY through its agents are intentionally interfering with his health coverage.

46. Plaintiff alleges that this incident has left him emotionally shaken because of the nature of defendant FARIZ AHMEMULIC'S racially offensive conduct, defendants' ADRIAN BENEPE; STEVE SACCOMANNO and STEVE YANOLATOS'S conduct as managers and the fact that such conduct continues to occur within the workplace unabated.

VIOLATIONS AND CLAIMS ALLEGED

COUNT I RACE DISCRIMINATION IN VIOLATION OF NEW YORK STATE EXECUTIVE LAW § 296

47. Plaintiff re-alleges paragraphs 1 through 46 and incorporates them by reference as paragraphs 1 through 46 of Count I of this Verified Complaint.

48. New York State Executive Law § 296 et seq., makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race.

49. Based upon the foregoing, defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, discriminated against the plaintiff based upon his race.

50. As a direct and proximate result of the unlawful employment practices of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, plaintiff has suffered the indignity of race discrimination and great humiliation.

51. As a result of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S violations, plaintiff has been damaged.

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

52. Plaintiff re-alleges paragraphs 1 through 51 and incorporates them by reference as paragraphs 1 through 51 of Count II of this Verified Complaint.

53. New York State Executive Law § 296 et seq., makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race. The law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

54. Based upon the foregoing, defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC unlawfully retaliated against plaintiff for complaining about the unlawful employment practices to which he has been subjected.

55. As a result of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S retaliation, plaintiff has been damaged.

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

56. Plaintiff re-alleges paragraphs 1 through 55 and incorporates them by reference as paragraphs 1 through 55 of Count III of this Verified Complaint.

57. New York State Executive Law § 296 et seq., makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race. The law also makes it unlawful to create a severe and hostile environment where retaliation and race discrimination are encouraged and/or tolerated.

58. As a direct and proximate result of the unlawful employment practices of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, plaintiff has suffered the indignity of race discrimination and great humiliation.

59. As a further and proximate result of these unlawful employment practices, plaintiff has suffered extreme mental anguish, depression, severe disruption of his personal and professional life, and loss of enjoyment in the ordinary pleasures of life.

60. As a result of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S violations, plaintiff has been damaged.

**COUNT IV
RACE DISCRIMINATION
IN VIOLATION OF
NEW YORK CITY ADMINSTRATIVE CODE § 8-107**

61. Plaintiff re-alleges paragraphs 1 through 60 and incorporates them by reference as

paragraphs 1 through 60 of Count IV of this Verified Complaint.

62. New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race.

63. Based upon the foregoing, defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, discriminated against the plaintiff based upon his race.

64. As a direct and proximate result of the unlawful employment practices of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, plaintiff has suffered the indignity of race discrimination and great humiliation.

65. As a result of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S violations, plaintiff has been damaged.

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

66. Plaintiff re-alleges paragraphs 1 through 65 and incorporates them by reference as paragraphs 1 through 65 of Count V of this Verified Complaint.

67. New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race. The law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

68. Based upon the foregoing defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC unlawfully retaliated against plaintiff for complaining about the unlawful employment practices to which he has

been subjected.

69. As a result of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S retaliation, plaintiff has been damaged.

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

70. Plaintiff re-alleges paragraphs 1 through 69 and incorporates them by reference as paragraphs 1 through 69 of Count VI of this Verified Complaint.

71. New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment on the basis of race. The law also makes it unlawful to create a severe and hostile environment where retaliation and race discrimination are encouraged and/or tolerated.

72. As a direct and proximate result of the unlawful employment practices of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC, plaintiff has suffered the indignity of race discrimination and great humiliation.

73. As a further and proximate result of these unlawful employment practices, plaintiff has suffered extreme mental anguish, depression, severe disruption of his personal and professional life, and loss of enjoyment in the ordinary pleasures of life.

74. As a result of defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC'S violations, plaintiff has been damaged.

JURY TRIAL

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

PRAYER FOR RELIEF

Wherefore, plaintiff demands compensatory and punitive damages from defendants' CITY; ADRIAN BENEPE; STEVE SACCOMANNO; STEVE YANOLATOS; and FARIZ AHMEMULIC in the amount of \$15 million dollars, plus any and all available statutory remedies, both legal and equitable, and interests and costs.

Dated: August 13, 2012
New York, NY

Respectfully submitted,

By:


Eric Sanders

Eric Sanders, Esq.
THE SANDERS FIRM, P.C.
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New York, NY 10036
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Facebook Fan Page: <http://goo.gl/8FbJA>
Google Plus Brand Page: <http://goo.gl/Qy7OG>

ATTORNEY VERIFICATION

STATE OF NEW YORK

SS:

COUNTY OF NEW YORK

ERIC SANDERS, ESQ., affirms as follows:

I am an attorney at law admitted to practice in the Courts of the State of New York, and I am the attorney for the plaintiff in the within action, and as such, am familiar with all the facts and circumstances therein.

That the foregoing Verified Complaint is true to the knowledge of affirmant, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

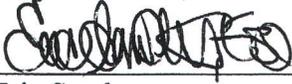
Affirmant further states that the reason that this verification is made by affirmant and not by plaintiff is that plaintiff is not within the county of New York, where affirmant maintains his office.

Affirmant further states, that the sources of his knowledge and information are reports of investigations, conversations, writings memoranda and other data concerning the subject matter of the litigation.

The undersigned attorney affirms that the foregoing statements are true, under the penalties of perjury and pursuant to Rule 2106 CPLR.

Dated: August 13, 2012
New York, NY

Respectfully submitted,

By: 
Eric Sanders

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Google Plus Brand Page: <http://goo.gl/Qy7OG>

Index No.:

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

ANTHONY E. CRUM

Plaintiff,

- against -

THE CITY OF NEW YORK; ADRIAN BENEPE, as
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OF NEW YORK

Defendants'

SUMMONS WITH VERIFIED COMPLAINT

Duly submitted by:

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To:

Attorney(s) for:

Dated:

Sir(s): Please take notice that the legal papers within is/are certified true and original under the jurisdiction referenced above and are properly submitted/filed by the respective counsel so referenced.