

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY WILLIAMS,

DOCKET NO.: CV-15-7098

Plaintiff

-against-

COUNTY OF NASSAU, NASSAU COUNTY SHERIFF'S
DEPARTMENT, NASSAU COUNTY CORRECTIONAL
CENTER, MARY ELISABETH OSTERMANN, in her
individual and official capacity, ANTONIO PATINO in his
individual and official capacity, SERGEANT STEVEN
O'MALLEY in his individual and official capacity,
ACTING SHERIFF MICHAEL J. SPOSATO, in his
individual and official capacity, and OFFICER PHIL LONIGRO
in his individual and official capacity,

COMPLAINT

Defendants.

JURY TRIAL DEMANDED

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Plaintiff MARY WILLIAMS by and through her attorneys, the LAW OFFICES OF
FREDERICK K. BREWINGTON, as and for her Complaint, as of right, against the Defendants, states
and alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil action seeking monetary relief (including past and on going economic loss),
injunctive relief, declaratory judgment, compensatory and punitive damages, disbursements, costs and
fees for violations of the Plaintiff's constitutional and statutory civil rights, brought pursuant to Title VII
of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (as amended), 42 U.S.C. §§1981, 1983,
(including municipal liability and Fourteenth Amendment violations) and New York State's Human
Rights Law, New York State's Executive Law § 296 et seq.

2. Specifically, the Plaintiff alleges that Defendants, acting individually and collectively,
did negligently, wantonly, recklessly, intentionally and knowingly sought to and did wrongfully deprive
Plaintiff of her employment by way of: perpetrating, allowing, encouraging, condoning, failing to

address, and attempting to cover-up hostile work environment based on race and opposition to discriminatory practices, and by the indifference to a partial swastika and letters “KKK”, which were in full view of Plaintiff and other employees within the work place with malicious intent and alternatively a clear, reckless, and unlawful disregard for the racial animus displayed by such an act. Likewise, Defendants retaliated against MARY WILLIAMS by drastically changing her work hours, failing to reinstate her normal work hours, and by the harsh treatment of a co-worker in response and subsequent to her concerns and complaints regarding the swastika and “KKK.” Additionally, Defendant’s lack of response to Plaintiff’s duly filed complaints left Plaintiff in fear of her safety in her place of employment.

3. Plaintiff further alleges that Defendants COUNTY OF NASSAU and NASSAU COUNTY SHERIFF’S DEPARTMENT and their high-ranking officials, and policymakers, have condoned, permitted and facilitated a pattern, practice, custom and policy of discrimination and retaliation against Plaintiff by routinely and systematically refusing to properly address the concerns of African-Americans, while instead tacitly and directly perpetrating, allowing, encouraging unconscionable acts such as a display of a swastika and “KKK” and promoting an unlawful discriminatory atmosphere in the workplace and a hostile work environment. Said Defendants further demonstrated deliberate indifference to the known, specific racial etchings (swastika and “KKK”) which constitute discrimination and gave rise to retaliation, by failing to meaningfully investigate Plaintiff’s complaints of discrimination, complaints of prevalent and unchecked discriminatory conduct, failing to respond to and rectify situations that evinced discrimination.

4. Plaintiff alleges that the acts complained of in the proceeding paragraphs were committed by Defendants purposefully and with the intent to discriminate against Plaintiff based on her

race and color, and in retaliation for her opposing discriminatory practice.

5. Said acts were done knowingly with the consent and condonation of the COUNTY OF NASSAU, NASSAU COUNTY SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, in her individual and official capacity, ANTONIO PATINO in his individual and official capacity, SERGEANT STEVEN O'MALLEY in his individual and official capacity, OFFICER PHIL LONIGRO in his individual and official capacity, ACTING SHERIFF MICHAEL J. SPOSATO in his individual and official capacity, with the express purpose of depriving Plaintiff of her rights to be free of discrimination within her employment, and generally violating her rights as protected by the United States and New York State Constitutions, federal and state statutes, rules and regulations.

JURISDICTION AND VENUE

6. The jurisdiction of this Court is invoked under 28 U.S.C. §§1331 and 1343.

7. This Court is requested to exercise pendant jurisdiction with respect to Plaintiff's State law claims pursuant to 28 U.S.C. § 1367, as Plaintiff's claim pursuant to the Executive Law forms part of the same case and controversy.

8. Venue in the Eastern District of New York is proper under 28 U.S.C. §1391, based on the fact that Plaintiff's residence and the place where the unlawful employment practices complained of in this Complaint occurred in Nassau County.

9. Prior hereto, on November 14, 2014 Plaintiff MARY WILLIAMS filed a Charge of Discrimination, Case No.: 10172456, against Defendants COUNTY OF NASSAU and NASSAU COUNTY SHERIFF'S DEPARTMENT with the New York State Division of Human Rights (hereinafter "NYSDHR") alleging discriminatory and retaliatory employment practices due to the Defendants' racial animus. Plaintiff also cross filed a charge with the United States Equal Employment

Opportunity Commission (hereinafter "EEOC"), under EEOC Charge No. 16G-2015-00786

10. Plaintiff has requested, and received a dismissal for administrative convenience on Charge No.: 10172456 from the NYSDHR.

11. On September 17, 2015, Plaintiff received a Notice of Right to Sue Within 90 Days, issued by the U.S. Department of Justice with regard to EEOC Charge No. 16G-2015-00786 (copy annexed hereto **Exhibit A**). As of the filing date of this complaint, ninety days from the date of receipt of the Notice of Right to Sue has not yet passed.

PARTIES

12. Plaintiff, MARY WILLIAMS, (hereinafter referred to as "Plaintiff") at all times relevant in this Complaint, is a fifty-year-old (50) African-American female, and a citizen of the United States and a resident of New York State. Plaintiff has been employed by the COUNTY OF NASSAU within the COUNTY'S SHERIFF'S DEPARTMENT, in the County of Nassau, State of New York, for approximately fifteen (15) years. At all times hereinafter mentioned, Plaintiff was employed with the COUNTY OF NASSAU and/or the NASSAU COUNTY SHERIFF'S DEPARTMENT as a Corrections Officer.

13. At all times hereinafter mentioned, Defendant, COUNTY OF NASSAU, (hereinafter "County") was, and still is a municipal body of the State of New York, with offices of its Department of Law located at the County Executive Building, 1 West Street, Mineola, New York 11501. Said municipality exists and operates under and by virtue of the laws of the State of New York.

14. Defendant NASSAU COUNTY SHERIFF'S DEPARTMENT (hereinafter "Sheriff's Department") is a local commission and created to be autonomous agency which reports to the New York State Civil Service Commission. NASSAU COUNTY SHERIFF'S DEPARTMENT maintains

offices located at 100 Carman Avenue, East Meadow, NY 11554, County of Nassau, State of New York. Said entity is empowered to enforce, prescribe, and amend suitable rules and regulations for appointments, promotions, certifications, and transfers, and is charged with overseeing the implementation of said rules and regulations, serving as their guardians to assure compliance. Said municipality exists and operated under and by virtue of the laws of the State of New York.

15. At all times hereinafter mentioned, Defendant NASSAU COUNTY CORRECTIONAL CENTER was and still is an Agency of the County of Nassau and is a public employer, with offices located at 100 Carman Avenue, East Meadow, NY 11554. Said municipality exists and operated under and by virtue of the laws of the State of New York.

16. Defendant, MARY ELISABETH OSTERMANN, (hereinafter "Ostermann") is a white female, at all times relevant to the within complaint, serves as a County Director of the EEO. Upon information and belief OSTERMANN is a policymaker within the County, interacts with other policymakers of the County, and is charged with overseeing daily operations of County in all matters of Equal Employment Opportunity and compliance with the County, State and Federal laws and regulations, and is further charged with acting to said rules, regulations and laws. Upon information and belief, while acting within the scope of her duties as the County Director of EEO, OSTERMANN was notified and participated in, the fostering discrimination that occurred against Plaintiff by the above named Defendants, had the authority, power and capacity to end said discrimination, yet failed to do so.

17. Defendant, ANTONIO PATINO (hereinafter "PATINO") is a Latino male, at all time relevant to the within complaint, and served as an Affirmative Action Specialist of the Equal Employment Opportunity. Upon information and belief PATINO, while acting within the scope of his duties was notified and participated in, the discrimination that occurred against Plaintiff by the above

named Defendants, had the authority, power and capacity to end said discrimination, yet failed to do so.

18. Defendant, SERGEANT STEVEN O'MALLEY (hereinafter "Sgt. O'Malley") is a white male, and at all times relevant to this complaint, served/serves as a Sergeant in the Medical Security Department of the NASSAU COUNTY SHERIFF'S DEPARTMENT. Upon information and belief, Defendant SGT. O'MALLEY has been granted authority and is a facilitator of policy within the COUNTY OF NASSAU, interacts with other COUNTY OF NASSAU policymakers, and is charged with the duties of overseeing the NASSAU COUNTY SHERIFF DEPARTMENT'S employees and employee-management relations.

19. Defendant, SGT. O'MALLEY is further charged with ensuring the implementation of, and compliance with, County, State and Federal rules, laws and regulations, and is further charged with acting according to said rules, regulations and laws.

20. Upon strong information and belief, while serving as a Sergeant at the NASSAU COUNTY SHERIFF'S DEPARTMENT, Defendant SGT. O'MALLEY was noticed about, and participated in, the systemic fostering and covering up of discrimination that occurred against Plaintiff and other African-American employees by the COUNTY OF NASSAU and NASSAU COUNTY SHERIFF'S DEPARTMENT and had the authority, power and capacity to alter the hostile work environment and end said systemic abuses, yet failed to do so.

21. Defendant ACTING SHERIFF MICHAEL J. SPOSATO (hereinafter Sheriff Sposato) is a white male, and at all times relevant to this complaint, served/serves as an Acting Sheriff of the NASSAU COUNTY SHERIFF'S DEPARTMENT. Upon information and belief, Defendant SPOSATO is a policymaker within the COUNTY OF NASSAU, interacts with other COUNTY OF NASSAU policymakers, and is charged with the duties of overseeing the NASSAU COUNTY SHERIFF

DEPARTMENT'S employees and employee-management relations.

22. ACTING SHERIFF SPOSATO is further charged with ensuring the implementation of, and compliance with, County, State and Federal rules, laws and regulations, and is further charged with acting according to said rules, regulations and laws.

23. Upon strong information and belief, while serving as a Sergeant at the NASSAU COUNTY SHERIFF'S DEPARTMENT, ACTING SHERIFF SPOSATO was noticed about, and participated in, the systemic fostering and covering up of discrimination that occurred against Plaintiff and other African-American employees by the COUNTY OF NASSAU and NASSAU COUNTY SHERIFF'S DEPARTMENT and had the authority, power and capacity to alter the hostile work environment and to end said systemic abuses, yet failed to do so.

24. Defendant, OFFICER LONIGRO is a white male and at all times relevant to this complaint, served/serves as a Corrections Officer in the Medical Security Department of the NASSAU COUNTY SHERIFF'S DEPARTMENT.

FACTUAL ALLEGATIONS

25. On or about the year 2000, Plaintiff was hired as a County Correction Officer by Defendant COUNTY working in its SHERIFF'S DEPARTMENT.

26. Since on or about the year 2000, Plaintiff has been required to perform the tasks of a Nassau County Correctional Officer. Recently Plaintiff has worked in the Medical Unit post under the supervision of SGT. O'MALLEY.

27. Plaintiff is an African-American woman. With race as a factor, Plaintiff has been subjected to unlawful discriminatory actions.

28. At all time relevant to this Complaint, Plaintiff was one of three African-Americans in

the Medical Unit post.

29. On September 16, 2014, while Plaintiff was at her post in the Medical Unit at or about 7:30 a.m. she observed what appeared to be scratches on the sides of the door frame. This was the door that led to the dental office.

30. On one side of the door frame appeared to be a likeness of a swastika (which appeared to be incomplete) and on the other side were etched the letters "KKK."

31. Upon Plaintiff deciphering what she thought she saw and verifying it for herself, she immediately notified her supervisor, SGT. O'MALLEY and wrote an Inter-Departmental report, through the proper and appropriate official channel to her Sergeant; Internal Affairs; and to Sheriff Sposato.

32. In the Inter-Departmental report dated September 16, 2014 Plaintiff referenced with specificity her findings of a swastika and "KKK" in the 832 Building Medical Unit on the door frame leading to the dental office. She stressed how offended she was by what the etchings stand for because she is an African American. Lastly, she requested a prompt internal investigation to take place.

33. Subsequent to the Inter-Departmental report, Correction Officer Pierce of Internal Affairs responded by appearing at Plaintiff's post in the Medical Unit. He proceeded to take photographs of the etchings reflecting a swastika and "KKK" that appeared on the door frame.

34. Correction Officer Firth, who works at the "4500 desk," which is the main desk from which employees obtain assignments from, also appeared at Plaintiff's post in the Medical Unit and also took photographs of the etchings reflecting a swastika and "KKK."

35. Plaintiff advised Correction Officer's Pierce and Firth how upset, uneasy, and fearful she was as the placement of the etchings were not in a place where detainees could make the marks.

36. Upon strong information and belief, the placement of the symbols were in a place that

could only have been made by someone that worked alongside Plaintiff.

37. Plaintiff at no point was interviewed by Correction Officer Pierce nor by Correction Officer Firth. Nor did they take immediate measures to ensure Plaintiff's safety in what now had become a hostile working environment due to the racially offensive etchings.

38. While Correction Officers Pierce and Firth were in Plaintiff's Medical Unit post, Dental Assistant Silvana Laucella made insensitive and unwelcome statements and remarks about the markings. She stated, "These K's stand for Kloe, Kim and Kortney Kardashian." She went on to say "Look I found a 'M' on the Wall!" She went on to say, "I'm glad this wasn't directed to me." These comments were made in Plaintiff's presence.

39. Plaintiff felt ridiculed by Ms. Laucella's comments that clearly showed a deliberate insensitivity towards the gravity of the situation.

40. Later, during that same tour, approximately between 9:30 a.m. and 10:00 a.m., Plaintiff's immediate supervisor, SGT. O'MALLEY went to Plaintiff's post and engaged in a phone call with the SHERIFF SPOSATO. SGT. O'MALLEY did not ask Plaintiff to speak with SHERIFF SPOSATO directly with respect to her complaint.

41. Plaintiff informed SGT. O'MALLEY that she was very upset at what was occurring at her work place. However, Plaintiff was not provided any relief coverage and had to continue to work at her post despite the pain, fear and concern she was experiencing.

42. At or about 10:45 a.m. Plaintiff was tasked to pick up and transport a detainee that was an escape risk for his medical treatment. After taking the detainee back to his dorm, while Plaintiff was on her way back to her medical post, she saw the Union Vice President in the hallway.

43. Plaintiff advised the Union Vice President of the outrageous and shocking racist

symbols to which she was subjected in her work area earlier that day. He asked if Plaintiff had notified her Sergeant. Plaintiff responded that yes, she had.

44. Following September 16, 2014 no one contacted Plaintiff or asked her any questions or for any information for one week despite Plaintiff making it clear that an act of hatred and racism occurred and she requested a prompt and complete investigation due to the proximity of a possible threat by the person who etched the hateful markings on the door.

45. Upon not hearing from anyone, Plaintiff contacted EEO Affirmative Action Specialist Defendant PATINO. Upon reaching him, PATINO claimed he was trying to reach Plaintiff but was unable to.

46. Plaintiff was troubled by this as she was unaware of any attempt by PATINO to reach her.

47. Plaintiff was then interviewed by PATINO, at which time she was given a copy of the EEO policy, of which Plaintiff was previously aware of. In addition, she was required to sign for the EEO policy.

48. Plaintiff told PATINO, what occurred and he told her that he reported the incident to the SHERIFF SPOSATO.

49. This caused Plaintiff great concern as Plaintiff knew that her contact with SHERIFF SPOSATO had gone un-responded to at that point. SHERIFF SPOSATO'S lack of action towards her complaint is what prompted Plaintiff to directly contact PATINO to begin with.

50. Plaintiff was given a Nassau County EEO Complaint Form, which she promptly completed and described in detail her findings of the offensive and discriminatory etchings within her work place environment. She returned the complaint within two days.

51. On September 22, 2014, SHERIFF SPOSATO issued Order No. 24-14 that served as a “reminder” to all staff of the Defendant’s strict prohibition of unauthorized pictures that show hostility towards an individual or group. It further states that “Any staff member engaging in such prohibited conduct will be subject to immediate disciplinary action.”

52. To date, no one has been subject to disciplinary actions for the racially offensive etchings directed negatively towards people of Jewish decent and African American decent.

53. On or about October 6, 2014, at 10:36 a.m., Plaintiff was contacted by PATINO by telephone. He informed Plaintiff that Plaintiff was to meet with him and MARY ELISABETH OSTERMANN (hereinafter “OSTERMANN”), County Director of EEO at 2:00 p.m., that same day.

54. Plaintiff had to rush to arrange child care, which she was able to accomplish.

55. PATINO called Plaintiff back at or about 11:40 a.m. to confirm the meeting, which was then confirmed.

56. In Plaintiff’s meeting with OSTERMANN and PATINO, Plaintiff explained what occurred and how upset this was making her and asked what could be done to remedy the situation. OSTERMANN responded that there was “nothing that can be done because there were no cameras and no witnesses.” OSTERMANN went on to say that “we are not decision makers we are fact finders.” She then said that the investigation “wasn’t going anywhere” and that it was not going to be further investigated because they were at the “remediation stage.”

57. Upon information and belief the EEO Rules and Procedures, for which plaintiff was required to sign, do not reference a “remediation stage.”

58. Plaintiff in an attempt to assist in the investigation informed OSTERMANN that a co-workers, Craig Richards, witnessed the offensive etchings on the door frame at the same time.

59. Defendant, OSTERMANN inquired of Plaintiff if Mr. Richards could have etched the offensive letters into the door frame, to which Ms. Williams stated "No. He is Black like me." Ms. Ostermann responded "Well you never know. If he did, he wouldn't admit it." OSTERMANN then declared that she did not "want to disrupt this guy if he doesn't have anything to contribute."

60. It was OSTERMANN'S position that Defendants only conduct anti-discrimination training, and Defendants spot train when there is someone who is not "getting it"; and Defendants do not conduct diversity training, nor sensitivity training.

61. Defendants OSTERMANN and PATINO made no attempt to investigate, remedy, interview witnesses, or implement the COUNTY'S policy with respect to Plaintiff's concerns because of her race and/or color and her opposing acts of discrimination and racial hatred.

62. On October 17, 2014, Plaintiff was working an 8:00 a.m. to 6 p.m. shift and was assigned to the 832 building Medical Security.

63. At, or about 11:00 a.m. while finishing the sick call with the physician's assistant, Correction Officer Price began calling the diabetic detainee's down to the Medical Unit. Officer Pagan was assisting Officer Price as he was finished with mental health. Plaintiff proceeded to escort one detainee out of the Medical Unit and in the regular course asked OFFICER LONIGRO to send in another detainee.

64. OFFICER LONIGRO refused to do so and Plaintiff asked why they could not have another person sent in. He said in a loud voice, "No, there are five inmates in there already!" There were not five detainees with Plaintiff, but four. Plaintiff then advised him of this and he responded in a loud and aggressive voice, "I'm not giving you shit!" In shock, Plaintiff replied "don't fucking curse at me like that." Then in a threatening and disrespectful way he responded "I'll do it again!"

65. This level of unprovoked hostility placed Plaintiff in an immediate fear and shock and upset her greatly.

66. Plaintiff turned to walk back to her post. She was shaken by this clear abuse and then realized that OFFICER LONIGRO was not assigned to the medical bubble as he had been assigned to mental health and that it was Officer Waller who was assigned to the medical bubble.

67. Plaintiff then relieved Officer Waller for her lunch break at or about 11:15 a.m., still shaken and full of fear at this outburst. Plaintiff could not function and was unable to continue her tour of duty so she notified her senior officer that she needed to go home.

68. Plaintiff reported this unprovoked and unwarranted incident to a supervisor, Sgt. Peter McNamara, in writing through an Inter-Departmental Memo dated October 17, 2014. It was clear to Plaintiff that this disrespectful and embarrassing act of retaliation and discrimination was a direct response to her opposing and raising issues about the racist symbols found in her work area and having filed a report and complaint about them and that he [Officer LONIGRO] felt free to address her as he did because Plaintiff is a Black woman.

69. On or about February 6, 2015, the SHERIFF'S DEPARTMENT informed Plaintiff that effective February 23, 2015, she would be reassigned to Security Platoon 5, and her shift would begin at 0001 hours.

70. Since 2014 Plaintiff's schedule in the Medical Post consisted of Monday through Friday 0800-1600 hours, and no Holidays.

71. This position was assigned to her as an accommodation to allow her to care for her daughter who suffers from seizures.

72. On or about February 9, 2015, Plaintiff submitted a formal request via an Inter-Departmental Memo, which requested to be moved to a day tour with the hours of 0700-1500, 0800-1600, or 0900-1700, and to be moved to one of the following departments: inmate accounts, female clothing room, medical investigation, law library, rehab, or ID.

73. In her memorandum, Plaintiff explained that an assignment to a Platoon conflicts with her ability to care for her daughter, who suffers from recurrent seizures, a fact of which the SHERIFF'S DEPARTMENT was well aware.

74. In their decision to reassign Plaintiff, the SHERIFF'S DEPARTMENT have failed to consult with Plaintiff; they have not given her options as to which department she should be assigned; and they have not recognized her previous accommodation to care for her ill daughter.

75. Plaintiff worked from 8:00 a.m. to 4:00 p.m. for nine (9) years while she was at the Medical Security Post and prior to her complaining and opposing the acts of discrimination.

76. As of February 23, 2015, Plaintiff was required to report to work in the Security Platoon Department as follows: the week of Monday, February 23, 2015: 8:00 a.m. - 4:00 p.m.; the week of Monday, March 2, 2015: 4:00 p.m. - 12:00 midnight. Plaintiff's schedule continues to reflect this schedule which consists of one week, 8 a.m. to 4 p.m., and the next week from 4p.m.to 12 a..m. No one has consulted Plaintiff about the decisions and reasoning for the alterations of her work schedule.

77. As of the filing of this Complaint, no one has contacted Plaintiff to investigate the actions of OFFICER LONIGRO or to seek any details of how Plaintiff has been mistreated.

78. These situations caused Plaintiff great fear and anxiety and have made Plaintiff's ability to function effectively in her job and perform her duties extremely difficult. She is unable to function as she did before.

79. Plaintiff is one of three African-Americans that were working the post where the “KKK” and the swastika were found.

80. Upon strong information and belief it was clear these offensive writings were aimed at Plaintiff and the other African-Americans. These symbols were located in a place where only persons who are not detainees would have access.

81. Upon information and belief not only was this matter not fully investigated from the beginning, it was treated as an unimportant event.

82. The EEO Officers and the EEO Director each made no real effort to evaluate who it was that was intentionally creating and/or adding to this hostile environment in which Plaintiff was being expected to work.

83. Upon information and belief the Internal Affairs investigation in the jail has been closed without even speaking to Plaintiff about the outcome of the investigation or seeking to question those who clearly had the opportunity to create these concerns in Plaintiff’s work place.

84. The hostile treatment, language and callous attitude, the changing of Plaintiff’s tour of duty and location to which Plaintiff has been subjected following the filing a complaint and asking for something to be done is retaliation and a further attempt to create an unwelcome work environment for her.

85. Defendants have denied Plaintiff equal terms, conditions and privileges of employment, refusing to afford Plaintiff a proper non hostile work environment, failure to properly address and/or failure to take steps to address and/or remedy, investigate and have fostered and condoned retaliatory acts towards Plaintiff in response to her complaint because of Plaintiff’s race/color.

AS AND FOR A FIRST COUNT
TITLE VII, CIVIL RIGHTS ACT of 1964, 42 U.S.C. § 2000e

86. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 85

inclusive of this complaint, with the same force and effect as though herein fully set forth herein.

87. The Defendants COUNTY and SHERIFF'S OFFICE, through their agents and employees, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO and OFFICER LONIGRO discriminated against the Plaintiff – one of only three African American employees in her Medical Unit post – in her employment, via hostile work environment and unequal terms and conditions of employment, as set forth in the preceding factual paragraphs based on Plaintiff's race and color, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as amended.

88. Plaintiff is an African-American female and thus, belongs to a protected class.

89. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO, and OFFICER PHIL LONIGRO subjected Plaintiff to unlawful discriminatory acts by allowing and fostering an unsafe and hostile work environment and retaliating by failing/refusing to employ effective procedures to prevent and deal with racial discrimination in the workplace.

90. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, and SHERIFF MICHAEL J. SPOSATO, with knowledge of offensive etchings of a swastika and "KKK", which are acts in violation of Defendant's Policy, fostered those acts and created a hostile environment condoning and in fact tolerating such actions. Defendants failed to conduct a proper investigation and failed to rectify wrongful conduct, failed to question the actions, failed to discipline and make light of these acts of abuse.

91. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO and OFFICER PHIL LONIGRO discriminated and retaliated against Plaintiff as a direct response to her raising issues about the offensive racist symbols found in her

“secure” work area and subsequent to filing a report and complaint about them. The adverse actions Plaintiff has been subjected to follow closely in time to her complaint, that was well-known to the Defendant. The adverse actions Plaintiff has had to withstand rises to the level of retaliation and adding further to the hostile work environment. As a result of such treatment, Plaintiff has been subjected to an ongoing abusive, threatening, and hostile work environment.

92. Defendants, including OSTERMANN, willfully and intentionally refused to adhere to the COUNTY’s written EEO Policies and Procedures to the detriment of an African-American employee, such as Plaintiff herein.

93. As a direct result of said acts, Plaintiff has suffered and continues to suffer loss of employment benefits, loss of career opportunities, permanent psychological, emotional, and physical trauma and damage, including distress, humiliation, fear, embarrassment, damage to her reputation, and the emotional and psychological trauma as alleged in the preceding paragraphs of the within complaint.

94. As a result of the Defendants’ unlawful acts, Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of \$5,000,000.00 dollars as well as punitive damages, costs, and attorney’s fees.

AS AND FOR A SECOND COUNT
42 U.S.C. § 1981

95. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 94 inclusive of this complaint, with the same force and effect as though herein fully set forth.

96. The above-referenced conduct was a part of a pattern and practice of discrimination, based on race and color by Defendants COUNTY, SHERIFF’S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O’MALLEY, and SHERIFF MICHAEL J. SPOSATO, all of which violates 42 U.S.C. §1981 as amended by the Civil Rights Restoration Act of 1991 (Publ. Law No, 102-406).

97. Defendants treatment of Plaintiff, as set for in paragraphs 1 through 99 of this Complaint, Plaintiff's race and/or color was a factor. Defendants COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, and SHERIFF MICHAEL J. SPOSATO discriminated against Plaintiff by fostering discriminatory acts and failing to properly address and investigate the act of etching a swastika and "KKK" on a door frame, a clear violation of Defendant's Policy and by creating a hostile work environment condoning and in fact tolerating such acts. Although Plaintiff complained of the discriminatory and disparate treatment to which she was subjected, Defendants have failed to recognize, consider, accept, handle, and scrutinize Plaintiff's complaint in order to obtain a proper remedy to the offensive etchings that Plaintiff was forced to encounter.

98. Defendants each, individually and collectively, sought to deprive the Plaintiff of her rights, equal protection and privileges, benefits and opportunities to which she was entitled.

99. As a direct and proximate result of said acts, Plaintiff MARY WILLIAMS has suffered and continues to suffer loss of employment benefits, loss of career opportunities and has suffered and continues to suffer permanent psychological, emotional and physical trauma and damage, including loss of confidence, fear, distress, humiliation, embarrassment, and damage to her reputation and the emotional and psychological trauma as alleged in the preceding paragraphs of the within complaint.

100. As a result of the Defendants' unlawful acts, Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of \$5,000,000.00 dollars as well as punitive damages, costs, and attorney's fees.

AS AND FOR THE THIRD COUNT
42 U.S.C. §1983 - FOURTEENTH AMENDMENT & CONSPIRACY

101. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 100 inclusive of this complaint, with the same force and effect as though herein fully set forth.

102. The Defendants, collectively and each one of them individually, have engaged in actions and abuses which violate and deny Plaintiff her rights as provided under the Fourteenth Amendment of the United States Constitution violating her Fourteenth Amendment rights of equal protection and due process in discriminating against Plaintiff because of and account of her race and color.

103. Defendants' infringement upon and violation of Plaintiff's rights protected under the Fourteenth Amendment of the United States Constitution was and is intended to place a chilling effect upon the exercise of such rights by Plaintiff and other persons as is their right as provided by the U.S. Constitution and exercise such rights.

104. Plaintiff, an African American woman, has been improperly treated and has been abused and violated because of her race and color and/or with her race and color being a factor.

105. It was well established and Defendants knew that they were discriminating against and violating Plaintiff's rights and conspired one with another to so discriminate because of her race. In so acting, Defendants COUNTY and SHERIFF'S DEPARTMENT through their agents and employees, took actions in violation of Plaintiff's rights which they knew or should have known were within and outside the scope of their authority.

106. None of the Defendants took proper and effective action to prevent or remedy the wrongful actions taken against Plaintiff to discriminate against her and cause her employment to be wrongfully diminished.

107. Defendants acquiesced and contributed to the continuation of the conspiracy to violate Plaintiff's rights in failing to take action as to prevent and expose the discriminatory and violative actions being taken against Plaintiff.

108. Each of the Defendants condoned the wrongful, discriminatory, reckless, careless, and intentional acts taken as set out herein and each had an affirmative responsibility to prevent, expose, and reverse said wrongful, discriminatory, reckless, careless, and intentional acts but instead joined in this

conspiracy against Plaintiff because of her race, color. By Defendants not properly and effectively addressing a violation of policy, they are in turn allowing an unlawful custom to continue.

109. As a direct and proximate result of said acts, Plaintiff MARY WILLIAMS has suffered and continues to suffer loss of employment benefits, loss of career opportunities and has suffered and continues to suffer permanent psychological, emotional and physical trauma and damage, including distress, humiliation, embarrassment, and damage to her reputation and the emotional and psychological trauma as alleged in the preceding paragraphs of the within complaint.

110. As a result of the Defendants' unlawful acts, Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of \$5,000,000.00 dollars as well as punitive damages, costs and attorney's fees.

AS AND FOR A FOURTH COUNT
42 U.S.C. §1983 - MUNICIPAL VIOLATIONS

111. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 110 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

112. Defendants COUNTY and SHERIFF'S DEPARTMENT acting under color of law, and through their employees servants, agents and designees, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO and OFFICER PHIL LONIGRO have engaged in a course of action and behavior rising to the level of a policy, custom, and condoned practice, which has deprived Plaintiff of rights, privileges and immunities secured by the Constitution and laws in violation of 42 U.S.C. §1983. These actions were condoned, adopted and fostered by policy makers including but not limited to Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, AND SHERIFF MICHAEL J. SPOSATO

113. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, AND SHERIFF MICHAEL J. SPOSATO condoned a policy of unequal treatment and discrimination based on Plaintiffs race, color, and disability.

114. Defendants have consistently sought to discriminate against persons like Plaintiff and to engage in actions and abuses which violate and deny employee's their rights as provided under the Fourteenth Amendment of the United States Constitution. Defendants have done so by repeatedly denying their employees the proper care, attention, and refusal to employ effective procedures to prevent and deal with racial discrimination in the work place. Further, Defendants have time and time again violated their employees rights by subjecting them to retaliation and by allowing and fostering an unsafe and hostile work environment. This is evidenced by Defendants consistent failure to rectify wrongful conduct, failure to question actions, and failure to discipline; thus regularly condoning and in fact tolerating an unsafe and hostile working environment. Defendant here not only failed to follow their own rules and procedure but have manufactured excuses and false rationales for failing to follow their rules.

115. By permitting and assisting such a pattern of misconduct, the Defendant, COUNTY OF NASSAU/SHERIFF'S DEPARTMENT acted under color of custom and policy to condone, encourage and promote the deprivation of Plaintiffs' Fourth, Fifth and Fourteenth Amendment rights.

116. Defendants are aware that further training, supervision, and/or discipline of its officers would correct the ongoing problem, but intentionally fails to adhere to, or implement, any such training or supervision policy and seldom investigates or disciplines officers implicated in such malicious acts against individuals, especially when it comes to complaints relating to race and color discrimination.

117. Defendant's infringement upon and in violation of the rights, described herein including those protected under the Fourteenth Amendment of the United States Constitution, was and is intended to discriminate against Plaintiff and those like Plaintiff. Defendants have sought to and have treated employees, like and including Plaintiff, as they have in violation of their equal protection rights.

118. As a direct and proximate result of the Defendant COUNTY's policy and practice of not properly investigating their employees' complaints, failing to implement their policy, and thus fostering and condoning a hostile work environment by tolerating the use of racially offensive slurs, comments, and images, COUNTY OF NASSAU has been subjected to numerous federal and state Complaints and lawsuits alleging Defendant's discriminatory acts towards their employees as violations of section 1983.

119. For examples of similar lawsuits filed against the COUNTY OF NASSAU SHERIFF'S DEPARTMENT alleging failure to investigate a claim put forth by their employee, based on race and/or retaliation see, *inter alia*: *Jonathan P. Wharton v. County of Nassau*, Case No. 10-CV-0265; *Rodney Johnson v. County of Nassau*, Case No. 10-CV-6061; *Joseph A. Volker v. County of Nassau*, Case No. 13-CV-01187.

120. As a consequence of the Defendants' systemic practice, pattern, and custom of intentionally promoting and supporting officers' and official violations of 42 U.S.C. § 1983, Plaintiff was deprived of her freedom(s) and harmed, to the extent of which she suffered from loss of employment benefits, loss of career opportunities and has suffered and continues to suffer permanent psychological, emotional and physical trauma and damage, including distress, fear, humiliation, embarrassment, and damage to her reputation and the emotional and psychological trauma as alleged in the preceding paragraphs of the within complaint.

121. As a result of Defendants' acts, Plaintiff suffered, and is entitled to damages sustained to date and continuing in excess of \$5,000,000.00 as well as punitive damages, costs, and attorney's fees.

AS AND FOR A FIFTH COUNT
NYS EXECUTIVE LAW

122. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 121 inclusive of this complaint, with the same force and effect as though herein fully set forth herein.

123. The Defendants COUNTY and SHERIFF'S OFFICE, through their agents and employees, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO and OFFICER LONIGRO discriminated against the Plaintiff – one of only three African American employees in her Medical Unit post – in her employment, via hostile work environment and unequal terms and conditions of employment, as set forth in the preceding factual paragraphs based on Plaintiff's race and color, in violation of Executive Law §296 and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as amended.

124. Plaintiff is an African-American female and thus, belongs to a protected class.

125. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO and OFFICER PHIL LONIGRO subjected Plaintiff to unlawful discriminatory acts by allowing and fostering an unsafe and hostile work environment and retaliating by failing/refusing to employ effective procedures to prevent and deal with racial discrimination in the workplace.

126. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY and SHERIFF MICHAEL J. SPOSATO, with knowledge of offensive etchings of a swastika and "KKK", which are acts in violation of Defendant's Policy, fostered those acts and created a hostile environment condoning and in fact tolerating such actions. Defendants failed to conduct a proper investigation and failed to rectify wrongful conduct, failed to question the actions, failed to discipline and make light of these acts of abuse.

127. Defendants, COUNTY, SHERIFF'S DEPARTMENT, MARY ELISABETH OSTERMANN, ANTONIO PATINO, SGT. STEVEN O'MALLEY, SHERIFF MICHAEL J. SPOSATO and OFFICER PHIL LONIGRO discriminated and retaliated against Plaintiff as a direct response to her raising issues about the offensive racist symbols found in her "secure" work area and subsequent to filing a report and complaint about them. The adverse actions Plaintiff has been subjected to follow closely in time to her complaint, that was well-known to the Defendant. The adverse actions Plaintiff has had to withstand rises to the level of retaliation and adding further to the hostile work environment. As a result of such treatment, Plaintiff has been subjected to an ongoing abusive, threatening, and hostile work environment.

128. Defendants, including OSTERMANN willfully and intentionally refused to adhere to the COUNTY's written EEO Policies and Procedures to the detriment of an African-American employee, such as Plaintiff herein.

129. As a direct result of said acts, Plaintiff has suffered and continues to suffer loss of employment benefits, loss of career opportunities, permanent psychological, emotional and physical trauma and damage, including distress, humiliation, fear, embarrassment, damage to her reputation, and the emotional and psychological trauma as alleged in the preceding paragraphs of the within complaint.

130. As a result of the Defendants' unlawful acts, Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of \$5,000,000.00 dollars as well as punitive damages, costs, and attorney's fees.

PRAYER FOR RELIEF

Plaintiff requests judgment as follows:

- a. First Cause of Action: in excess of \$5,000,000.00 dollars as well as punitive damages, costs and attorney's fees.
- b. Second Cause of Action: in excess of \$5,000,000.00 dollars as well as punitive damages, costs and attorney's fees.

- c. Third Cause of Action: in excess of \$5,000,000.00 as well as punitive damages, costs and attorney's fees.
- d. Fourth Cause of Action: in excess of \$5,000,000.00 dollars as well as punitive damages, costs and attorney's fees.
- e. Fifth Cause of Action: in excess of \$5,000,000.00 dollars as well as punitive damages, costs and attorney's fees.
- f. Sixth Cause of Action: in excess of \$5,000,000.00 dollars as well as punitive damages, costs and attorney's fees.
- g. Attorney's fees and costs, pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 2000e-5(k);
- h. A declaratory judgment stating that Defendants wilfully violated Plaintiff's rights secured by federal and state laws as alleged herein;
- i. Injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; to allow the Plaintiff to continue in the position from which Defendants' illegally transferred her from; to enjoin the Defendants from continuing to act in violation of federal and state law as alleged herein; and to order such other injunctive relief as may be appropriate to prevent any future violations of said federal and state laws; and
- j. An Order granting such other legal and equitable relief as the court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Dated: Hempstead, New York
December 8, 2015

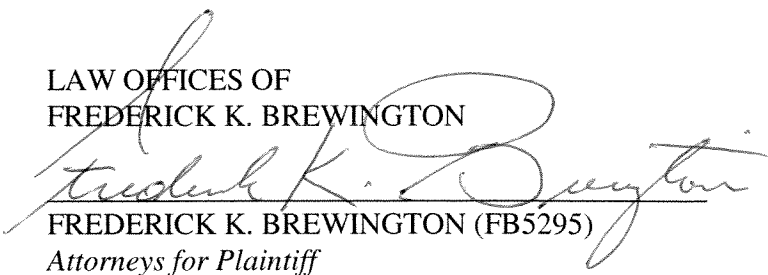
By: 
LAW OFFICES OF
FREDERICK K. BREWINGTON
FREDERICK K. BREWINGTON (FB5295)
Attorneys for Plaintiff
556 Peninsula Blvd.
Hempstead, New York 11550
(516) 489-6959

EXHIBIT A

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Mary Williams**
562 Champlain Avenue
West Hempstead, NY 11552

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2015-00786

Holly M. Woodyard,
State & Local Program Manager

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

Charging Party wishes to pursue matter in Federal District Court.

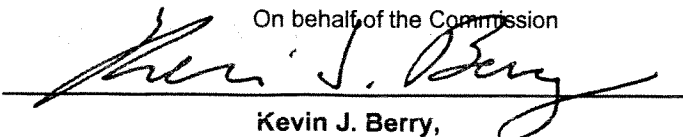
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Kevin J. Berry,
District Director

September 17, 2015

(Date Mailed)

Enclosures(s)

cc:

NASSAU COUNTY, SHERIFF'S DEPARTMENT
Attn: Edward P. Mangano, Co. Executive
1550 Franklin Avenue
Mineola, NY 11501

NASSAU COUNTY, COUNTY ATTORNEY'S OFC.
Attn: Susan M. Tokarski, Esq., Deputy Co. Attorney
One West Street
Mineola, NY 11501-4820