

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAHEEM HASSAN, :
: :
Plaintiff, : Civ. No.
: :
-against- : **COMPLAINT**
: **AND**
THE CITY OF NEW YORK, FIRE DEPARTMENT CITY: **JURY DEMAND**
OF NEW YORK, NY, Lieutenant DAVID HUGHES, :
individually and in his official capacity, JOE LANGFORD, :
individually and in his official capacity, TOMMY :
DONAVAN, individually and in his official :
capacity, JOHN and JANE DOES 1-10, individually and in :
their official capacity :
: :
Defendants. :
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INTRODUCTION

This case is yet another instance in a long string of incidents involving the FDNY for maintaining a culture of discrimination, hostility against people of color, and retaliation for speaking out against unlawful conduct. Plaintiff Raheem Hassan is a true patriot who honorably serves his Country as an active member of the United States Navy. In furtherance of his commitment to his Country, he joined the FDNY and risks his life to serve the City he loves. In fact, despite his home being destroyed due to Hurricane Sandy, while he was undergoing training to become a firefighter, Mr. Hassan did not miss one day of training and successfully passed all requirements to join the FDNY.

Upon joining the FDNY, Mr. Hassan was subject to ridicule, discrimination, hostility, retaliation, and a wide variety of inappropriate behavior which was all known to his superiors and the upper echelons of the FDNY command. Members of the FDNY knew Mr. Hassan was of the Islamic faith and they ostracized him because of it and his skin color. Mr. Hassan was

subject to comments about black firefighters being inherently lazy, derogatory terms for black people, was asked to apologize for the 9-11 terrorist attacks, and was subject to several attempts to place pork and/or pork byproducts in his food without his knowledge so that he would consume pork in violation of his religious beliefs. When Mr. Hassan complained of the unlawful conduct, he was ridiculed, retaliated against, and supervisors refused to address the hostile work environment that pervaded his firehouse and others in the City of New York. What is more, Mr. Hassan was subject to retaliation for speaking out, including having transfer request forms repeatedly placed amongst his belongings, excluded from firehouse activities, removed from his command, and subject to an arrest based upon false allegations.

Furthermore, when Mr. Hassan sought aid at the Counseling Services Unit (“CSU”) of the FDNY, he was subject to breach of the patient-doctor privilege, subject to discrimination, and treated differently than non-minority members of the FDNY. Indeed, it is an open secret that people of color are subject to disparate treatment at the CSU, and that non-minorities are afforded better care, treatment, prognosis, and counseling services. CSU violated protocol when dealing with Mr. Hassan, treated him with suspicion, and ostracized him due to his race and religion.

Having been treated in an unfair and discriminatory manner, Mr. Hassan has no choice but to seek justice from this Court and ask this Court to effectuate and implement the necessary changes that the FDNY refuses to implement in order to make the FDNY a discrimination-free workplace worthy of the many firefighters who honorably serve the people of New York City.

Facts

1. This is an action to remedy discrimination based on race, religion, and sex pursuant to the provisions of the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991 (“Section 1981”), and pursuant to Article, I, § 11 of the New York State Constitution for the violation of his due process and other constitutional rights to be free from racial, gender, and religious discrimination.
2. Furthermore, this is an action in which the Plaintiff seeks relief for Defendants’ violation, under color of state law, of his rights, privileges and immunities secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, and the Constitution and laws of the State of New York.
3. Plaintiff also complains pursuant to Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C § 2000e et. Seq. (“Title VII”), and to remedy violations of the laws of the State and City of New York, based upon diversity and supplemental jurisdiction of this Court, seeking relief and damages to redress the injuries Plaintiff has suffered as a result of being sexually harassed, discriminated against, and retaliated against by his employer on the basis of religious discrimination, racial discrimination and retaliation inflicted upon Plaintiff by Defendants.

JURISDICTION AND VENUE

4. Jurisdiction of this Court is proper under 42 U.S.C. § 2000e-5(f) (3), and 28 U.S.C. § 1331 and the Civil Rights Act of 1866 and 1871 which give this Court jurisdiction for each statute, the damages, exclusive of interest and costs in this instance exceed that of all lower courts, and this Court’s pendent jurisdiction is also invoked.

5. The unlawful employment practices alleged herein occurred wholly or in part, in the jurisdiction of the Eastern District of New York, specifically, Brooklyn, NY.

JURY DEMAND

6. Plaintiff hereby demands a trial by jury on all issues properly triable thereby.

PARTIES

7. Plaintiff Raheem Hassan is a black male of the Islamic faith who resides in the City of New York.
8. Defendant, The City of New York, is a municipal corporation, incorporated in the State of New York.
9. The City of New York is responsible for the Fire Department of the City of New York (“FDNY”), an agency it maintains, operates, and governs.
10. FDNY has its headquarters in Brooklyn, New York, and has its principal place of business at 9 Metro Tech Center, Brooklyn, New York 11201.
11. At all relevant times, the City acted through its agency, FDNY, to commit the acts alleged in this Complaint and were responsible for such acts.
12. A substantial and significant portion of events took place at Firehouse Engine 309– Ladder 159 which is located in Flatlands, Brooklyn (hereinafter “Firehouse”).
13. Defendant Lieutenant David Hughes is a senior ranking firefighter employed by the City of New York, is an agent of the City of New York, and, upon information and belief, is a resident of New York City.
14. Defendant Joe Langford is a firefighter and individual employed by the City of New York, is an agent of the City of New York, and, upon information and belief, is a resident of New York City.

15. Defendant Tommy Donovan is firefighter and an individual employed by the City of New York, is an agent of the City of New York, and, upon information and belief, is a resident of New York City.
16. Defendants John and Jane Does 1-10 are individuals employed by the City of New York, are agents of the City of New York, and, upon information and belief, are residents of New York State.
17. Defendants John and Jane Does 1-10 work for the FDNY and perpetrated, enabled, and or participated in the unlawful conduct complained of herein. The identities of these individuals are not yet known at this time but are known to Defendant City of New York.
18. All individual Defendants are sued in their official and individual capacities.
19. At all times relevant, the above-named firefighter defendants were acting within their official capacities.
20. Defendants, assisted and/or conspired to and/or acted in concert and/or did engage in the violations of Plaintiff's Federal, State, and City rights. During all times mentioned herein, the Defendants acted under the color of law to wit, under color of constitution, statutes, ordinances, laws, rules, regulations, policies, customs and usages of the State of New York and/or the City of New York.
21. At all times relevant to these actions, the City of New York, acting through the FDNY, had the duty to properly supervise firefighters at the firehouses and the counseling services unit (CSU) and failed to do so even though they possessed the authority and had knowledge that the individual Defendants were engaging in, and have previously engaged in, retaliatory and discriminatory conduct.

PROCEDURAL HISTORY

22. On or about January 11, 2018, Plaintiff filed a charge of sexual harassment, religious discrimination, racial discrimination, natural origin discrimination and retaliation with the Equal Employment Opportunity Commission (“EEOC”).
23. A Right to Sue letter was issued on March 6, 2018.

FACTS

24. Plaintiff Hassan is a young, dedicated, and hardworking family man of color who practices the Islamic faith.
25. He is also a Navy veteran and was an EMS medic before going to the fire academy in 2013, despite having his home destroyed by Hurricane Sandy in October 2012, just a few months earlier.
26. Throughout the ordeal, he never missed a day of training and worked on repairing his home on nights and weekends while his wife and children lived in their temporary home.
27. As a new firefighter, Defendants assigned Plaintiff Hassan to Ladder Company 159 which shares their house and responsibilities with Fire Engine Company 309.
28. The firehouse is known throughout the FDNY for racism, hostile work environment, and sexually charged history.
29. Since as far back as the summer of 2015 up to and including the present day, Plaintiff was subject to a discriminatory and hostile work environment and retaliatory conduct by his fellow firefighters at the Firehouse, with whom he had to live and work.
30. It is important to note that the Firehouse is an intimate place, with its members eating together, sleeping at the house together, socializing with each other, and spending a great deal of time together in relatively small quarters.

31. Moreover, firefighters are often called to care for and look out for each other in the line of duty. This requires a level of trust, respect, and professionalism as firefighters often place their lives in their fellow firefighters' hands.
32. The City of New York created and maintained a work environment in which Plaintiff and other black firefighters would be subject to discrimination, ridicule, and a hostile work environment that was the antithesis to the professionalism required and needed to perform the job effectively.
33. On several occasions Plaintiff was told that black people are inherently lazy and, specifically that black firefighters are inherently lazy as well. Plaintiff was subject to constant comments containing racial stereotypes.
34. He endured being called a “nigger” and observed other black firefighters being called similarly atrocious names and subject to discriminatory treatment.
35. White firefighters ostracized black firefighters at the firehouse.
36. Plaintiff Hassan was subject to ridicule, sarcasm, mockery, and harassment due to his religion, color, and race.
37. Plaintiff Hassan’s fellow firefighters would tell him that “black firefighters are lazy and no one wants to work with them,” and anytime that Plaintiff was around other firefighters of color, other white firefighters would call it a “Vulcan meeting” (referring to the Vulcan club, a professional organization for firefighters of color).
38. Every time in what Plaintiff’s coworkers called “Vulcan meetings”, Plaintiff’s co-workers made statements to Plaintiff Hassan including but not limited to: “you guys should stick together,” “you don’t belong here!,” and “why don’t you transfer?”

39. Plaintiff was subject to these racially motivated actions, and witnesses other black firefighters being subjected to similar conduct, including having their clothes bleached, called racist names, and harassed because of their color.
40. Plaintiff was asked to apologize for the 9-11 terrorist attacks and ostracized for being Muslim.
41. This conduct was reported to and known to supervisors for some time. However, nothing was done to correct this egregious behavior.
42. Additionally, Plaintiff and the other firefighters would go food shopping together to purchase the food to be cooked and consumed at the firehouse by its members.
43. However, Plaintiff was repeatedly told that he had to consume pork despite his religious dietary restrictions, because purchasing chicken was a dollar or two more expensive than pork.
44. Plaintiff's fellow firefighters refused to purchase anything other than pork for cooking and consumption at the firehouse, not because the cost of the pork, but rather to harass and ostracize Plaintiff Hassan due to his religious beliefs and force him to violate them.
45. The refusal to purchase non-pork products, despite Plaintiff contributing money to purchase the food, was simply to discriminate and harass Plaintiff for his religious beliefs. Their monetary excuse was pure nonsense and the real reason was obviously to discriminate against Plaintiff and harass him because of his religious beliefs.
46. Several of his coworkers at the Firehouse would deliberately ensure that Plaintiff Hassan consumed pork products by lying to him about the contents of the communal food so that he would consume pork products and thus violate his religious beliefs.

47. Plaintiff was forbidden from entering the kitchen at the firehouse on several occasions because of his religious beliefs.
48. He was also forced to obtain food from outside of the firehouse when the Defendants had prepared meals for the entire firehouse.
49. Plaintiff Hassan would be ostracized from firehouse activities for being Muslim and a person of color, and for voicing objections about how he was treated.
50. He would be excluded from communal activities, such as being in the kitchen where the other firefighters were. He would be asked to leave group settings.
51. He was also told that he could not be in the presence of the white firefighters.
52. Plaintiff was ostracized from the communal activities of the firehouse due to his race, color, and religion.
53. On a group chat, Plaintiff was called a “rat,” disinvented from activities, and labeled a traitor.
54. In retaliation for Plaintiff Hassan complaining, he was labeled a “rat,” ostracized from the firehouse and his housemates. Transfer papers were placed amongst his belongings, the word “transfer” would be written on his belongings and where his name was supposed to be throughout the firehouse, and he was told that he “was not wanted,” and “no one would work with [him].”
55. Moreover, Defendants and others would wait on the roof of the firehouse with buckets of water and when Plaintiff was entering the firehouse, they doused him with the buckets of water.
56. This toxic and hostile environment caused Plaintiff to argue with his house-mates regarding the practice of his religion, national origin, and color and on at least one occasion, an altercation became physical and was reported to the supervisors at the Firehouse.

57. Supervisors observed the foregoing conduct but failed to intercede, inhibit the conduct, or provide any relief.
58. Furthermore, on a group chat for the firehouse called the “F**k Shop, in which nearly all members of the firehouse were in, including supervisors, numerous comments were made that Plaintiff Hassan is not welcomed, should transfer, and he was referred to as a “rat.”
59. The group chat also featured various inappropriate pictures and comments, including a picture of one firefighter’s exposed genitals being placed in the face of a sleeping firefighter.
60. This caused Plaintiff to fear that the same sexual assault would be visited upon him because the members of the firehouse indicated that he would be next.
61. Other sexually explicit materials were routinely shared on this message group that was also used for firehouse business.
62. This type of sexual harassment was known to the FDNY and this sort of behavior is widespread within the FDNY.
63. Plaintiff repeatedly complained about the discriminatory and unlawful conduct at the Firehouse to higher ranking members at the firehouse and supervisors were aware of the conduct as they were informed of it and observed it first-hand.
64. On or about December 2017, when Plaintiff yet again complained to his supervisor, Lt. Hughes, about the unlawful conduct, rather than rectify the matter and help Plaintiff, Defendant Hughes caused false charges to be leveled against Plaintiff.
65. Plaintiff was arrested as a result of the retaliation undertaken by Lt. Hughes.
66. Moreover, Plaintiff was removed from the Firehouse despite the fact that he had done absolutely nothing wrong.

67. The perpetrators, however, were promptly reassigned to new firehouses.
68. Indeed, the perpetrators would often tell the Plaintiff that the EEO process is a joke, has no teeth, and that they have been subject to the process previously, and EEO did nothing about it.
69. Defendant also refused to place Plaintiff in another firehouse despite having no legitimate reason to keep Plaintiff out of a firehouse. Further, Plaintiff complained to the FDNY and was retaliated against by being removed from the fire house and not being assigned a firehouse command.
70. The purported EEO process is biased, encourages misconduct, and inherently defective.
71. The purported EEO process punishes a complainant by removing them from a firehouse while the perpetrator is simply reassigned to a new firehouse.
72. This system encourages perpetrators and acts to silence victims.
73. This is part of an unlawful policy, practice, and custom of the FDNY whereby any complaints to FDNY regarding discrimination result in the complainant being reassigned to a non-firehouse position, and essentially sidelined, with the perpetrator either having the privilege of staying in their command or being moved to another firehouse.
74. This policy, practice, and custom punishes the complainant and rewards the perpetrator.
75. It also sends the signal that victims should not complain and that there are virtually no consequences for perpetrators of misconduct.
76. This policy, practice, and custom enables individuals to perpetrate unlawful and discriminatory conduct as they know that there will be no consequences.
77. What is more, the perpetrators are reassigned to other firehouses without any training, review for fitness, or admonishment.

78. This practice and custom essentially results in perpetrators spreading their unlawful conduct through out different firehouses as they continue to infect each new firehouse with their vile and discriminatory conduct.
79. What is more, upon information and belief, the individual Defendant firefighters have a sordid and documented history of targeting and discriminating against firefighters of color.
80. Specifically, Defendants Donavan and Langford have a documented history of discriminating against people of color and making racist and discriminatory remarks in the workplace.
81. Indeed, a firefighter of color filed a police report related to an incident at the Firehouse in which Defendant Donavan threatened to kill him.
82. Moreover, upon information and belief, the Firehouse has a documented history of discrimination.
83. In one instance, a firefighter of color had bleach thrown on his clothes.
84. Black firefighters are habitually ostracized from the rest of the house, called lazy, subject to stereotypes, and called racially offensive names.
85. The history of the Firehouse and Defendants were known to the FDNY, and yet the FDNY did nothing to stop the unlawful activity or inhibit it, at this Firehouse and others around the City, and thereby encouraged the unlawful behavior and allowed it to flourish.
86. As such, FDNY condoned, accepted, and perpetuated a custom and policy of hostile work environment, unlawful conduct, and discrimination at the Firehouse and other firehouses and by its employees.
87. FDNY has failed to supervise, monitor, and discipline its employees and workplaces so as to prevent conduct described herein.

88. The FDNY has been placed on notice of the unlawful activities at its firehouses, and yet has taken no meaningful steps to address it.
89. Indeed, the Courts are littered with cases involving hazing, discrimination, and unlawful activity at FDNY firehouses, including the one at issue here.
90. Plaintiff was subject to the same hazing that the other firefighters were subject to, including rituals of a sexual nature. Despite this well known fact, Defendant City has done nothing to address it.
91. In addition, there are numerous EEO complaints filed with the FDNY that are not investigated, or incompletely investigated, or simply have no meaningful resolution.
92. During the course of all of the harassment and discrimination, Plaintiff complained several times to his superiors, who also witnessed this treatment, but rather than remedy the situation, they permitted the hostile and toxic environment to fester, grow, and refused to help Plaintiff when he complained.
93. Though Plaintiff Hassan remains a FDNY firefighter, it has not been without struggle, unlawful discrimination and unlawful retaliation due to his religious beliefs and his race.
94. The foregoing actions of the Defendants were completely inappropriate, egregious, repulsive, and shocking to the conscience.
95. The disparate treatment of minorities at the FDNY and its culture of discrimination is well known to the employer and has been well known for years.
96. Despite the notoriety of the hostile and disparate treatment of minorities, the hostile work environment persists and remains unabated.

97. What is more, when Plaintiff appeared before the CSU, the CSU violated confidentiality and subjected Plaintiff to suspicion and as a danger simply because of his name, color, and his adherence to the Islamic faith.
98. Essentially, because of Plaintiff's color and religious faith, individuals at the CSU deemed Plaintiff a threat despite having no reason to believe he was a threat and an investigation clearing him of any wrongdoing.
99. While the individuals at the CSU were charged with helping Plaintiff, they discriminated against him, treated him suspiciously, and caused him to be investigated simply because he is a person of color with a "Muslim" sounding name.
100. In essence, the CSU refused to help Plaintiff because of his color and religious beliefs. They left him worse off because of his race, color, and religion.
101. In stark contrast, non-minority firefighters are provided discretion, confidentiality, treated with respect and care, provided with proper treatment, and afforded all available treatment options.
102. Upon information and belief, what occurred to Plaintiff at the CSU is not an isolated incident.
103. People of color are often treated differently at CSU, with minorities not receiving the same treatment as non-minorities, being handled improperly, and subject to harsh assessments due to their race, color, or religious affiliation.
104. Non-minorities are not treated in this fashion regardless of whether they are accused of a crime, subject to a complaint, apparent danger to themselves or others, have been arrested, suffer from substance abuse, and have issues in the firehouse.

105. FDNY personnel referred to the CSU for the same reasons are treated differently based upon their race, with whites often receiving better, more comprehensive treatment.

106. As a further result of the unlawful discrimination, race discrimination, religion discrimination, sexual harassment and retaliation by the Defendants, Plaintiff has been subject to extreme emotional distress.

COUNT I-DISCRIMINATION UNDER TITLE VII
(Against City of New York)

107. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
108. Defendant City of New York by and through the FDNY discriminated against Plaintiff on the account of his race, religion, color, national origin, and sex.
109. Defendants engaged in unlawful employment practices prohibited by Title VII by discriminating against Plaintiff as set forth herein.
110. Moreover, Defendants also created and maintained a hostile work environment based upon race, sex, color, religion, and sexual harassment as more fully described in this Complaint.
111. Plaintiff was subject to gender discrimination as he was subject to sexual harassment by members of the firehouse who would place their genitals on other firefighters while they slept and told he would be next.
112. This widespread practice is known to the FDNY but nothing is done to curb it or hold those responsible for such conduct accountable.

COUNT II-DISCRIMINATION UNDER TITLE VII
(Against City of New York)

113. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
114. Title VII of the Civil Rights Act prohibits retaliation against an employee.

115. Defendants engaged in unlawful employment practices prohibited by the Title VII by discriminating and retaliating against Plaintiff with respect to the terms, conditions or privileges of employment, because of his opposition to the unlawful employment practices of Defendants and his complaining about said conduct.

COUNT III-DISCRIMINATION UNDER THE NEW YORK CITY HRL
(Against City of New York)

116. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.

117. The Administrative Code of City of New York Section 8-107 prohibits discrimination based upon religion and color.

118. Defendants engaged in unlawful discriminatory practices in violation of New York City Human Rights Law by creating and maintaining discriminatory working conditions, and otherwise discriminating against the Plaintiff as set forth herein.

COUNT IV-DISCRIMINATION UNDER THE NEW YORK CITY HRL
(Against City of New York)

119. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.

120. The New York City Human Rights Law provides that it shall be unlawful discriminatory practice: "For an employer...or otherwise discriminate against any person because such person has opposed any practices forbidden under this chapter..." New York City Administrative Code Title 8, § 8-107(I)(e).

121. Each of the Defendants engaged in unlawful discriminatory practices in violation of New York City HRL by discriminating and retaliating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

COUNT V-DISCRIMINATION UNDER THE NEW YORK CITY HRL
(Against All Defendants)

122. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
123. New York City Human Rights Law makes it unlawful for any person to coerce, intimidate, threaten or interfere with, or attempt to coerce, intimidate, threaten or interfere with, any person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected pursuant to this section.

124. Defendants violated the section cited herein as set forth.

COUNT VI-FOR DISCRIMINATION UNDER THE NEW YORK CITY HRL
(As Against Individual Defendants)

125. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
126. The New York City Human Rights Law provides that it shall be unlawful discriminatory practice: "For any person to aid, abet, incite, compel; or coerce the doing of any of the acts forbidden under this chapter, or attempt to do so." New York City Administrative Code 8, § 8-107(I)(6).
127. Defendants engaged in unlawful discriminatory practices in violation of New York City Human Right Law by aiding, abetting, inciting, compelling and coercing the above discriminatory, unlawful and retaliatory conduct.
128. Each Defendant participated and aided in the racial, gender, and religious discrimination complained of herein.

COUNT VII-DISCRIMINATION UNDER THE NEW YORK CITY HRL
(Against City of New York)

129. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.

130. New York City Administrative Code Section 8-107(13) makes Defendant City of New York liable for the actions of their employees as alleged herein.
131. Defendant City of New York is responsible for the actions of the Defendants as complained of herein.

COUNT VIII-DISCRIMINATION UNDER NYS LAW
(Not Against Individual Defendants)

132. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
133. New York State Executive Law § 296 provides that “1. It shall be an unlawful discriminatory practice: “(a) For an employer or licensing agency, because of an individual’s age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment”.
134. Defendants engaged in unlawful discriminatory practices by discriminating against the Plaintiff as set forth herein based upon race and religion.
135. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of Executive Law Section 296.

COUNT IX-FOR DISCRIMINATORY UNDER STATE LAW
(Against All Defendants)

136. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
137. New York State Executive Law § 296(7) provides that it shall be an unlawful discriminatory practice for any person to retaliate or discriminate against any person because [s]he has opposed any practices forbidden under this article.

138. Defendant engaged in unlawful discriminatory practices by discharging, retaliating, and otherwise discriminating against the Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

139. Plaintiff was subject to retaliation as more fully described herein.

COUNT X-DISCRIMINATION UNDER NYS LAW
(As Against Individual Defendants)

140. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.

141. New York State Executive Law § 296(6) provides that it shall be an unlawful discriminatory practice: "For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

142. Defendants engaged in a unlawful discriminatory practices in violation of New York State Executive Law § 296 (6) by aiding, abetting, inciting, compelling and coercing the discriminatory conduct.

COUNT XI-VIOLATION OF RIGHTS SECURED BY 42 U.S.C. § 1983
(Against All Defendants)

143. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.

144. 42 U.S.C. § 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress...

145. In committing the acts of discrimination and retaliation complained of herein, the Defendants acted jointly and under color of state law to deprive Plaintiff Raheem Hassan of his clearly established constitutionally protected rights under the First, Fifth, and Fourteenth Amendment of the United States Constitution.

146. Plaintiff in this action is a citizen of the United States and all of the individual firefighter Defendants to this claim are persons for purposes of Section 1983.
147. An employee may bring a retaliation claim under Section 1983 against a supervisor who, acting under color of law, retaliates against him for opposing discrimination in the terms of his employment.
148. Defendants violated the above statute through multiple acts of unlawful gender, religious. And racial discrimination, sexual harassment, and retaliation.

COUNT XII-SUPERVISORY LIABILITY 42 U.S.C. 1983
(Individual Supervisory Liability)

149. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
150. Individual Defendant Lieutenant Firefighter Hughes, was at all relevant times, a supervising officer in the FDNY, with oversight responsibility for the training, instruction and supervision of the Plaintiff.
151. Defendant Lieutenant Firefighter Hughes knew or should have known that the Defendant Firefighters failed to intervene to prevent the clearly discriminatory and retaliatory actions taken against Plaintiff.
152. Defendant Hughes participated in the unlawful conduct by enabling it, encouraging other Defendants to engage in the unlawful conduct, and by causing Plaintiff to be falsely arrested as a form of retaliation.
153. Defendant Lieutenant Firefighter Hughes, as the supervisory officer of the FDNY, failed to supervise Firefighters pertaining to unlawful discrimination and retaliation.
154. Defendant Lieutenant Firefighter Hughes also known or should have known that the firefighters under his watch were unlawfully discriminating against Plaintiff and failed to respond or address such actions in any way.

155. On information and belief, Defendant Lieutenant Firefighter Hughes was personally involved in either ordering or failing to take preventative and remedial measures to guard against the unconstitutional discrimination and retaliation against Plaintiff.

156. Defendant Lieutenant Firefighter Hughes knew, or in the exercise of due diligence, should have known, that the unconstitutional actions taken against Plaintiff by Defendants were likely to occur.

157. This failure of the individual supervisory Defendants to train, supervise and/or discipline any of the aforementioned firefighters with respect to their unlawful discrimination and retaliatory actions amounted to gross negligence, deliberate indifference or intentional misconduct, which directly and proximately caused the damages to Plaintiff set forth herein.

COUNT XIV-EQUAL PROTECTION-42 U.S.C. § 1983-Equal Protection
(Against City of New York)

158. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.

159. Individual Defendants Firefighters, were at all relevant times, supervising employees in the FDNY, with oversight responsibility for the training, instruction and supervision of the Plaintiff.

160. Defendants failed to intervene to prevent the clearly discriminatory and retaliatory actions taken against Plaintiff.

161. Defendants participated in the clearly discriminatory and retaliatory actions taken against Plaintiff.

162. Defendants actively condoned other firefighters to participate in the clearly discriminatory and retaliatory actions taken against Plaintiff.

163. Moreover, Defendants, as supervisory officers of the FDNY, failed to supervise other firefighters regarding unlawful discrimination and retaliation.
164. Defendants also knew or should have known that the other firefighters at the firehouse were unlawfully discriminating against Plaintiff and failed to respond to/or address such actions in any way.
165. Upon information and belief, Defendants were personally involved in either ordering or failing to take preventive and remedial measures to guard the unconstitutional discrimination and retaliation against Plaintiff.
166. Defendants knew, or in the exercise of due diligence, should have known, that the unconstitutional actions taken against Plaintiff by the others firefighters at the firehouse were likely to occur.
167. The failure of the individual supervisory Defendants to train, supervise and/or discipline any of the aforementioned firefighters with respect to their unlawful discrimination and retaliatory actions amounted to gross negligence, deliberate indifference or intentional misconduct, which directly and proximately caused the injuries and damages to Plaintiff set forth herein.
168. Additionally, the sexually explicit materials and pictures sent to Plaintiff amounts to gender discrimination as he would not be subject to these materials if he were of the female gender.
169. Moreover, Plaintiff was placed in fear of having firefighters place their genitals in his face while he slept.

COUNT XV-Monell Claim – 42 U.S.C. § 1983
(Against City of New York)

170. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein
171. All of the acts and omissions by the Firefighter-Defendants described above, with regard to the unreasonable, unlawful, and retaliatory discrimination against Plaintiff were carried out pursuant to overlapping *de facto* policies and practices of the City which were in existence at the time of the conduct alleged herein and were engaged in with the full knowledge, consent, and cooperation of and under the supervisory authority of Defendant City of New York and its agency, the FDNY.
172. Defendant City of New York and the FDNY, by their policy – making agents, servants and employees, authorized, sanctioned and/or ratified the individual wrongful acts of Defendants and/or failed to prevent or stop those acts; and/or allowed or encouraged those acts to continue.
173. The actions of Defendants resulted from and were taken pursuant to the *de facto* policies and/or well-settled and widespread customs and practices of the City, which are implemented by members of the FDNY.
174. The relevant policies, customs and practices with regard to the racial, religious discrimination, and sexual harassment perpetrated against Plaintiff are that FDNY Firefighters are permitted to discriminate against firefighters for their race and religion and unlawfully retaliate against those who complain.
175. Moreover, sexually explicit materials and hazing, including placing genitals on firefighters, was long known as a prevalent practice but has not been meaningfully addressed. It has therefore been a *de-facto* custom and practice, and is widely accepted.

176. What is more, the CSU regularly discriminates against persons of color and treats white firefighters vastly better than minority firefighters.
177. This imbedded racism is a policy, practice, and custom of the FDNY and is well known to the City of New York.
178. Firefighters who seek counseling are treated differently based upon their race, color, and/or national origin.
179. Moreover, hazing, discrimination against black firefighters, and the sexual harassment of firefighters in firehouses is well documented, including using sexually explicit language and sharing of pictures containing the genitals of firefighters and other inappropriate materials such that it creates a hostile work environment and firefighters fear being sexually accosted while sleeping.
180. The City of New York knows about illicit sexual harassment and inappropriate materials being visited upon its members but has failed to do anything about it, essentially creating a custom and policy accepting and condoning such behavior.
181. The existence of the foregoing unlawful *de facto* unwritten policies and/or well-settled and widespread customs and practices is known to be encouraged, and/or condoned by supervisory and policy – making officers and officials of the FDNY and City of New York.
182. Notwithstanding knowledge of such an unlawful *de facto* unwritten policy, practice, and/or custom, these supervisory and policy – making officers and officials of the FDNY and City of New York, have not taken steps to terminate his policy, practice, and/or custom, and do not properly train Firefighters with regard to acts of unlawful discrimination and/or unlawful retaliation, and instead sanction and ratify this policy, practice, and/or custom through their active encouragement of, deliberate indifference to, and/or reckless

disregard of the effect of said policies, practices, and/or customs upon the constitutional rights of Plaintiff and other persons similarly situated to Plaintiff.

183. The aforementioned City of New York policy, practice, and/or custom and failing to supervise, train, instruct, and discipline firefighters within the FDNY is specifically exemplified and evidenced by the misconduct detailed herein.
184. Plaintiff's injuries were a direct and proximate result of the Defendant City of New York's and its agency, the FDNY's, wrongful *de facto* policy and/or well-settled and widespread custom and practice and of the knowing and repeated failure of Defendant City of New York and the FDNY to properly supervise, monitor, and train firefighters with regard to unconstitutional discrimination and retaliatory conduct.
185. Had the FDNY monitored and supervised its employees, it would have detected, prevented, and eradicated the unlawful prevalent policies complained of herein.
186. Defendant City of New York knew or should have known that the acts alleged herein would deprive Plaintiff of his rights in violation of the First and Fourteenth Amendments to the United States Constitution.
187. Defendant City of New York is directly liable and responsible for the acts of the individual Firefighter Defendants because it repeatedly and knowingly failed to properly supervise, train, and instruct them to require compliance with the constitutions and laws of the State of New York and the United States.

COUNT XVI-VIOLATION OF RIGHTS SECURED BY 42 U.S.C. § 1981
(Against All Defendants)

188. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
189. At all times relevant herein, the conduct of all Defendants was subject to the provisions of 42 U.S.C. § 1981 which guarantees all persons “the same right...to make and enforce contracts...as is enjoyed by white citizens.”
190. Thus, there is a clearly recognized federal right pursuant to Section 1981 to be free from race-based discrimination in connection with the enforcement of contractual rights.
191. The conduct and actions of Defendants, acting jointly and severally, and in concert with each other, in unlawfully discriminating against Plaintiff with race being a motivating factor was done intentionally, maliciously and/or with a reckless disregard for the natural and probable consequences of their acts. Defendants’ discriminatory treatment of Plaintiff was done without lawful justification and was designed to cause and did cause specific and serious physical, mental, and emotional harm, pain and suffering in violation of Plaintiff’s Constitutional rights as guaranteed under Section 1981.
192. As a direct and proximate result of all Defendants’ wrongful acts, policies, practices, customs and/or usages complained of herein, Plaintiff has suffered injuries and damages including, but not limited to, extreme emotional distress, pain and suffering, severe anxiety, and embarrassment, without any negligence on the part of the Plaintiff contributing thereto.
193. Plaintiff is also entitled to declaratory and injunctive relief including but not limited to a reinstatement to his position as a Firefighter, to a permeant firehouse, and lost wages.

COUNT XVII-VIOLATION OF RIGHTS SECURED BY 42 U.S.C. § 1985
(Against All Defendants)

194. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
195. Section 1985 (3) provides, in relevant part, that:

If two or more persons in any State or Territory conspire...for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws...in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property...the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.
196. All of the aforementioned Defendants acted, either directly or indirectly, in unlawfully discriminating and retaliating against Plaintiff on the basis of gender and race.
197. Similarly, all of the aforementioned Defendants acted, either directly or indirectly, to cover up the unlawful discriminatory and retaliatory actions against Plaintiff.

COUNT XVIII-VIOLATION OF RIGHTS SECURED BY 42 U.S.C. § 1986
(Against All Defendants)

198. Plaintiff incorporates all paragraphs of this Complaint as if fully restated herein.
199. Defendants failed to prevent a conspiracy amongst the firehouse employees to deprive Plaintiff of rights protected by the United States Constitution.
200. Specifically, Defendants failed to prevent the execution of systematically discriminatory and retaliatory actions against Plaintiff.
201. As a result, Defendants violated the above statute.
202. The actions of each of the individual Defendants have been taken maliciously, willfully and/or with a reckless disregard of the constitutional and statutory rights of Plaintiff.

WHEREFORE, Plaintiff demands the following relief jointly and severally against all Defendants:

- (a) A declaration that Defendants violated Plaintiff's federal and state civil rights;
- (b) Compensatory, consequential, and special damages;
- (c) Punitive damages against the individual Defendants;
- (d) Damages for emotional distress, lost wages, back pay, front pay, statutory damages, medical expenses, interest;
- (e) Reasonable attorneys' fees and costs pursuant; and
- (f) Such other and further relief as appears just and proper.

Dated: New York, NY
March 12, 2018

Respectfully submitted,
s/ Aymen A. Aboushi, Esq.
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