

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

TABATHA FOSTER,	)	
	)	Index No.
Plaintiff,	)	
	)	
-against-	)	
	)	<b>SUMMONS</b>
THE CITY OF NEW YORK and	)	
JEFFREY B. MADDREY,	)	
	)	
Defendants.	)	

To the above-named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis for the Venue designated is CPLR §503(a), as it is the county in which Defendant resides.

Dated: July 30, 2019  
New York, New York

Respectfully Submitted,

**LEVINE & BLIT, PLLC**

  
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To: The City of New York  
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New York, NY 10007

Assistant Chief Jeffrey Maddrey  
NYPD Patrol Borough Brooklyn North  
179 Wilson Avenue  
Brooklyn, NY 11237

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

TABATHA FOSTER,	)	
	)	Index No.
Plaintiff,	)	
	)	
-against-	)	
	)	<b>COMPLAINT</b>
THE CITY OF NEW YORK and	)	
JEFFREY B. MADDREY,	)	
	)	
Defendants.	)	

Plaintiff TABATHA FOSTER ("Ms. Foster" or "Plaintiff"), by and through her attorneys, Levine & Blit, PLLC, complaining of defendants THE CITY OF NEW YORK (the "City") and JEFFREY B. MADDREY ("Asst. Chief Maddrey") (collectively, "Defendants"), hereby alleges as follows:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this civil action to remedy Defendants' unlawful hostile work environment in employment based upon sex in violation of the New York City Human Rights Law ("NYCHRL"), and Asst. Chief Maddrey's tortious conduct consisting of negligence, assault, and defamation per se.
2. Plaintiff seeks equitable and legal relief in the form of compensatory damages, including, but not limited to, emotional distress, mental anguish, and humiliation; monetary damages for Plaintiff's pain and suffering, and harm to her reputation; punitive damages; reasonable attorney's fees; costs of this action; and any such other and further relief deemed just and equitable.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over this matter pursuant to CPLR § 301.

4. Venue is proper in this Court pursuant to CPLR § 503.
5. On December 13, 2016, Plaintiff commenced a civil action in the United States District Court for the Eastern District of New York alleging violations of her civil rights in employment (pursuant to federal, state, and city laws) against the City and Asst. Chief Maddrey, and torts of assault and defamation per se against Asst. Chief Maddrey.
6. On June 10, 2019, the United States District Court dismissed Plaintiff's federal claims with prejudice, and dismissed Plaintiff's state and city claims without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

### **PARTIES**

7. Plaintiff is an adult woman who is a citizen of the State of New York.
8. The City is a municipal corporation with its offices located in the County of New York, State of New York.
9. Asst. Chief Maddrey is an adult man who is a citizen of the State of New York.
10. Plaintiff was employed by the City as a police officer until August 31, 2015.
11. At all times relevant to this action until August 31, 2015, the City was an "employer" within the meaning of all relevant state and local statutes.
12. At all times relevant to this action until August 31, 2015, Ms. Foster was an "employee" of the City within the meaning of all relevant state and local statutes.
13. At all times relevant to this action until August 31, 2015, Plaintiff was qualified to hold her position of employment with Defendant through her knowledge, education, training, experience, and/or qualifications.

**FACTUAL ALLEGATIONS**

14. In or about 2004, Plaintiff was assigned to work in the 75<sup>th</sup> Precinct.
15. In or about November 2009, Asst. Chief Maddrey was assigned to work in the 75<sup>th</sup> Precinct – at the time, he held the title of Inspector.
16. While working together at the 75<sup>th</sup> Precinct, Asst. Chief Maddrey was Plaintiff's direct superior.
17. While as Plaintiff's direct superior, Asst. Chief Maddrey began making sexual advances toward Plaintiff.
18. Plaintiff felt that she had no choice but to acquiesce to Asst. Chief Maddrey's sexual advances because of his position of authority over her.
19. Thereafter, the relationship became one of a sexual nature.
20. Because of Asst. Chief Maddrey's position of authority over Plaintiff, Plaintiff felt as if she did not have a choice but to continue the relationship, or face retribution from Asst. Chief Maddrey.
21. While under Asst. Chief Maddrey's direct supervision, Plaintiff was directed to psychological services on or January 21, 2011, and Plaintiff's identification, badge, and firearm were confiscated.
22. Shortly after Plaintiff reported to psychological services, Plaintiff's identification, badge, and firearm were returned.
23. In or about 2012, a formal complaint was made about the relationship between Plaintiff and Asst. Chief Maddrey by a third party, Ariel Pile.
24. At that time, the City was aware or should have been aware of an inappropriate relationship between Asst. Chief Maddrey and Plaintiff, a subordinate.

25. However, the City did not even inquire with Plaintiff about whether she had a relationship with Asst. Chief Maddrey.
26. Further, the City did not obtain Asst. Chief Maddrey's personal or departmental cellular telephone records or departmental vehicle records, which would have revealed numerous communications at all times of the day with Plaintiff.
27. Asst. Chief Maddrey warned Plaintiff that if their relationship was ever disclosed, then they both would be in serious professional trouble.
28. In July 2013, Plaintiff's husband, Tyree Foster-Fisher, who was also a police officer, was terminated by the City.
29. On or about August 16, 2012, Plaintiff was modified and transferred from the 75<sup>th</sup> Precinct.
30. During her time working at the Brooklyn Court section, Plaintiff made several complaints about being harassed and being subjected to a hostile work environment, which were ignored.
31. Plaintiff received several disciplinary actions during the investigation into her relationship with Asst. Chief Maddrey.
32. Plaintiff was transferred two times out of the Patrol Bureau after the conclusion of the investigation into her relationship with Asst. Chief Maddrey.
33. In or about November 2013, Plaintiff suffered a stroke.
34. Plaintiff's modification was not lifted until she suffered a stroke and the investigation into her relationship with Asst. Chief Maddrey concluded.
35. Plaintiff returned to work in February 2014.

36. At all times relevant to this action, Asst. Chief Maddrey held a superior title and position to Plaintiff in the police department and could exercise authority over Plaintiff.
37. Asst. Chief Maddrey continued the sexual relationship with Plaintiff upon her return to work.
38. Because of Asst. Chief Maddrey's position of authority over Plaintiff, Plaintiff felt as if she did not have a choice but to continue the relationship, or face retribution or termination from Asst. Chief Maddrey.
39. Effective on or about August 31, 2015, Plaintiff retired from the police department with an Accidental Disability Retirement Pension under the "Stroke Bill".
40. Asst. Chief Maddrey continued the sexual relationship with Plaintiff after her retirement.
41. On or about December 6, 2015, Plaintiff met Asst. Chief Maddrey at a park near his home.
42. At the park on or about December 6, 2015, Asst. Chief Maddrey pulled Plaintiff's hair and tried to physically remove Plaintiff from her vehicle.
43. Asst. Chief Maddrey took Plaintiff's cellular telephone from Plaintiff and damaged it by throwing it on the ground with force.
44. On December 7, 2015, Asst. Chief Maddrey invited Plaintiff to "fight".
45. Plaintiff met Asst. Chief Maddrey at Adabbo Playground.
46. Asst. Chief Maddrey motioned to Plaintiff to follow him into a darkened park.
47. Once in the darkened park, Asst. Chief Maddrey attacked Plaintiff by slapping, punching, and pushing Plaintiff to the ground with his knee in her back to the point that Plaintiff could not breathe.
48. Plaintiff pointed a firearm at Asst. Chief Maddrey.

49. Asst. Chief Maddrey snatched the firearm from Plaintiff and attacked Plaintiff by choking her and throwing her around like a rag doll.
50. Asst. Chief Maddrey then dismantled the firearm and threw it in the back seat of Plaintiff's vehicle.
51. A New York Police Department vehicle arrived shortly thereafter, and Asst. Chief Maddrey ordered them to leave.
52. Asst. Chief Maddrey ordered the police officers to leave.
53. In or about late April 2016, Asst. Chief Maddrey struck Plaintiff in the face with an open hand for making him "look like a fool."
54. In or about May 5<sup>th</sup> or 6<sup>th</sup> of 2016, Asst. Chief Maddrey spoke with an agent of The Daily News.
55. Asst. Chief Maddrey told the agent of The Daily News that he "had a close personal relationship" with Plaintiff, but did not admit that they had engaged in sexual relations for years.
56. Asst. Chief Maddrey told the agent of The Daily News that Plaintiff "was getting clingy and harassing me to sleep with her", but did not admit that they had engaged in sexual relations for years.
57. Upon information and belief, Asst. Chief Maddrey told the agent of The Daily News that Plaintiff's Facebook posts, which claimed Plaintiff and Asst. Chief Maddrey engaged in sexual relations, were false.
58. Asst. Chief Maddrey discussed Plaintiff's allegations with Roy Richter, President of the Captains Endowment Association, who later told The Daily News, in about May 2016,



“The chief has years of records that document unwelcome contact from this woman” on Asst. Chief Maddrey’s behalf.

59. Mr. Richter did not disclose to The Daily News that Asst. Chief Maddrey had a sexual relationship with Plaintiff for years.

60. Upon information and belief, Asst. Chief Maddrey disclosed distorted text messages between himself and Plaintiff, including nude photographs of Plaintiff.

61. Multiple news sources published or re-published these material falsehoods and omissions advanced by Asst. Chief Maddrey or those acting on his behalf.

62. On or about May 26, 2016, The Daily News printed an article disclosing Plaintiff’s sexual relationship with Asst. Chief Maddrey.

**FIRST CAUSE OF ACTION AGAINST DEFENDANTS**  
**(Hostile Work Environment based upon Sex in Violation of the NYCRHL)**

63. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 62 as if fully set forth herein.

64. Pursuant to the unlawful acts and practices alleged above, Defendants intentionally created a hostile work environment for Plaintiff due to her sex wherein she was treated less favorably due to her sex.

65. Defendants were aware that Plaintiff was being subjected to a hostile work environment due to her sex but continued to allow such practice to continue.

66. As a direct and proximate result of the Defendants’ unlawful conduct, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages.

67. Defendants' unlawful actions constitute malicious, willful, and wanton violations of the NYCHRL, and were done with knowing or reckless disregard for Plaintiff's civil rights, for which Plaintiff is entitled to an award of punitive damages.

**SECOND CAUSE OF ACTION AGAINST DEFENDANT MADDREY**  
**(Assault)**

68. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 67 as if fully set forth herein.
69. As a direct and proximate result of the Asst. Chief Maddrey's unlawful conduct, Plaintiff has suffered, and continues to suffer, past and future economic losses, and severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages.
70. Asst. Chief Maddrey's unlawful and discriminatory actions constitute malicious, willful, and wanton violations of the New York State common law, and were done with knowing or reckless disregard for Plaintiff's rights, for which Plaintiff is entitled to an award of punitive damages.

**THIRD CAUSE OF ACTION AGAINST DEFENDANT MADDREY**  
**(Defamation Per Se)**

71. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 70 as if fully set forth herein.
72. As a result of Asst. Chief Maddrey's acts alleged herein, Plaintiff has suffered, and continues to suffer, past and future economic losses; and severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and

anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages and other relief.

73. Asst. Chief Maddrey's unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the New York State common law, and were done with knowing or reckless disregard for Plaintiff's rights, for which Plaintiff is entitled to an award of punitive damages.

**FOURTH CAUSE OF ACTION AGAINST DEFENDANT MADDREY**  
**(Negligence)**

74. Plaintiff repeats, realleges, and reiterates each and every allegation contained in paragraphs 1 through 73 as if fully set forth herein.

75. As a result of Asst. Chief Maddrey's acts and practices alleged herein, Plaintiff has suffered, and continues to suffer, past and future economic losses; and severe mental anguish and emotional distress, including but not limited to, humiliation, embarrassment, stress and anxiety, and loss of reputation, for which she is entitled to an award of compensatory damages and other relief.

76. Asst. Chief Maddrey's unlawful and retaliatory actions constitute malicious, willful, and wanton violations of the New York State common law, and were done with knowing or reckless disregard for Plaintiff's rights, for which Plaintiff is entitled to an award of punitive damages.

**PRAYER FOR RELIEF**

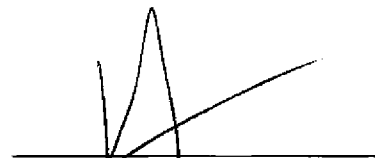
**WHEREFORE**, Plaintiff respectfully requests that this Court enter a judgment against Defendants containing the following relief:

- (a) An Order declaring that Defendants have violated the anti-harassment and/or anti-discrimination provisions of the NYCHRL;

- (b) An Order enjoining the Defendants from engaging in the unlawful conduct alleged here;
- (c) An Order awarding monetary damages to Plaintiff to compensate her for the severe emotional distress, mental anguish, humiliation, and loss of reputation, suffered as a result of Defendants' unlawful actions;
- (d) An order awarding monetary damages to Plaintiff to compensate her for the pain and suffering; severe emotional distress, mental anguish, humiliation, and loss of reputation, suffered as a result of Asst. Chief Maddrey's unlawful actions;
- (e) An Order awarding punitive damages to Plaintiff in an amount to be determined by the trier of fact;
- (f) An Order awarding Plaintiff her reasonable attorney's fees;
- (g) An Order awarding Plaintiff her costs of this action; and
- (h) Any such other or further relief deemed just and equitable.

Dated: July 30, 2019  
New York, New York

LEVINE & BLIT, PLLC



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