

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

-----X
MICHELLE ALMANZAR

Plaintiff,

-against-

**THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, CAPTAIN BRIAN
FLYNN, SARGEANT JOHN DOES 1-10,**

Defendant
-----X

SUMMONS

Date Filed:

Index No.:

Plaintiff designates
NEW YORK COUNTY as
the place of trial.

The basis of venue is:
Location of Defendant

TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Edison, New Jersey
April 11, 2023

Yours, etc.,

By: 

Leslee Schwartz, Esq.
Attorneys for Plaintiff
10 Jeff Street
Edison, NJ 08837
(646) 824-2903

attorneylesleeschwartz@gmail.com

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

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MICHELLE ALMANZAR
Plaintiff,

INDEX NO: :

-against-

VERIFIED COMPLAINT

**THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, CAPTAIN BRIAN FLYNN,
SARGENT JOHN DOES 1-10,**

Defendants
-----X

Plaintiff, by her attorney, LESLEE SCHWARTZ, as and for her Verified Complaint, respectfully alleges, upon information and belief:

1. Plaintiff, **MICHELLE ALMANZAR**, a Detective at the 50th precinct, and at all times herein mentioned was and still is a resident of the State of New York.
2. Defendant, **CITY OF NEW YORK, (hereinafter "NYC")** at all times hereinafter, upon information and belief, is a municipal corporation duly organized and existing under and by virtue of the Laws of the State of New York.
3. Defendant **NEW YORK CITY POLICE DEPARTMENT, (hereinafter "NYPD")** at all times hereinafter, upon information and belief, is a municipal corporation duly organized and existing under and by virtue of the Laws of the State of New York.
4. Defendant, **BRIAN FLYNN**, a captain in the NYPD at all times herein mentioned was and still is a resident of the State of New York.
5. Defendants Sergeants John Does 1-10 at all times hereinafter, upon information and belief, were stationed at 50th precinct in Bronx County, New York.

6. On or about January 9, 2023, a Notice of Claim was served upon Defendant City of New York, and New City Police Department, prior to the commencement of this action.

7. That said notice which was served upon Defendants City of New York and New York City Police Department, contained in writing, the claim for damages, and the basis for which this claim was founded.

8. More than thirty days have elapsed since said Notice of Claim was served upon Defendants City of New York and New York City Police Department and both have either individually or collectively failed and refused to make an adjustment of any claim set forth therein.

9. A hearing pursuant to §50(h) of the General Municipal Law was held on March 6, 2023, whereby Plaintiff Almanzar responded to each and every question put to her.

10. All conditions precedent to the bringing of this action have been complied with, and this action is being commenced within one year and ninety days after the accrual of the cause of action.

11. For a period of approximately nine years, Plaintiff Almanzar has been a police officer, with the last three years at the 50th precinct in Bronx County, NYC.

12. On information and belief, Defendant Captain Flynn was transferred to the 50th precinct in April 2021.

13. Shortly after Defendant Captain Flynn came to the position at the 50th precinct, he began sending text messages and making in real time, sexually charged comments to Plaintiff Detective Almanzar.

14. Defendant Capt. Flynn continued to send sexually inappropriate text messages, including pictures of his penis and napkins with ejaculate on it, which appeared to be taken in his office at the 50th precinct to Plaintiff on her personal cell phone.

15. Plaintiff Almanzar did her best to ignore and/or redirect his attention, but that only seemed to make him more aggressive toward her.

16. In addition to sending her pictures of his penis and ejaculate, he repeatedly requested Plaintiff send him pictures of herself, and to “go out with him.”

17. Anytime Plaintiff tried to block him on her cell phone or told him to stop, he reacted in a negative fashion-making her remain in the station to redo reports. He would also deny her requests for personal time for no reason other than she would not allow him to continually harass her.

18. She would often permit him to send her sexually explicit texts, because when she tried to get him to stop, not only did she suffer, but he would often take his frustration out on her work partner as well as her team.

19. On more than one occasion, he offered her special treatment as long as she continued to allow his advances; including one very specific instance whereby he text to her, “I was going to give you a Commander’s Day if you just gave me your panties”.

20. At no time did Plaintiff seek and/or accept preferential treatment from Defendant Captain Flynn, even when other officers would try to get her to “just keep him happy”.

21. Plaintiff began to experience severe anxiety whenever she had to go near his office, which was directly in line with the restroom, that she refused to even go to the rest room alone.

22. Defendant Captain Flynn had Plaintiff so fearful of his unwanted advances, as well as the repercussions she suffered when she wasn't "on point" with him, that she would not make any job-related requests directly to him, nor would she speak to him alone, often going through one or more of the Defendant Sergeants John Doe.

23. This oppressive behavior continued for well over a year and a half, despite the Plaintiff's repeatedly telling Defendant Captain Flynn, that she is married and not in any way interested in having any type of sexual relationship with him.

24. On one occasion, after she yet again blocked him from her phone, Defendant Captain Flynn in an attempt to 'show her who's boss', posted signs around the floor pictures of a "rat in a cop's uniform with 'Almanzar' [written] on them."

25. All of the members of Plaintiff's "team" were aware of Defendant Captain Flynn's harassment, as were at the unnamed Defendant Sergeants.

26. Finally, in November 2022, after being denied a day off because she had blocked Defendant Captain Flynn and informed him she would not communicate with him, nor allow him to continue to harass her, she summoned up the courage to report his actions officially.

27. Her complaints were initially heard by Defendant NYPD EEO division. Plaintiff presented her phone to members of the EEO division to review Defendant Captain Flynn's actions.

28. Defendant Captain Flynn was moved from the 50th precinct to another location, but Plaintiff was not informed as to what he had been told, despite the fact she was extremely fearful for her safety as well as that of her family, should Defendant Captain Flynn be told it was because of her complaint.

29. The day following his removal, Defendant Captain Flynn was waiting at the 50th precinct for Plaintiff at four o'clock in the morning!
30. The day after Notice of Claim was submitted to Defendants NYPD and NYC, Internal Affairs Bureau (hereinafter "IAB") reached out to Plaintiff and asked her to meet with them, which she did while accompanied by her counsel.
31. On or about January 13, 2023, the day following Plaintiff's meeting with IAB, she arrived at the 50th precinct to find one of the Sergeants yelling at her, in front of several other detectives and officers, "You couldn't just keep him happy, now look, we are all under the microscope."
32. Stunned by his words, Plaintiff questioned why a mandated reporter had not reported the activity himself, she was told, "We figured you liked it."
33. Since November 2022, when Plaintiff first advised Defendant NYPD of Defendant Captain Flynn's misbehavior, Plaintiff has been kept completely away from any investigation, except to learn "through the grapevine" that Defendant Captain Flynn was facing discipline for something completely unrelated to her complaints.
34. Defendants NYPD and NYC have taken no action to assure that Defendant Flynn does not harass any other female employee.
35. Defendants NYC and NYPD have taken no action to even inquire if Plaintiff was harmed and/or in need of any assistance, but just moved Defendant Captain Flynn to another detail and turned a blind eye to the abuse suffered by Plaintiff.
36. By reason of the foregoing, Plaintiff has been damaged in amounts exceeding the jurisdiction of any and all lower Courts which may otherwise have jurisdiction in an amount to be determined upon the trial of this action.

WHEREFORE, Plaintiff, Michelle Almanzar, demands judgment against

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

-----X
MICHEL ALMANZAR

Plaintiff,

Index No.:

-against-

**THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, CAPTAIN BRIAN
FLYNN, SARGENT JOHN DOE ,**

Defendants

-----X

**NOTICE OF ELECTRONIC FILING
(Consensual Case)
(Uniform Rule§ 202.5-b)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• If you are represented by an attorney:

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg 2).

• If you are not represented by an attorney:

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for
Attorneys**

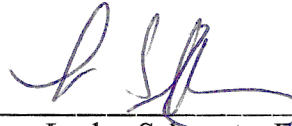
An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but, intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to www.nycourts.gov/efile

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

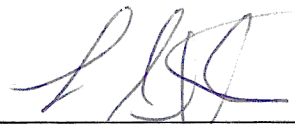
Dated: April 11, 2023



Leslee Schwartz, Esq.
Attorney for Plaintiff
10 Jeff Street
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646-824-2903
attorneylesleeschwartz@gmail.com

WHEREFORE, Plaintiff, Michelle Almanzar, demands judgment against Defendants for damages in amounts exceeding the jurisdictions of any and all lower Courts, together with interest, attorney's fees, costs of suit, and any other relief the Court deems just.

Dated: Edison, New Jersey
April 11, 2023

By: 
LESLEE SCHWARTZ, ESQ.
Attorney for Plaintiff
10 Jeff Street
Edison, New Jersey 08837
(646) 824-2903

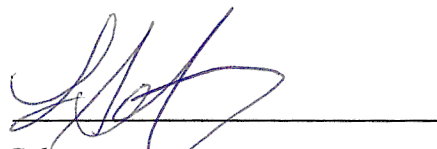
attorneylesleeschwartz@gmail.com

VERIFICATION

I, Leslee Schwartz, an attorney admitted into practice before the Courts of New York, state under the penalties of perjury, that I am the attorney for the Plaintiff of the within Summons and Complaint and I have read the same and own its contents to be true except in instances where it is stated upon information and belief. The reason that I am making such verification and not the Plaintiff is because the Plaintiff is not currently in the County in which my office is located. The grounds for my belief for all matters not stated upon my own knowledge are because of information contained within my own files.

Dated: April 11, 2023

Edison, NJ



Leslee Schwartz, esq.