

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLE PANNHURST

Plaintiff,

DOCKET NO.: CV-24-514

COMPLAINT

-against-

HAGERMAN FIRE DISTRICT,
HAGERMAN FIRE DEPARTMENT,
HAGERMAN BOARD OF FIRE COMMISSIONERS,
TIM DUNHAM (in his individual and official capacity),
COREY CITARELLA (in his individual and official
capacity), LOUIS VALENTINO (in his individual and
official capacity), MIKE MCKASTY (in his individual
and official capacity), RALPH LETTIERI JR. (in his
individual and official capacity), CARL FARGIONE
(in his individual and official capacity), and MARK
PALERMO (in his individual and official capacity)

JURY TRIAL DEMANDED

Defendants.

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Plaintiff, **NICOLE PANNHURST**, by and through her attorneys, THE LAW OFFICES OF
FREDERICK K. BREWINGTON, as and for his Complaint against the Defendants herein, states
and alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil action seeking monetary relief, a declaratory judgment, compensatory
and punitive damages, disbursements, costs and fees for violations of the Plaintiff's Civil rights
violations, both Federal and State with creating and fostering a hostile work environment, including
sex and/or gender discrimination, workplace retaliation, and municipal violations in violation of 42
U.S.C. § 1983, Article 15 of the Executive Law of the State of New York (Human Rights Law)
Sections 290 and 296, and Title VII of the 1964 Civil Rights Act resulting from unlawful sex and/or

gender based discrimination.

2. Specifically, the Plaintiff alleges that the collective Defendants negligently, wantonly, recklessly, intentionally and knowingly sought to and did wrongfully create a hostile work environment for the Plaintiff and failed to correct and therefore condoned the behavior of the individual Defendants.

3. Said acts were done knowingly with the consent and condonation of HAGERMAN FIRE DISTRICT (hereinafter “Defendant District”) HAGERMAN FIRE DEPARTMENT (hereinafter “Defendant Department”), HAGERMAN BOARD OF FIRE COMMISSIONERS (hereinafter “Defendant Board”), TIM DUNHAM (hereinafter “Defendant Dunham”), COREY CITARELLA (hereinafter “Defendant Citarella”), LOUIS VALENTINO (hereinafter “Defendant Valentino”), MIKE MCKASTY (hereinafter “Defendant McKasty”), RALPH LETTIERI JR. (hereinafter “Defendant Lettieri”), CARL FARGIONE (hereinafter “Defendant Fargione”), and MARK PALERMO (hereinafter “Defendant Palermo”) with the express purpose of discriminatorily harassing, abusing, and generally violating Plaintiff’s rights as protected by the United States and New York State Constitutions, and federal and state statutes, rules and regulations.

4. Defendants District, Department, Board members, and Board intentionally, negligently, and/or utilized deliberate indifference in supervising, overseeing, and intervening in the unlawful conduct and actions by Defendants Dunham. As the elected members of Defendant Board, Defendants Valentino, McKasty, Lettieri, Fargione, and Palermo’s failure to supervise Defendant Dunham makes each of them, Defendants District, Department, and Board complicit in the injuries, harm, embarrassment, humiliation and emotional distress suffered by Ms. Pannhurst.

JURISDICTION AND VENUE

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

6. This court is requested to exercise pendant jurisdiction with respect to Plaintiff's State law claims pursuant to 28 U.S.C. section 1367.

7. Venue in the Eastern District of New York is proper under 28 U.S.C. section 1391, based on the fact that Defendant Dunham resides in the State of New York, Defendant Department was created pursuant to New York State Town Law Section 170 et seq. is a municipal entity conducting business in the State of New York, within Suffolk County and Defendant Board consists of five members who are elected by registered and qualified New York State voters. All Defendants are bound by the laws of New York State.

8. Prior hereto, on June 23, 2022, Plaintiff filed a charge of Discrimination 10219138 against Defendants Hagerman Fire Department, Board of Commissioners, and Tim Dunham, with the New York State Division of Human Rights (hereinafter "NYSDHR") under case number 10219138 alleging an unlawful discriminatory practice related to employment because of gender and/or sex for DEFENDANTS wrongful acts based on gender and/or sex discrimination and retaliation in employment. Plaintiff also cross filed a charge with the United States Equal Employment Opportunity Commission (hereinafter "EEOC"), under EEOC Charge No. 16G203724.

9. On March 3, 2023, the NYSDHR issued a *Determination After Investigation* and determined "that **PROBABLE CAUSE** exists to believe that [Defendants] have engaged in or are engaging in the unlawful discriminatory practice complained of" in regards to Ms. Pannhurst's complaint filed with NYSDHR.

10. On November 2, 2023, 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.16G203724 (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. In addition, the Plaintiff sought and was granted an Administrative Convenience Dismissal from the NYSDHR with regard to case number 10219138 on September 19, 2023 with a Notice and Final Order issued on October 11, 2023.

PARTIES

11. PLAINTIFF, NICOLE PANNHURST, whose gender is female, and at all times relevant in this Complaint, was an employee of Defendant Department and is a citizen of the United States of America. PLAINTIFF resides in the County of Suffolk, State of New York. During all times relevant to this Complaint, Ms. Pannhurst, as the Chief of the Fire Department, was the highest ranking officer of Defendant District and Department.

12. During all times relevant in this Complaint, Defendant DISTRICT is a public corporation as defined in Section 66 of the General Construction Law of the State of New York, in which its principal location is in the County of Suffolk, was and continues to be a public municipal corporation of the State of New York organized and operating under, and by virtue of the laws of the State of New York.

13. During all times relevant in this Complaint, Defendant DEPARTMENT, was and continues to be a municipal corporation of the State of New York organized and operating under, and by virtue of the laws of the State of New York. Defendants Department and District utilizes funds, including but not limited to tax dollars, in accordance with New York State law to support Defendants District and Department.

14. During all relevant times in this Complaint, Defendant BOARD, was and is an publicly elected body consisting of five members elected to oversee the operation, activity, and finances of the Department and District, and who are bound and operating under and by virtue of the laws of the State of New York. Defendant District is governed by Defendant Board and serve on a volunteer and unpaid basis. See N.Y. Town Law § 174. Each commissioner serves a five year term.

15. During all times relevant to this Complaint, upon information and belief, DEFENDANT COMMISSIONER LOUIS VALENTINO (hereinafter, “Defendant Valentino”) was a publically elected Commissioner for Defendants Department and District. Defendant Valentino, who is sued here in his official and individual capacity, is a male, who, at all times relevant to the within Complaint, served as a Commissioner of Defendant Board. As a member of Defendant Board, Defendant Valentino has the responsibility to lawfully govern Defendant District and Defendant Department. Upon information and belief, Defendant Valentino is/was a policymaker within said District, interacts with other policymakers of the District, and is therefore charged with overseeing daily operation of the District and Department, and compliance with County, State, and Federal laws and regulation, and is further charged with acting according to said rules, regulations and laws. At all times while serving as Commissioner of the Board, Defendant Valentino engaged in and/or was notified of the systematic discrimination and retaliation that occurred against Ms. Pannhurst by Defendants, and had the authority, power and capacity to end systematic abuses, and yet chose to not do so.

16. During all times relevant to this Complaint, upon information and belief, DEFENDANT MIKE MCKASTY (hereinafter “Defendant McKasty”), was a publically elected member of Defendant Board. Defendant McKasty sued here in his official and individual capacity, is a male, and at all times relevant to the within Complaint served and/or serves as a board member of and for Defendant District. Upon information and belief, Defendant McKasty is/was a policymaker within said District and Department, interacts with other policymakers of the District, and is charged with overseeing daily operations of the District and Department, and compliance with County, State and Federal laws and regulations, and is further charged with acting according to said rules, regulations and laws. Upon information and belief, while acting within the scope of his duties as a board member for Defendant District, Defendant McKasty was notified and participated in the systematic discrimination and retaliation against Ms. Pannhurst, had the power and capacity to end such abuses, and yet failed to do so.

17. During all times relevant to this Complaint, upon information and belief, DEFENDANT RALPH LETTIERI JR. (hereinafter “Defendant Lettieri”) was a publically elected member of Defendant Board. Defendant Lettieri sued here in his official and individual capacity, is a male, and at all times relevant to the within Complaint served and/or serves as a board member of and for Defendant District. Upon information and belief, Defendant Lettieri is/was a policymaker within said District and Department, interacts with other policymakers of the District, and is charged with overseeing daily operations of the District and Department, and compliance with County, State and Federal laws and regulations, and is further charged with acting according to said rules, regulations and laws. Upon information and belief, while acting within the scope of his duties as a board member for Defendant District, Defendant Lettieri was notified and participated in the

systematic discrimination and retaliation against Ms. Pannhurst, had the power and capacity to end such abuses, and yet failed to do so.

18. During all times relevant to this Complaint, upon information and belief, DEFENDANT CARL FARGIONE (hereinafter “Defendant Fargione”) was a publically elected member of Defendant Board. Defendant Fargione sued here in his official and individual capacity, is a male, and at all times relevant to the within Complaint served and/or serves as a board member of and for Defendant District. Upon information and belief, Defendant Fargione is/was a policymaker within said District and Department, interacts with other policymakers of the District, and is charged with overseeing daily operations of the District and Department, and compliance with County, State and Federal laws and regulations, and is further charged with acting according to said rules, regulations and laws. Upon information and belief, while acting within the scope of his duties as a board member for Defendant District, Defendant Fargione was notified and participated in the systematic discrimination and retaliation against Ms. Pannhurst, had the power and capacity to end such abuses, and yet failed to do so.

19. During all times relevant to this Complaint, upon information and belief, DEFENDANT MARK PALERMO (hereinafter “Defendant Palermo”) was a publically elected member of Defendant Board. Defendant Palermo sued here in his official and individual capacity, is a male, and at all times relevant to the within Complaint served and/or serves as a board member of and for Defendant District. Upon information and belief, Defendant Palermo is/was a policymaker within said District and Department, interacts with other policymakers of the District, and is charged with overseeing daily operations of the District and Department, and compliance with County, State and Federal laws and regulations, and is further charged with acting according to said rules,

regulations and laws. Upon information and belief, while acting within the scope of his duties as a board member for Defendant District, Defendant Palermo was notified and participated in the systematic discrimination and retaliation against Ms. Pannhurst, had the power and capacity to end such abuses, and yet failed to do so.

20. During all relevant times in this Complaint, Defendant Tim Dunham (hereinafter “Defendant Dunham”), is a male, sued here in his official and individual capacity, was an employee and agent of the Defendant Department and Defendant District and currently serves as a Chief of the Fire Department. During all times relevant to this Complaint, Defendant Dunham was a subordinate to and reported to Ms. Pannhurst. Ms. Pannhurst, as the Chief of the Fire Department, was the highest ranking officer of Defendant District and Department.

21. During all relevant times in this Complaint, Defendant Corey Citarella (hereinafter “Defendant Citarella”), is a male, sued here in his official and individual capacity, was an employee and agent of the Defendant Department. During all times relevant to this Complaint, Defendant Citarella was a subordinate to and reported to Ms. Pannhurst. Ms. Pannhurst, as the Chief of the Fire Department, was the highest ranking officer of Defendant District and Department.

FACTUAL ALLEGATIONS

22. Ms. Pannhurst has worked for Defendant Hagerman Fire Department (hereinafter “Defendant Department” or “Department”) for over twenty (20) years.

23. During her stellar career, she has held nearly every position including (order from lowest rank to highest): General Member, 2nd Lieutenant, 1st Lieutenant, Captain, 2nd Assistant Chief, 1st Assistant Chief and most notably, in terms of this Complaint, Chief of Defendant Department.

24. As part of the work done in volunteer fire departments, such as Hagerman, members earn retirement credit with the New York Retirement system.

25. Historically, volunteer fire departments have been male-dominated environments and Defendant Department was no different. Ms. Pannhurst was the only woman in the Department among approximately 119 men (approximately 40-60 active).

26. Ms. Pannhurst through her hard work and dedication, rose through the ranks of the Department. In large part, the work environment was professional and amicable until Ms. Pannhurst became the highest position of Defendant Department, which was the Fire Chief.

27. In January of 2021, Ms. Pannhurst became the Chief of Defendant Department.

28. From that point on, Ms. Pannhurst's authority was intentionally undermined by Defendants whether through directly disobeying her rightful issued orders, or failing to report and inform her of salient events and information regarding the Fire Department and its operations.

29. In February of 2021, the 2nd Assistant Chief, Defendant Corey Citarella, a male, was involved in an accident and totaled the District's spare truck. Contrary to standard operating procedure and past policies, Chief Pannhurst was never informed. Upon learning of this fact, as the Chief, Ms. Pannhurst was confused as to why she was never informed by anyone no less the Defendant Board of Fire Commissioners (hereinafter "Defendant Board" or "Board").

30. At all relevant times, the Board of Fire Commissioners are a group of all men who are publicly elected charged with the responsibility of maintenance of the firehouse, the firetrucks as well as the ability to discipline the chief.

31. At all relevant times, Defendant Board was comprised of Commissioner Defendant Valentino, Defendant McKasty, Defendant Lettieri, Defendant Fargione, and Defendant Palermo

(hereinafter “Board members”).

32. At the executive meeting following the accident in which Citarella was involved, Ms. Pannhurst questioned Defendant Board about the accident and whether she would have been informed if the 2nd Assistant Chief was injured. Defendant Board contended that it was an oversight and it would not occur again.

33. In direct opposition of what the Board said in February of 2021, Ms. Pannhurst was once again deprived of critical information about a multitude of accidents including: an accident that occurred when fire members were responding to a fire alarm (**while a commissioner was present**), and when fire members were injured in the line of duty at drill competitions (**while two commissioners and the assistant chief were present**). All of those involved were men.

34. This was a coordinated effort by Defendants to keep Ms. Pannhurst misinformed and/or uninformed of important incidents regarding her subordinates. None of the male Chiefs before her were subject to such discriminatory treatment. Unfortunately, it did not stop there.

35. In March of 2021, Defendant Board failed to inform Ms. Pannhurst, who was the current Chief of the Department, that they had required general members to take a class taught by an ex-Chief.

36. At no point, did Defendant Board or any of the Board members inform Ms. Pannhurst of the class, ask her to participate in the class or ask her which members she would direct to take the class. Once again, Defendants Board and Board members were undermining her authority as Chief for no other reason than because she was a woman.

37. By April of 2021, Ms. Pannhurst, frustrated with the discriminatory environment fostered by Defendants. Ms. Pannhurst approached Defendant Board at an executive session and

clearly voiced her rightful objections that her authority was not being honored, was in fact being disregarded, and she was being treated as a female figurehead for the Department, not as Chief.

38. Ms. Pannhurst questioned the Board about whether her gender was the reason for their obvious actions. The Board untruthfully denied that Ms. Pannhurst's gender was the reason for their admitted actions and failures.

39. Despite her opposition to her wrongful treatment and raising her concerns, following April of 2021, Defendants did not change their actions. Ms. Pannhurst continued to raise her opposition with Defendant Board repeatedly during her one year tenure as Chief but it always fell on deaf ears.

40. Up until this point, most of the discrimination was through intentional withholding of information and knowledge which should have been imparted to Ms. Pannhurst. However, subsequently the environment became openly hostile and attacks on Ms. Pannhurst authority as Chief became more open and direct.

41. In May of 2021, Defendant Valentino was being investigated for falsifying the Length of Service Award Program ("LOSAP") system.

42. The background on this investigation includes that during Competition Drill practices, it was a practice for members to take a sign in sheet in the back of the firehouse where they were practicing. When an alarm would go off, members would sign the sign in sheet and receive credit for responding to the alarm, even if they did not actually engage in the alarm. Such credit would then go towards the LOSAP system. This practice was improper.

43. To combat this problem, Ms. Pannhurst would constantly say, even before she was Chief, that the sign in sheet should not be taken to the back of the firehouse. Instead, Ms. Pannhurst

wanted the drill team members to respond to alarms in the front of the firehouse and sign in at that time.

44. Similar to her entire tenure as Chief, Defendant Board made a determination agreeing on a potential solution while Ms. Pannhurst was on vacation with her family. This was intentional.

45. The resolution that was agreed upon by Defendant Board and Board members, for an apparatus called a rig to be taken to the back of the firehouse and the members would respond to alarms from the rig.

46. Defendants did not inform Ms. Pannhurst of this so called agreed upon resolution.

47. Once Ms. Pannhurst received knowledge of the agreement, to which she should have been privy, she informed her subordinates that she did not want the rig to be taken out on the track. Ms. Pannhurst would reiterate the same message in a GroupMe chat among Assistant Chiefs, Officers and Commissioners that the rig should be left in the building until the next board meeting.

48. On June 9, 2021, in direct violation of Ms. Pannhurst's order and another instance of actively disregarding her authority, the rig was placed in the back. This activity was a continuing pattern of open hostility and defiance.

49. Ms. Pannhurst told Defendant McKasty, who is her subordinate and the person who put the rig in the back to return it to the building. He responded: "No." Ms. Pannhurst then relieved him of duty until the next board meeting. As Chief, this was within her power and authority as Chief.

50. Ms. Pannhurst then asked Defendant Valentino to return the rig back into the building. He disobeyed her order and said: "No." In response to this act of insubordination, Ms. Pannhurst relieved him of duty until the next board meeting. Once again, this was within her power and authority as Chief.

51. Ms. Pannhurst then directed 1st Assistant Chief, Tim Dunham (hereinafter “Dunham” or “Defendant Dunham”), to return the rig into the building multiple times.

52. Defendant Dunham, like the two previous subordinates, disobeyed her order and she relieved him of duty to the next board meeting as well. Subsequently, Dunham began to scream and yell at Ms. Pannhurst, his superior, for rightfully relieving him of duty for his act of insubordination.

53. This verbal assault and insubordination was yet another level of gender discrimination and hostility aimed at Ms. Pannhurst.

54. Defendant Dunham demanded her to call the Chairman of the Board, Defendant Carl Fargione. When called, Fargione informed Dunham that Plaintiff was within her power to relieve him of his duty. Dunham expressed his disrespect and disdain for Ms. Pannhurst, which was yet another act of insubordination.

55. This type of unchecked insubordination and the hostile nature of Dunham’s conduct would not have occurred to any other Chief had they been male.

56. The discriminatory conduct was so hostile that it caused great concern for Ms. Pannhurst and required her to leave the facility for the rest of the day for her mental and emotional well-being.

57. Although Defendant Board admitted that Ms. Pannhurst had the power to relieve her subordinates, Defendants were allowed to continue practice that day, disobeying Plaintiff’s order relieving them of their duty.

58. In addition, when Ms. Pannhurst was away on a weekend trip, Defendant Board told the 2nd Assistant Chief, Defendant Citarella, that as Acting Chief, he had the power to overturn the suspensions implemented by Ms. Pannhurst.

59. Defendant Board allowed him to overturn her decisions without any consultation with Ms. Pannhurst or subsequent consequence.

60. Defendant Board's decision was so outrageous that Ms. Pannhurst called the Fire Department Association of New York (FASNY) to inquire whether Defendant Board had the power to allow Mr. Citarella to overturn her suspensions.

61. FASNY is an entity that educates and trains volunteer firefighters. FASNY informed Ms. Pannhurst that since she was neither incapacitated nor outside of New York State, her decisions as Chief could not be overturned by the 2nd Assistant Chief.

62. Defendants were again wrongfully undermining Ms. Pannhurst's authority as Chief. Such discriminatory conduct did not occur to the male chiefs who preceded her.

63. The hostile environment continued at the following board meeting (which was the time when Defendants Mike McKasty, Louis Valentino, and Dunham was supposed to come off suspension).

64. At the board meeting, in July of 2021, Ms. Pannhurst's authority was again questioned by Defendant McKasty. He attempted to once again circumvent Ms. Pannhurst's power by saying the Board has final say regarding the use of the rig. It was not until the FASNY attorney, a man, and the District Attorney, Sal Sapienzo, a man, joined in agreement with Ms. Pannhurst reiterating that she had such power as Chief.

65. Defendant Board members expressed their resentment for Ms. Pannhurst seeking the input of these two men.

66. It was completely embarrassing and humiliating that Ms. Pannhurst had to continually oppose the hostility aimed at her and fight her subordinates and the Board, to exercise

the authority she rightfully had as Chief.

67. Defendant Board fostered and encouraged this environment because at or around the same meeting, the Board, in retaliation, informed Ms. Pannhurst that they would have overturned the suspensions anyway.

68. In clear acts of abuse and retaliation, Defendant Board was continually and discriminatorily undermining and/or usurping the power she had as Chief.

69. In acts of defiance and disregard, Defendant Dunham would constantly go to Defendant Board every time he did not agree, failed to follow, or wanted to contest proper orders Ms. Pannhurst made as Chief.

70. Although Defendant Board is a governing body, it was Ms. Pannhurst as the Chief who had the power to direct her officers which included Defendant Dunham, as the 1st Assistant Chief.

71. The Board failed to address the insubordination which allowed Dunham and others to create an hostile environment where the 2nd Assistant Defendant Citarella and other lower officers refused to obey Ms. Pannhurst's authority.

72. Throughout her final six months as Chief, the environment remained hostile and was never addressed or rectified by Defendants Board or Board members.

73. Defendant Dunham continued to undermined Ms. Pannhurst authority by blatantly disregarding her orders and then going to the Board for wrongful condonation of these wrongful acts.

74. Further, Defendant Board would continue to neglect to inform Ms. Pannhurst about occurrences and information she should be privy to as Chief.

75. In August of 2021, Ms. Pannhurst was informed not by Defendant Board but by Defendant Dunham that a five inch hose would be taken out of service and replaced.

76. Within that same month, there was a Long Island charity event in which Defendant Department was assisting. Defendant Dunham and others knew all the information and Ms. Pannhurst was never given any updates.

77. Upon information and belief during Ms. Pannhurst's tenure as Chief, Defendant Dunham had liquor licenses in his name because of his position.

78. However, when Ms. Pannhurst held the position of 1st Assistant Chief, her treatment was very different as liquor licenses were never put in her name. The Chief should be privy to such information, however, Ms. Pannhurst was intentionally not informed by Defendants.

79. This pattern of lack of disclosure of information by Defendants is far from accidental. Male chiefs who held the position were never treated in this discriminatory manner.

80. Also in August of 2021, Defendant Board disallowed Ms. Pannhurst from directing the 1st Lieutenant that he could not utilize the spare chief's car to respond to any emergencies while most of the members were conducting drill competitions. This was a practice that Ms. Pannhurst used since May of 2021.

81. In another act of usurping Ms. Pannhurst's authority as Chief, Defendants Board and Board members made the decision to give the trucks to two ex-chiefs. Unlike the Lieutenant who has rank in the chain of command, ex-chiefs do not have such rank. Upon information and belief, the Board had never overrode the authority of a male Chief in the same manner.

82. From May 2021 until in or around January 2022, Ms. Pannhurst was intentionally denied access to the LOSAP system after there was an investigation of points being manipulated by

Defendant Valentino.

83. Although Chiefs normally have access and are required to sign off on the points at the end of the year, and did so in years past, Ms. Pannhurst was denied such access from May 2021 until her tenure as Chief ended in January of 2022.

84. Defendant Board knew of and refused to rectify this problem. Defendant Board never resolved this problem. This is yet another example of Defendants treating Ms. Pannhurst in an different and discriminatory manner due to her gender.

85. In January of 2022, after Ms. Pannhurst was no longer Chief, she was approached by the new Chief and members of Defendant Board to approve and sign off on the entries in the LOSAP system.

86. In February of 2022, Ms. Pannhurst in an email to Defendant Board reiterated that she has not had access to the system since May of 2021, and she noticed errors in some of the entries.

87. Ms. Pannhurst declined to verify the entries in the LOSAP system as she had been denied access and it would not be fully accurate or truthful to her knowledge.

88. Although the chief is required to sign off on the points in the LOSAP system, the points were still posted without the signature of Ms. Pannhurst as though they had been verified.

89. Yet again, this was a demonstration of Defendants undermining the authority Ms. Pannhurst had as the former Chief solely due to her gender.

90. As mentioned above, Ms. Pannhurst's tenure as Chief of Defendant Department ended in January of 2022. Upon information and belief, the subsequent Chief did not have the same credentials that were required of Ms. Pannhurst to be eligible for the position.

91. The discriminatory nature of Defendants' treatment only occurred during the year that she was Chief of Defendant Department. Her entire career up until that point, while at times was unwelcoming, was without blatant and direct insubordination, disrespect, verbal abuse, embarrassment and humiliation as was exhibited toward her as Chief.

92. It was not until she, as a woman, held the highest position in Defendant Department that she had to endure such mistreatment.

93. Ms. Pannhurst who is now a general member at Defendant Department was subjected to constant undermining, embarrassment, usurping and curtailing of authority which she faced for all of 2021 as Chief of Defendant Department.

94. Ms. Pannhurst faced open and indirect discrimination, and gender based aggression, for the sole reason that she is a woman, and in retaliation when she opposed such mistreatment. Ms. Pannhurst has dedicated and still dedicates her time, effort, blood, sweat and tears to Defendant Department but when she was Chief, Defendants chose to abuse her and ignore her authority due to her gender.

95. Defendants subjected Ms. Pannhurst to employment conditions that were wrongful and unlawful, based solely upon her gender and/or sex and would not have occurred but for her gender.

96. Defendants Department's failure to change, address, and/or rectify the discriminatory behavior engaged in by Defendants Board, Board members, and Dunham, after being provided notice on numerous occasions by Plaintiff, makes all Defendants complicit.

97. Ms. Pannhurst chose to oppose her wrongful treatment and to speak out against the injustices so that woman who may become Chief in the future will not endure what she was forced

to experience.

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

98. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 97 inclusive of this Complaint, with the same force and effect as though herein fully set forth herein.

99. Defendants District and Department, through their agents and employees, discriminated against the Plaintiff in her employment based on Plaintiff's sex/gender, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as amended.

100. As a direct result of said acts, Plaintiff has suffered loss of income as she held the position of Chief for only one year. Plaintiff suffered loss of other employment benefits as Chief, by having authority and direction of her male subordinates consistently undermined by Defendants.

101. Plaintiff suffered and continues to suffer distress, humiliation, embarrassment as a result of the differential and discriminatory treatment and hostile work environment.

102. As a direct result of aforementioned acts, Plaintiff has been deprived of her rights and deprived of her freedoms. Plaintiff has been forced to seek redress in the courts rather than capitulating to the previously mentioned abuse, ridicule, harassment and discrimination.

103. Plaintiff has been subjected to humiliation, loss of title/status, untimely removal from her position, and removal from her assignment.

104. Plaintiff was refused status, accommodations, benefits, resources and trust awarded to other male chiefs of Defendant Department, who were similarly situated, excepting the fact that they were not women.

105. Were Plaintiff a male, rather than a woman, she would not have been subjected to the adverse employment actions during her tenure as Chief, including but not limited to: denial of resources as Chief, denial of pertinent information by Defendants intentionally affecting her role as Chief, constant unchecked insubordination by her male subordinates, the overturning of rightful suspensions of her subordinates by Defendant Board, retaliation for complaining of discrimination, as well as subjected to the intense abuse and humiliation that continued throughout Plaintiff's tenure as Chief during the 2021 year.

106. Plaintiff has been subjected to retaliation for speaking against and opposing her wrongful treatment which was contrary to her rights under Title VII.

107. Even when Plaintiff protested such unequal and unlawful treatment, Defendant Dunham, Defendant Board, and Defendant Board members would further retaliate by intentionally undermining and/or acquiescing to workplace conditions that went against the direct orders of Plaintiff; denying the Plaintiff the benefit of options, opportunities, and accommodations offered to any and all male Department Chiefs, before and subsequent to her tenure; verbally abusing and yelling at Plaintiff; ignoring Plaintiff's justifiable complaints; and creating a hostile work environment for Plaintiff.

108. As a direct result of said acts, Plaintiff has suffered, and continues to suffer, loss of benefits, loss of status, loss of opportunities, distress, humiliation, embarrassment, emotional distress, and damage to her reputation as alleged in the preceding paragraphs of the within Complaint. Further, Plaintiff has incurred incidental fees/damages, loss of benefits, and other damages/injuries due to Defendants' unlawful discrimination based solely on gender and/or sex and retaliation.

109. That by reason of the foregoing, Ms. Pannhurst is now suffering and will continue to suffer irreparable injury, distress, pain, suffering, loss of self-esteem, self-doubt, disgrace, public humiliation, embarrassment, inconvenience, and frustration, and, thus, has been damaged in excess of one million (\$1,000,000.00) dollars, as well as punitive damages against the individuals, costs and attorney's fees.

AS FOR A COUNT TWO
42 U.S.C. §1983 - FOURTEENTH AMENDMENT

110. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 109 inclusive of this Complaint, with the same force and effect as though herein fully set forth.

111. The Defendants have engaged in actions and abuses which violate and deny Plaintiff her rights as provided under the Fourteenth Amendment of the United States Constitution thus violating her Fourteenth Amendment right of equal protection and substantive due process in discriminating against Plaintiff, because of, and account of her gender and sex.

112. Defendants VALENTINO, MCKASTY, LETTIERI, FARGIONE, PALERMO, DUNHAM, AND CITARELLA's, actions as state actors, infringed upon, and was violative of, Plaintiff's rights protected under the Fourteenth Amendment of the United States Constitution. Defendants' actions were intended to deprive Plaintiff of her rights and 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.

113. Plaintiff, who identifies as a woman, has been treated differently from similarly situated, past and subsequent, male Chiefs of Defendant Department, and Plaintiff has been abused and violated because of her gender and/or sex.

114. Defendant Dunham's discriminatory actions, which was engaged in, encouraged by, and/or condoned by all other individual Defendants have caused Plaintiff to suffer, and have resulted in diminishing and usurping of her benefits and rights as Chief, intentional undermining of Plaintiff's power as Chief, the encouragement of subordinates to disobey, not follow, and go against Mr. Pannhurst's orders during her tenure as Chief, and all of these actions were followed, condoned and/or failed to be corrected by Defendant Board.

115. Defendants knew that they were discriminating against and violating Plaintiff's rights. Defendants conspired with one another to discriminate against Plaintiff because of her gender and/or sex. Defendants further retaliated against Plaintiff for her opposition to acts of discrimination in violation of 42 U.S.C. §1983.

116. Each of the Defendants took no action to intervene and/or prevent the wrongful actions taken against Plaintiff to discriminate against her.

117. 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.

118. Defendants District and Department through the actions and inactions of Defendants Dunham, Citarella, and Board 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. Instead, Defendants joined in this conspiracy against Plaintiff, because of her gender and/or sex.

119. As a direct result of said acts, Plaintiff has suffered, and continues to suffer, loss of benefits, loss of status, loss of opportunities, distress, humiliation, embarrassment, and damage

to her reputation as alleged in the preceding paragraphs of the within Complaint. Further, Plaintiff has incurred incidental fees/damages, loss of benefits, and other damages/injuries due to Defendants' unlawful discrimination based solely on gender and/or sex and retaliation.

120. That by reason of the foregoing, Ms. Pannhurst is now suffering and will continue to suffer irreparable injury, distress, pain, suffering, loss of self-esteem, self-doubt, disgrace, public humiliation, embarrassment, inconvenience, and frustration, and, thus, has been damaged in excess of one million (\$1,000,000.00) dollars, as well as punitive damages against the individuals, costs and attorney's fees.

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

121. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 120 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

122. Decision makers and policy makers, Defendants VALENTINO, MCKASTY, LETTIERI, FARGIONE, PALERMO, acting under color of law, and through their employees servants, officials, agents and designees, including but not limited to Defendants Dunham and Citarella, have engaged in a course of action and behavior rising to the level of a policy, custom, and condoned practice, in abusing the rights and discriminating against persons situated as Plaintiff is, 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 of Defendant Department.

123. Defendants District and Department allowed a policy of gender and/ or sex discrimination to be engaged in by Defendant Board and Defendant Dunham. The wrongful actions of Defendants allowed Plaintiff to be continually undermined, and essentially stripped of power as

the Chief of Defendant Department which no male Chief prior to or after her has ever been subjected to.

124. When Plaintiff brought her complaints to the attention of Defendants Board and Board members, she was further retaliated against and none of her complaints were taken serious nor corrected.

125. The wrongful actions committed by Defendants allowed and condoned a workplace policy and/or environment in which normal practices, procedures, and customs were neglected to be followed and/or adhered to when a woman, in this case, Ms. Pannhurst was the Chief of Defendant Department.

126. As a direct result of said acts, Plaintiff has suffered, and continues to suffer, loss of benefits, loss of status, loss of opportunities, distress, humiliation, embarrassment, and damage to her reputation as alleged in the preceding paragraphs of the within Complaint. Further, Plaintiff has incurred incidental fees/damages, loss of benefits, and other damages/injuries due to Defendants' unlawful discrimination based solely on gender and/or sex and retaliation.

127. As a result of Defendants acts, Plaintiff suffered, and is entitled to, damages sustained to date and continuing in excess of one million dollars (\$1,000,000.00), costs and attorneys' fees as well as equitable and injunctive relief and any other relief this Court may find and just and proper.

AS FOR A COUNT FOUR
Executive Law of New York, Art. 15 ("Human Rights Law") §§ 290 & 296

128. Plaintiff repeats and reiterates the allegations set forth in paragraph 1 through 127 inclusive of this Complaint, with the same force and effect as through herein fully set forth.

129. The above discriminatory practice based on sex, and/or gender by Defendants District, Department, Board, VALENTINO, MCKASTY, LETTIERI, FARGIONE, PALERMO, Dunham, and Citarella violates New York State Executive Law.

130. Defendant District, through its agent/employees, Defendants VALENTINO, MCKASTY, LETTIERI, FARGIONE, PALERMO, Dunham, and Citarella discriminated and retaliated against Plaintiff in her employment based on Plaintiff's sex/gender, and retaliated against her for her opposition to the discrimination to which she was being subjected in violation of this section.

131. As a direct result of aforementioned acts, Plaintiff has been deprived of her rights and deprived of her freedoms. Ms. Pannhurst has been forced to seek redress in the courts rather than capitulating to the previously mentioned abuse, ridicule, and discrimination.

132. Defendants Board and Dunham subjected Ms. Pannhurst to harassment, humiliation, a hostile work environment, and embarrassment due being a female Chief of Defendant Department.

133. Specifically, Defendant Dunham, Citarella, and Defendant Board (VALENTINO, MCKASTY, LETTIERI, FARGIONE, PALERMO) with the approval, implicit or otherwise, of Defendant District, subjected Ms. Pannhurst to wrongful gender and/or sex discrimination, which constitutes a hostile work environment when considered in the aggregate, in violation of the New York Human Rights Law. This hostile work environment Defendant Dunham created was based solely on Plaintiff's sex/gender, and because Plaintiff challenged Defendants' discriminatory and disparate treatment to which they subjected her, which constitutes a violation of the New York Human Rights Law.

134. Plaintiff who held the highest position in Defendant Department as Chief, including rightful power over her subordinates, Defendant Dunham, Citarella and Defendant Board, had her power intentionally, negligently and recklessly usurped which was permitted by consent, explicit or otherwise, of Defendant Department to create a hostile work environment by harassing, intentionally inflicting emotional distress, and otherwise subjecting Plaintiff to discriminatory treatment.

135. As a direct result of said acts, Plaintiff has suffered, and continues to suffer, loss of benefits, loss of status, loss of opportunities, distress, humiliation, embarrassment, and damage to her reputation as alleged in the preceding paragraphs of the within Complaint. Further, Plaintiff has incurred incidental fees/damages, loss of benefits, and other damages/injuries due to Defendants' unlawful discrimination based solely on gender and/or sex and retaliation.

136. As a result of Defendants acts, Plaintiff suffered, and is entitled to, damages sustained to date and continuing in excess of one million dollars (\$1,000,000.00), costs and attorneys' fees as well as equitable and injunctive relief and any other relief this Court may find and just and proper.

PRAYER FOR RELIEF

Plaintiff requests judgment as follows:

- a. First Cause of Action: in excess of one million (\$1,000,000.00) dollars as well as punitive damages, costs, and attorney's fees;
- b. Second Cause of Action: in excess of one million (\$1,000,000.00) dollars as well as punitive damages, costs, and attorney's fees;
- c. Third Cause of Action: in excess of one million (\$1,000,000.00) dollars as well as punitive damages, costs, and attorney's fees;
- d. Fourth Cause of Action: in excess of one million (\$1,000,000.00) dollars as well as punitive damages, costs, and attorney's fees;

- e. Attorneys' fees and costs, pursuant to 42 U.S.C. §1988 and 42 U.S.C. § 2000e-5(k);
- f. A declaratory judgment stating that Defendants willfully violated Plaintiff's rights secured by federal and state laws as alleged herein;
- g. Injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; 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
- h. 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
January 24, 2024

LAW OFFICES OF
FREDERICK K. BREWINGTON
By: */s/ Cobia M. Powell*
COBIA M. POWELL
Attorneys for Plaintiff
556 Peninsula Boulevard
Hempstead, New York 11550
(516) 489-6959

EXHIBIT A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

RECEIVED

Issued On: 10/31/2023

To: Nicole Pannhurst
81 Corbin Avenue
East Patchogue, NY 11772

NOV 2 2023

Charge No: 16G-2022-03724

EEOC Representative and email:

LAW OFFICES OF
FREDERICK K. BREWINGTON
HERNAN MORALES
State and Local Program Manager
HERNAN.MORALES@EEOC.GOV

DISMISSAL OF CHARGE

The EEOC is closing this charge because: Charging Party wishes to pursue matter in Federal District Court.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Timothy Riera
10/31/2023

Timothy Riera
Acting District Director

Cc: Hagerman Fire Department
Attn: Chief
510 Oakdale Avenue
East Patchogue NY 11772

Traub Lieberman Straus & Shrewsberry LLP
Attn: Hillary Raimondi – Esq
7 Skyline Drive
Hawthorne NY 10532

Please retain this notice for your records.

NICOLE PANNHURST v. Hagerman Fire District et al.

Docket No.:

Addendum

Defendants

1. HAGERMAN FIRE DISTRICT
510 Oakdale Avenue
East Patchogue, NY 11772
2. HAGERMAN FIRE DEPARTMENT
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
3. HAGERMAN BOARD OF FIRE COMMISSIONERS
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
4. Tim Dunham
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
5. Corey Citarella
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
6. Louis Valentino
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
7. Mike McKasty
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772

8. Ralph Lettieri Jr.
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
9. Carl Fargione
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772
10. Mark Palermo
c/o Hagerman Fire District
510 Oakdale Avenue
East Patchogue, NY 11772

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

