

CV 15 - 2232

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JANE SEIDEMANN,

Plaintiff,

- against -

THE CITY OF NEW YORK, DEPARTMENT OF
EDUCATION OF THE CITY OF NEW YORK,
RUSHELL WHITE, MICHELE COHEN and
BEVERLY DEAS-MOORE,

Defendants.
----- X

**TO: THE UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF NEW YORK**

Defendants, the City of New York and Department of Education of the City of
New York by and through their attorney, Zachary W. Carter, Corporation Counsel of the City of
New York, respectfully move this Court as follows:

1. On March 11, 2015, defendants the City of New York ("City") and the
Department of Education of the City of New York ("DOE") received a Summons and Verified
Complaint by personal delivery, filed in the Supreme Court of the State of New York, County of
Kings, under Index No. 2875/15, naming, *inter alia*, the City and the DOE as defendants therein.
A copy of plaintiff's Summons and Verified Complaint is annexed hereto as Exhibit "A."

2. Upon information and belief the individually-named defendants Michele
Cohen and Beverly Deas- Moore were served by personal service on April 1, 2015, and
defendant Rushell White was served by first class mail on April 1, 2015.¹

¹ This office is in the process of determining legal representation of defendants White, Cohen
and Deas-Moore. Upon information and belief, defendant White's answer is due on May 1, 2015
and defendants Cohen and Deas-Moore's answers are due on April 21, 2015.

NOTICE OF REMOVAL

Case No. 15 Civ. _____

AMON, CH.J.

REYES, M.J.

FILED
CLERK
2015 APR 20 PM 3:15
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3. The above-captioned action is a civil action of which the United States District Court has original jurisdiction pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.

4. Plaintiff brings this lawsuit alleging, inter alia, that defendants' acts constituted discrimination in violation of the above referenced statutes. See Exhibit "A," ¶¶ 30-36.

5. This action is therefore removable to this District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. § 1441 (b).

6. This Notice of Removal is timely because it is being filed within thirty days (30) days of receipt of the Summons and Verified Complaint on all defendants. See 28 U.S.C. §§ 1446 (b)(1), 1446 (b)(2)(B), 1446 (b)(2)(C).


7. Defendants DOE and City will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

8. Pursuant to 28 U.S.C. § 1446 (b)(2)(A), the individually-named defendants White, Cohen and Deas-Moore have consented to removal of this matter to the District Court.

WHEREFORE, defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York.

Dated: New York, New York
April 20, 2015

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-170
New York, New York 10007
(212) 356-4078
jkoduru@law.nyc.gov

By: 
Jennifer Koduru
Assistant Corporation Counsel

TO: Jay Weinstein (via mail)
Attorney for Plaintiff
503 Longacre Avenue
Woodemere, New York 11598

Docket No. 14 Civ.
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK
JANE SEIDEMANN, <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> THE CITY OF NEW YORK, DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, RUSHELL WHITE, MICHELE COHEN and BEVERLY DEAS-MOORE, <p style="text-align: right;">Defendants.</p>
NOTICE OF REMOVAL
ZACHARY W. CARTER <i>Corporation Counsel of the City of New York</i> <i>Attorney for Defendants</i> <i>100 Church Street, Rm. 2-170</i> <i>New York, N.Y. 10007</i> <i>Of Counsel: Jennifer Koduru</i> <i>Tel: (212) 356-4078</i> <i>Matter No. 2015-009501</i>
<i>Due and timely service is hereby admitted.</i> <i>New York, N.Y., 2015</i> <i>Esq.</i> <i>Attorney for</i>

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No. *2875715*

Plaintiff Designates
Queens County
as the place of trial

JANE SEIDEMANN,

Plaintiff,

SUMMONS

-against-

The basis of the venue is the
Location of Occurrence

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION OF THE CITY OF NEW YORK,
RUSHELL WHITE, MICHELE COHEN and
BEVERLY DEAS-MOORE

Defendant.

Plaintiff resides at
22 Beachwood Drive
Lawrence, N.Y.
County of NASSAU

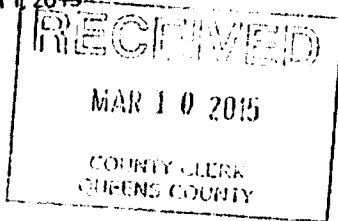
To the above named Defendant:

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 the summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) 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 the 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.

Dated: Woodmere, New York

Yours, etc.

March 1, 2015



JAY M. WEINSTEIN
Attorney for Plaintiff
503 Longacre Avenue
Woodmere, New York 11598
(516) 569-2146

BY: *Jay M. Weinstein*
JAY M. WEINSTEIN

Defendants' Address: City of New York & Department of Education of the City of New York
100 Church Street
New York, N.Y. 10007

Rushell White, Michele Black and Beverly Deas-Moore
c/o MS 226
121-01 Rockaway Boulevard
South Ozone Park, N.Y.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----x

JANE SEIDEMANN,

Plaintiff,

-against-

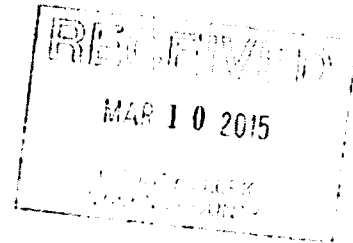
Index # 287/15

CITY OF NEW YORK, DEPARTMENT OF
EDUCATION OF THE CITY OF NEW YORK,
RUSHELL WHITE, MICHELE COHEN and
BEVERLY DEAS-MOORE,

VERIFIED COMPLAINT

Defendants.

-----x



The plaintiff, by her attorney, JAY M. WEINSTEIN, as and for her verified complaint, alleges, upon information and belief as follows:

PARTIES AND JURISDICTION

The plaintiff was and is a resident of the State of New York, County of Nassau.

2. The defendant, CITY OF NEW YORK is a municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

3. The defendant, DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, is an educational corporation, duly organized and existing under and by virtue of the laws of the State of New York.

4. That on or about October 22, 2014, and within 90 days of the occurrences as set forth herein, the plaintiff caused to be served and filed with CITY OF NEW YORK AND

DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, a Notice of Claim, in duplicate, which set forth as follows: The Nature of the Claim, The Time & Place Where the Claim Arose, The Nature of the Claim and the Items of Injury and Damage.

5. More than 30 days have elapsed since the presentation of the claim, and the defendants CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK have failed and refused to settle or compromise the claim.

6. That on February 18, 2015, the plaintiff appeared for a hearing pursuant to Section 50-h of the General Municipal Law of the State of New York.

7. That this action was commenced within one year and 90 days from the happening of the occurrence as set forth herein.

8. The defendant, RUSHELL WHITE ("WHITE"), is a resident of the State of New York.

9. The defendant, MICHELE COHEN ("COHEN"), is a resident of the State of New York.

10. The defendant, BEVERLY DEAS-MOORE ("MOORE") is a resident of the State of New York.

11. That the defendants, CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, were and are the owners of 121-01 Rockaway Boulevard, County of Queens, New York.

12. That within the said premises the defendants CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, operated, managed, supervised, maintained and controlled a school known as MS-226.

13. That the plaintiff was and is employed by the defendants, CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, as a school psychologist at MS-226.

14. The defendant, RUSHELL WHITE, was an employed by defendants, CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, as the school principal at MS-226.

15. The defendant, MICHELE COHEN, was employed by defendant CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK as the school's assistance principal at MS-226.

16. The defendant, BEVERLY DEAS-MOORE, was employed by defendants CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK as the payroll secretary at MS-226.

FACTUAL BACKGROUND

17. The plaintiff is a female Caucasian Orthodox Jew

18. Upon information and belief, the individual defendants, White, Cohen and Deas-Moore are African Americans.

19. That commencing in September, 2013 and continuing to date, defendant, Cohen became the assistant principal at the aforementioned school.

20. That commencing at that time, and continuing to date, defendants White and Cohen continuously harassed the plaintiff both publicly and privately, in their place of work.

21. That as a result of the continuous harassment, the plaintiff was unable to complete her work as was required and mandated by the laws of the State of New York and the City of New York.

22. That defendants White and Cohen took steps to make it appear as if the plaintiff was incompetent and unable to perform her duties as school psychologist at the said school.

23. That the defendants White and Cohen did, with malice, scream at the plaintiff in front of other African American employees for the sole purpose of demeaning the plaintiff so that the plaintiff would be forced to leave her job.

24. That the defendants took the aforementioned steps in order to force the plaintiff, a Caucasian employee to leave the school so that she could be replaced by an African American or other "non-Caucasian" employee.

25. That commencing in June, 2014, and continuing to date, Ms. Deas-Moore, in her capacity as payroll secretary at the said school, and while under the direction of defendants White and Cohen, did intentionally and/or recklessly tamper with the plaintiff's payroll records for the period commencing in 2011.

26. That Deas-Moore further tampered with the plaintiff's payroll records with regard to the plaintiff's legitimate use of using "religious observance days" as permitted by the rules of the Chancellor of the Department of Education for the period of 2011-2014.

27. That the individual defendants, while in the course of their employment for the defendants CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK, have taken various other steps to create for the plaintiff a hostile work environment and to discriminate solely by reason of her race and her religion, including their failures to provide a reasonable religious accommodation to the plaintiff.

28. Defendants, CITY OF NEW YORK and DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK are vicariously liable for the actions of defendants White, Cohen and Deas-Moore.

AS AND FOR A FIRST CAUSE OF ACTION-
VIOLATION OF FEDERAL CONSTITUTIONAL RIGHTS

29. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" to "28" inclusive as if set forth in full herein.

30. That the actions of the defendants, jointly and/or severally, and by their agents servants and employees were performed under color of law.

31. That by reason of the actions and inactions by the defendants as alleged herein, the plaintiff was deprived of certain rights as guaranteed by the 14th amendment of the United States Constitution by reason of her religious beliefs and practices.

32. That the plaintiff was denied right of a safe and secure workplace free of harassment by her supervisors and others.

33. That the actions of the defendants as alleged herein were in violation of plaintiff's rights to equal protection under the law.

34. That the plaintiff was deprived of her property rights without due process of law, to wit, that the plaintiff was denied her right to a free and unencumbered place to work in a safe and secure environment.

35. That the actions of the defendants were without justification.

36. That by reason thereof the plaintiff has been caused to sustain great pain and suffering and mental anguish which will continue into the future; that her injuries are permanent in nature; and that the plaintiff has been caused to seek medical and mental health treatment for the injuries sustained herein; and she has sustained a loss of income; and she has been damaged in an amount in excess of the monetary jurisdictional limitations of all lower courts of this state.

AS AND FOR A SECOND CAUSE OF ACTION-
VIOLATION OF STATE CONSTITUTIONAL RIGHTS.

37. The plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "36" inclusive as if set forth in full herein.

38. That Article One section 11 of the Constitution of the State of New York provides each citizen of the state the right of equal protection and the right not to be the victim of discrimination.

39. That the acts of the defendants as alleged herein violated the rights of the plaintiff by reason of her race and her religious beliefs and practices.

40. That the defendants failed to provide equal protection and equal treatment to the plaintiff solely by reason of her race and her religious beliefs and practices.

41. That by reason of the aforementioned the plaintiff has been damages an amount in excess of the monetary jurisdictional limitations of all lower courts of the State.

AS AND FOR A THIRD CUASE OF ACTION-
VIOLATION OF EXECUTIVE LAW 296 ET SEQ.

42. The plaintiff repeats, reiterates and realleges each and every allegation and contained in paragraphs "1" through "41" inclusive, as if set forth in full herein.

43. That the actions as alleged herein all took place within the State of New York.

44. That by reason of the aforementioned acts of harassment and discrimination of the plaintiff by the defendants jointly and/or severally, the defendants were and are in violation of *Executive Law 296 et seq.*

45. That by reason of the aforementioned the plaintiff has been damaged in an amount in excess of the monetary jurisdictional limitations of all lower courts of the State.

46. That the plaintiff shall also recover attorneys' fees interest and costs as allowed by the said statutes.

AS AND FOR A FOURHT CAUSE OF ACTION-
VIOLATION OF N.Y.C ADSMIN CODE 8-101 ET SEQ

47. The plaintiff repeats reiterates and realleges each and every allegation n as contained in paragraphs "1" through "46" inclusive, as if set forth in full herein.

48. That the actions as alleged herein all took place within the City of New York.

49. That by reason of the aforementioned acts of harassment and discrimination of the plaintiff by the defendants jointly and/or severally, the defendants were and are in violation of *N.Y.C. Admin Code 8-101 et seq.*

50. That by reason of the aforementioned the plaintiff has been damaged in an amount in excess of the monetary jurisdictional limitations of all lower courts of the State.

51. That the plaintiff shall also recover attorneys' fees interest and costs as allowed by the said statute.

WHEERFORE, plaintiff demands judgment against the defendants in an amount in excess of the monetary jurisdictional limitations of all lower courts of the state, together with attorneys' fees, interest, costs and disbursements of the action.

Dated: Woodmere, New York

March 1, 2015

Yours, etc.

JAY M. WEINSTEIN
Attorney for Plaintiff
503 Longacre Avenue
Woodmere, N.Y. 11598
(516) 569-2146

BY: 

JAY M. WEINSTEIN

INDIVIDUAL VERIFICATION

STATE OF NEW YORK

ss.:

COUNTY OF NASSAU

JANE SEIDEMANN, being duly sworn, says: I am the plaintiff in the within action; I have read the foregoing Answer and Counterclaim and know the contents thereof; except as to matters therein stated to be alleged on information and belief, as to those matters I believe it to be true.

The ground for my belief as to matters not stated upon my own knowledge are as follows:
personal knowledge and review of documents


JANE SEIDEMANN

Sworn to before me on
March 1, 2015


NOTARY PUBLIC

NOTARY PUBLIC, STATE OF NEW YORK
NO. 4712770
COMPLETED IN NASSAU COUNTY

9/20/18

Pursuant to Rule 130-1.1.a of the Rules of the Courts of the State of New York, that I, an attorney at law, do hereby certify that the matters set forth herein are true to my knowledge and belief, and is not frivolous and that this matter was not obtained through illegal conduct.

Dated: Woodmere, New York
March 1, 2015


JAY M. WEINSTEIN