

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ASIA WILLIAMS,

Plaintiff,

- against -

THE CITY OF NEW YORK, ANNIE ZERON,
SALINA ALI, and JOHN DOE, All in Their
Individual Capacities and in Their Official Capacities,

Defendants
-----X

:
:
: 20CV5672
:
: COMPLAINT
: AND DEMAND FOR JURY TRIAL

: ECF CASE

Plaintiff, by her attorneys, MICHELSTEIN & ASHMAN, PLLC , complaining of the defendants, alleges:

NATURE OF THE ACTION

1. This is a civil rights action to redress the defendants' violation of the rights accorded to plaintiff Asia Williams by the Civil Rights Act of 1871, 42 U.S.C. §1983, by the Constitution of the United States, including the Fourth and Fourteenth Amendments, and by the laws of the State of New York.

2. Plaintiff Asia Williams is a citizen of the United States who was assaulted by New York City police officers Annie Zeron and Salina Ali during the course of an arrest on May 16, 2019 involving the use of excessive force and unnecessary sexual contact, causing the plaintiff to sustain physical injuries. Defendant John Doe subsequently applied handcuffs to the plaintiff's wrists excessively tight, causing additional physical injuries.

3. The defendants' actions were unlawful, and the plaintiff brings this action seeking compensatory and punitive damages.

JURISDICTION AND VENUE

4. Jurisdiction of this Court is invoked pursuant to the Constitution of the United States, 28 U.S.C. §§1331, 1343(3) and (4), and 42 U.S.C. §§1983 and 1988, in that this is an action seeking to redress the violation of plaintiff Asia Williams' constitutional and civil rights.

5. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) and (c) in that all of the events which give rise to the claim occurred within the jurisdiction of the United States District Court for the Southern District of New, defendants Annie Zeron and Salina Ali can be found within the Southern District of New York, and defendant The City of New York is a municipal corporation located in the Southern District of New York which is subject to personal jurisdiction in the Southern District of New York.

PARTIES

6. Plaintiff Asia Williams is a citizen of the United States who currently resides in the County of the Bronx, City and State of New York.

7. Defendant The City of New York is, and at all times relevant herein was, a municipal corporation created under the laws of the State of New York.

8. At all times relevant herein, defendant The City of New York maintained a police department.

9. Defendant Annie Zeron is a natural person who, at all times relevant to this action, was employed by defendant The City of New York as a police officer.

10. At all times relevant herein, defendant Annie Zeron was acting within the scope of her employment by defendant The City of New York.

11. Defendant Salina Ali is a natural person who, at all times relevant to this action, was employed by defendant The City of New York as a police officer.

12. At all times relevant herein, defendant Salina Ali was acting within the scope of her employment by defendant The City of New York.

13. Defendant John Doe is a natural person who, at all times relevant to this action, was employed by defendant The City of New York as a police officer.

14. At all times relevant herein, defendant John Doe was acting within the scope of his employment by defendant The City of New York.

NOTICE OF CLAIM

15. On August 9, 2019, and within ninety days of the accrual of the causes of action herein, plaintiff Asia Williams served on the Comptroller of the City of New York a Notice of Claim setting forth the time when, the place where and the manner in which her claims arose.

16. More than thirty days have elapsed since the plaintiff's Notice of Claim was served upon defendant The City of New York and said defendant has neglected and/or refused to make an adjustment or payment.

STATEMENT OF CLAIMS

17. Plaintiff incorporates by reference paragraphs 1 through 16 of this complaint as though the same were set forth fully herein.

18. On May 16, 2019, in the subway station at Union Square and East 14th Street, New York, New York, defendants Annie Zeron, Salina Ali and John Doe arrested plaintiff Asia Williams.

19. During the course of arresting plaintiff Asia Williams, defendants Annie Zeron and Salina Ali pushed the plaintiff.

20. During the course of the arrest of plaintiff Asia Williams by defendants Annie Zeron and Salina Ali, one of the female defendants held plaintiff Asia Williams while the other female defendant punched plaintiff Asia Williams multiple times.

21. During the course of the arrest of plaintiff Asia Williams, one of the female defendants bit plaintiff Asia Williams' breast.

22. During the course of the arrest of plaintiff Asia Williams, defendant John Doe applied handcuffs to the plaintiff's wrists.

23. Defendant John Doe applied the handcuffs to plaintiff Asia Williams' wrists excessively tight.

24. As a result of the actions of the defendants, plaintiff Asia Williams was injured.

25. The injuries sustained by plaintiff Asia Williams were the result of excessive force employed by defendants Annie Zeron, Salina Ali and John Doe.

COUNT ONE
USE OF EXCESSIVE FORCE UNDER 42 U.S.C. §1983

26. Plaintiff incorporates by reference paragraphs 1 through 25 of this complaint as though the same were set forth fully herein.

27. Defendants Annie Zeron and Salina Ali used excessive and unreasonable force against plaintiff Asia Williams by punching the plaintiff numerous times.

28. The level of force used by defendants Annie Zeron and Salina Ali against plaintiff Asia Williams was objectively unreasonable.

29. Defendants Annie Zeron and Salina Ali acted in concert in the use of excessive force against plaintiff Asia Williams.

30. Defendants Annie Zeron and Salina Ali maliciously and sadistically employed force against plaintiff Asia Williams for the purpose of causing physical injury to the plaintiff.

31. The use of excessive force by defendants Annie Zeron and Salina Ali deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches

and seizures guaranteed by the Fourth Amendment of the Constitution of the United States.

32. Defendants Annie Zeron and Salina Ali were acting under color of state law when they used excessive force against plaintiff Asia Williams.

33. Defendants Annie Zeron and Salina Ali deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution of the United States under color of state law, in violation of 42 U.S.C. §1983, by using excessive force against her.

34. As a result of the use of excessive force by defendants Annie Zeron and Salina Ali, plaintiff Asia Williams sustained physical injuries.

35. As a result of the use of excessive force by defendants Annie Zeron and Salina Ali, plaintiff Asia Williams experienced pain, physical and emotional distress, hardship and anxiety, and incurred medical expenses.

COUNT TWO
USE OF EXCESSIVE FORCE UNDER 42 U.S.C. §1983

36. Plaintiff incorporates by reference paragraphs 1 through 35 of this complaint as though the same were set forth fully herein.

37. Defendants Annie Zeron and Salina Ali used excessive and unreasonable force against plaintiff Asia Williams by biting her breast as she was being held and physically restrained.

38. The act of biting the breast of plaintiff Asia Williams constituted excessive force.

39. The level of force used by defendants Annie Zeron and Salina Ali in biting the plaintiff's breast as she was being held was objectively unreasonable.

40. Defendants Annie Zeron and Salina Ali acted in concert in the use of excessive force against plaintiff Asia Williams.

41. Defendants Annie Zeron and Salina Ali maliciously and sadistically employed force against plaintiff Asia Williams by biting her breast for the purpose of causing physical injury to the plaintiff.

42. The use of excessive force by defendants Annie Zeron and Salina Ali deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution of the United States.

43. Defendants Annie Zeron and Salina Ali were acting under color of state law when they used excessive force against plaintiff Asia Williams by biting her breast.

44. Defendants Annie Zeron and Salina Ali deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution of the United States under color of state law, in violation of 42 U.S.C. §1983, by using excessive force against her.

45. As a result of the use of excessive force by defendants Annie Zeron and Salina Ali, plaintiff Asia Williams sustained serious physical injuries, including scarring of her breast.

46. As a result of the use of excessive force by defendants Annie Zeron and Salina Ali, plaintiff Asia Williams experienced pain, physical and emotional distress, hardship and anxiety.

COUNT THREE
USE OF EXCESSIVE FORCE UNDER 42 U.S.C. §1983

47. Plaintiff incorporates by reference paragraphs 1 through 46 of this complaint as though the same were set forth fully herein.

48. Defendant John Doe used excessive and unreasonable force against plaintiff Asia Williams by handcuffing her wrists excessively tight.

49. The level of force used by defendant John Doe in handcuffing plaintiff Asia Williams' wrists was objectively unreasonable.

50. Defendant John Doe maliciously and sadistically tightened the handcuffs on plaintiff Asia Williams' wrists for the purpose of causing physical injury to the plaintiff.

51. The use of excessive force by defendant John Doe deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution of the United States.

52. Defendant John Doe was acting under color of state law when he used excessive force against plaintiff Asia Williams.

53. Defendant John Doe deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution of the United States under color of state law, in violation of 42 U.S.C. §1983, by using excessive force against her.

54. As a result of the use of excessive force by defendant John Doe, plaintiff Asia Williams sustained physical injuries.

55. As a result of the use of excessive force by defendant John Doe, plaintiff Asia Williams experienced pain and physical and emotional distress.

COUNT FOUR
MUNICIPAL LIABILITY UNDER 42 U.S.C. §1983

56. Plaintiff incorporates by reference paragraphs 1 through 55 of this Complaint as though the same were set forth fully herein.

57. Upon information and belief, at all times relevant herein, defendant The City of New York was aware from Notices of Claim, lawsuits, claims filed with the New York City Police

Department and the Civilian Complaint Review Board, and from the New York City Police Department's own observations, that defendants Annie Zeron, Salina Ali and John Doe are unfit, ill tempered police officers who have the propensity to commit the acts alleged herein.

58. Upon information and belief, defendant The City of New York failed adequately to investigate prior complaints against these officers.

59. The failure of defendant The City of New York properly to take remedial action to train, retrain, supervise, monitor and discipline police officers for violations of Constitutional rights constituted deliberate indifference to the rights of persons with whom its police officers come into contact.

60. Defendant The City of New York knew, or should have known, that as a direct result of this policy, practice and/or custom, the Constitutional rights of plaintiff Asia Williams would be violated.

61. Defendant The City of New York implemented, enforced, encouraged, sanctioned and failed to rectify such policy, practice and/or custom with deliberate indifference to and disregard for the civil rights of individuals, and more particularly, the civil rights of plaintiff Asia Williams.

62. Defendant The City of New York was acting under color of state law when it formulated and implemented a policy, custom or practice of failing adequately to investigate complaints against police officers for violating civil rights and to take appropriate remedial action.

63. Defendant The City of New York deprived plaintiff Asia Williams of her right to be secure in her person against unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution of the United States under color of state law, in violation of 42 U.S.C. §1983, by adopting and enforcing a policy, practice or custom of failing adequately to

investigate complaints against police officers and to take appropriate remedial action to prevent further violations of the civil rights of members of the public.

COUNT FIVE
COMMON LAW ASSAULT

64. Plaintiff incorporates by reference paragraphs 1 through 63 of this Complaint as though the same were set forth fully herein.

65. The above described acts of defendants Annie Zeron, Salina Ali and The City of New York placed plaintiff Asia Williams in fear of imminent harmful physical contact.

66. As a result of the foregoing, plaintiff Asia Williams was injured.

67. As a result of the foregoing, plaintiff Asia Williams experienced emotional distress in anticipation of the impending acts of force against her.

COUNT SIX
COMMON LAW BATTERY

68. Plaintiff incorporates by reference paragraphs 1 through 67 of this Complaint as though the same were set forth fully herein.

69. Defendants Annie Zeron, Salina Ali and The City of New York committed multiple acts of battery on plaintiff Asia Williams by punching her.

70. As a result of the foregoing, plaintiff Asia Williams was injured.

71. Defendants Annie Zeron, Salina Ali and The City of New York intended to cause pain and injury to plaintiff Asia Williams by punching the plaintiff.

72. As a result of the foregoing, plaintiff Asia Williams experienced pain, and physical and emotional distress.

COUNT SEVEN
COMMON LAW BATTERY

73. Plaintiff incorporates by reference paragraphs 1 through 71 of this Complaint as though the same were set forth fully herein.

74. Defendants Annie Zeron, Salina Ali and The City of New York committed battery on plaintiff Asia Williams by biting her breast.

75. As a result of the foregoing, plaintiff Asia Williams was injured.

76. Defendants Annie Zeron, Salina Ali and The City of New York intended to cause pain and injury to plaintiff Asia Williams by biting the plaintiff's breast.

77. As a result of the foregoing, plaintiff Asia Williams experienced pain, physical and emotional distress, scarring of her breast and anxiety.

COUNT EIGHT
COMMON LAW BATTERY

78. Plaintiff incorporates by reference paragraphs 1 through 77 of this Complaint as though the same were set forth fully herein.

79. Defendant John Doe and The City of New York committed battery on plaintiff Asia Williams by placing handcuffs on the plaintiff's wrists in an excessively tight manner.

80. Defendants John Doe and The City of New York intended to cause pain and injury to plaintiff Asia Williams by placing handcuffs on the plaintiff's wrists in an excessively tight manner.

81. As a result of the foregoing, plaintiff Asia Williams was injured.

82. As a result of the foregoing, plaintiff Asia Williams experienced pain, physical and emotional distress, and anxiety.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Asia Williams respectfully requests that this Court grant the following relief:

A. Award plaintiff Asia Williams compensatory damages to be determined by the jury at the time of trial;

B. Award plaintiff Asia Williams punitive damages to be determined by the jury at the time of trial;

C. Award the plaintiff Asia Williams reasonable attorneys' fees and costs, including the fees and costs of experts, incurred in prosecuting this action; and

D. Grant such further relief as the Court deems necessary and proper.

JURY TRIAL DEMANDED

The plaintiff requests a jury trial on all questions of fact raised by his Complaint.

Dated: New York, New York
July 22, 2020

MICHELSTEIN & ASHMAN, PLLC

By: _____ S/

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