

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

NASEKA BROWNE,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF CORRECTIONS OFFICER  
VIOLA, NEW YORK CITY DEPARTMENT OF  
CORRECTIONS OFFICER PHILLIPS, NEW YORK  
CITY DEPARTMENT OF CORRECTIONS OFFICER  
"JOHN DOE 1-10", and NEW YORK CITY  
DEPARTMENT OF CORRECTIONS OFFICER  
"JANE DOE 1-10", "JOHN DOE 11-12" and "JANE  
DOE 11-20",

Defendants.

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STATE OF NEW YORK )  
)  
COUNTY OF NEW YORK )

ss.:

MICHAEL ZILBERG, ESQ., being duly sworn, affirms and says that:

He is an attorney duly admitted to practice law in the State of New York and is a member of the firm of CERTAIN & ZILBERG, PLLC in the within action; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof, that the same is true to the best of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.  
The reason this verification is not made by the plaintiff is that plaintiff resides and is located outside the county wherein the undersigned maintains his office.  
The source of deponent's information and the grounds for his belief as to those matters stated upon information and belief, are statements furnished to deponent by plaintiff, personal investigation of this matter and from records in deponent's file.  
I affirm the foregoing statements to be true under the penalties of perjury.

Dated: New York, New York  
February 22, 2011

Yours, etc.



Certain & Zilberg, PLLC  
By: Michael Zilberg, Esq.

ATTORNEY  
VERIFICATION

Index No. 301222/11

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

NASEKA BROWNE,

Plaintiff(s),

-against-

THE CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF CORRECTIONS OFFICER VIOLA, NEW YORK CITY DEPARTMENT OF CORRECTIONS OFFICER PHILLIPS, NEW YORK CITY DEPARTMENT OF CORRECTIONS OFFICER "JOHN DOE 1-10", and NEW YORK CITY DEPARTMENT OF CORRECTIONS OFFICER "JANE DOE 1-10", "JOHN DOE 11-12" and "JANE DOE 11-20",

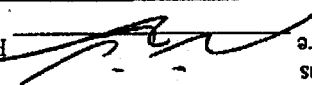
Defendant(s).

**VERIFIED COMPLAINT**

**CERTAIN & ZILBERG, PLLC**  
Attorneys for Plaintiff **BROWNE**  
909 Third Avenue-28<sup>th</sup> Floor  
New York, New York 10022  
Telephone: (212) 687-7800

To:

Attorney for Service of a copy of the within Verified Complaint is hereby admitted.  
Dated:

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained herein and the annexed documents, if any, are not frivolous  
Dated: February 22, 2011 Signature   
Printed Name: Michael Zilberg, Esq.

**PLEASE TAKE NOTICE**

Notice of that the within is a certified true copy of a entered in the office of the clerk of the within named Court on 20  
Entry  
Notice of that an Order of which the within is a true copy will be presented for settlement to the Hon. at one of the judge of the within named Court, on Settlement on 20 at m.  
Dated: New York, New York

**CERTAIN & ZILBERG, PLLC**  
Attorneys for Plaintiff **BROWNE**  
909 Third Avenue-28<sup>th</sup> Floor  
New York, New York 10022  
Telephone: (212) 687-7800

TO:  
Attorney(s) for



10. On March 8, 2013, I received a telephone call from the law offices of Certain & Zilberg, PLLC, and was informed by the legal assistant that the Bronx DA had officers during her incarceration at Riker's Correctional Facility.

9. Ms. Browne was a victim of rape and sexual assault by certain correctional obtain temporary immigration benefits. activities that would be helpful to an investigation or criminal prosecution to assault and sexual exploitation, and who possess information of the criminal 101(a)(15)(U) of the Immigration and Naturalization Act, such as rape, sexual 8. The I-918 application permits victims of criminal activities designated in Section

against the Defendant CITY OF NEW YORK. Zilberg, PLLC, attorneys representing Ms. Browne in her instant civil action 7. On October 17, 2012, I sent an I-918 application for a "U" visa to Certain & against Ms. Browne.

6. On September 10, 2012, the Government filed an I-261 to amend said charges the Government to amend the charges against Ms. Browne.

5. At the Government's request, the July 12, 2012 hearing was adjourned to allow as part of Exhibit "5").

New York 10507. (See Notice of Hearing, dated March 13, 2012, annexed hereto located at Bedford Hills Correctional Facility, 247 Harris Road, Bedford Hills,

4. On March 13, 2012, the Immigration Judge on July 12, 2012 at the Immigration Court hearing before an Immigration Court sent a Notice of Hearing scheduling a dated February 16, 2012, annexed hereto as part of Exhibit "5").

237(a)(2)(A)(iii) of the Immigration and Nationality Act. (See Notice to Appear,

decided not to prosecute the correctional officers who raped and sexually assault

Ms. Browne.

11. On January 17, 2013, the Executive Office for Immigration Review rescheduled Ms. Browne's hearing to May 9, 2013 at 9:30 a.m., before Immigration Judge Sagerman, at the Bedford Hills Correctional Facility located at 247 Harris Road, Bedford Hills, New York. (See Notice of Hearing in Removal Proceedings, dated January 17, 2013, annexed hereto as part of Exhibit "5".)

12. In light of the fact that the Bronx DA has decided not to pursue prosecution of the

forementioned correctional officers who raped and sexually assaulted Ms.

Browne, Ms. Brown would not qualify for a "U" visa Section 101(a)(15)(U) of

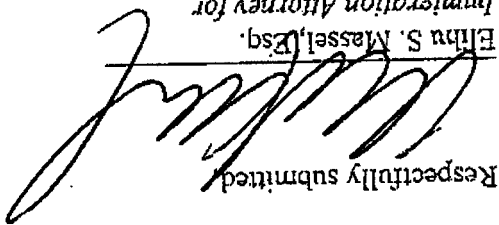
the Immigration and Naturalization Act.

13. Therefore, in my opinion, Naseka Browne faces a high likelihood of imminent

deportation.

Dated: New York, New York  
March 18, 2013

Respectfully submitted



Elhan S. Massel, Esq.

Immigration Attorney for

NASEKA BROWNE

122 East 42<sup>nd</sup> Street

New York, New York 10168

Tel: (212) 867-3810

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X

NASEKA BROWNE,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF CORRECTIONS OFFICER  
VIOLA, NEW YORK CITY DEPARTMENT OF  
CORRECTIONS OFFICER PHILLIPS, NEW YORK  
CITY DEPARTMENT OF CORRECTIONS OFFICER  
"JOHN DOE 1-10", and NEW YORK CITY  
DEPARTMENT OF CORRECTIONS OFFICER  
"JANE DOE 1-10", "JOHN DOE 11-12" and "JANE  
DOE 11-20",

Defendants.

-----X

The Plaintiff, complaining of the above-named Defendants, by her counsel, Certain & Zilberg,

PLLC, respectfully alleges the following:

**PARTIES**

1. That at all times relevant herein, Plaintiff NASEKA BROWNE (hereinafter referred to as "BROWNE") was/is a detainee awaiting trial at the Rose M. Singer Center of Riker's Island Correctional Facility, within the County of Bronx, the City and State of New York.
2. That at all times relevant herein, the Defendant CITY OF NEW YORK (hereinafter referred to as "CITY") was and is a municipal government entity organized and existing as such under and by virtue of the laws of the State of New York.
3. That at all times relevant herein, NEW YORK CITY DEPARTMENT OF CORRECTIONS (hereinafter referred to as "DOC") is a department/political subdivision of the Defendant CITY, a municipal entity duly organized and existing under and by the virtue of laws of the

RECEIVED

11 FEB 23 AM 9:39

COUNTY CLERK  
BRONX COUNTY

VERIFIED COMPLAINT

Plaintiff designates Bronx County  
as the place of trial

INDEX No.: 301222/11

BASIS OF VENUE:  
Locus of occurrence

- State of New York.
4. That at all times relevant herein, Defendant CITY, through its department/political subdivision DOC, is responsible for the policies, practices and customs of the DOC as well as the hiring, screening, training, supervising, controlling and disciplining of its corrections officers and civilian employees and is the final decision maker for that agency.
5. That at all times relevant herein, the Rose M. Singer Center of the Riker's Island Correctional Facility, is a women's prison located within the County of Bronx, the City and State of New York.
6. That at all times relevant herein, Defendant CITY, through DOC, its agents, servants and employees operated, maintained and controlled the Rose M. Singer Center of the Riker's Island Correctional Facility, within the County of Bronx, the City and State of New York, including all the corrections officers and employees thereof.
7. That at all times relevant herein, Plaintiff BROWNE while awaiting trial was/is under the custody of Defendant CITY at the Rose M. Singer Center of the Riker's Island Correctional Facility, within the County of Bronx, the City and State of New York.
8. That at all the times relevant herein, Defendant NEW YORK CITY DEPARTMENT OF CORRECTIONS OFFICER PHILLIPS (hereinafter referred to as "PHILLIPS") was/is a corrections officer employed by Defendant CITY and its department/political subdivision DOC.
9. Upon information and belief and at all the times relevant herein, Defendant PHILLIPS is a natural person residing within the State of New York.

10. That at all times relevant herein, Defendant PHILLIPS was/is a corrections officer assigned

to the Rose M. Singer Center of Riker's Island Correctional Facility, within the County of

Bronx, the City and State of New York.

11. That at all the times relevant herein, Defendant NEW YORK CITY DEPARTMENT OF

CORRECTIONS OFFICER VIOLA (hereinafter referred to as "VIOLA") was/is a

corrections officer employed by Defendants CITY and its department/political subdivision

DOC.

12. Upon information and belief and at all the times relevant herein, Defendant VIOLA is a

natural person residing within the State of New York.

13. That at all times relevant herein, Defendant VIOLA was/is a corrections officer assigned to

the Rose M. Singer Center of Riker's Island Correctional Facility, within the County of

Bronx, the City and State of New York.

14. At all times referred to herein, Defendants NEW YORK CITY DEPARTMENT OF

CORRECTIONS OFFICERS "JOHN DOE 1-10" (hereinafter referred to as "JOHN DOE 1-

10") were/are corrections officers employed by Defendants CITY and its department/political

subdivision DOC.

15. That at all times relevant herein, Defendants JOHN DOE 1-10 were/are corrections officers

assigned to the Rose M. Singer Center of Riker's Island Correctional Facility, within the

County of Bronx, the City and State of New York.

16. At all times referred to herein, Defendants NEW YORK CITY DEPARTMENT OF

CORRECTIONS OFFICER "JANE DOE 1-10" (hereinafter referred to as "JANE DOE 1-

10") were/are corrections officers employed by Defendants CITY and its department/political

subdivision DOC.



- 17. That at all times relevant herein, Defendants JANE DOE 1-10 were/are assigned to the Rose M. Singer Center of Riker's Island Correctional Facility, within the County of Bronx, the City and State of New York.
- 18. At all times referred to herein, Defendants JOHN DOE 11-20 were/are employed by Defendants CITY and its department/political subdivision DOC.
- 19. That at all times relevant herein, Defendants JOHN DOE 11-20 were/are supervisors, executives and/or persons empowered as decision, policy and/or regulation makers at, or with respect to, the Rose M. Singer Center of Riker's Island Correctional Facility, within the County of Bronx, the City and State of New York.
- 20. At all times referred to herein, Defendants JANE DOE 11-20 were/are employed by Defendants CITY and its department/political subdivision DOC.
- 21. That at all times relevant herein, Defendants JANE DOE 11-20 were/are supervisors, executives and/or persons empowered as decision, policy and/or regulation makers at, or with respect to, the Rose M. Singer Center of Riker's Island Correctional Facility, within the County of Bronx, the City and State of New York.
- 22. That at all the times relevant herein, Defendant PHILLIPS and Defendant VIOLA were agents of Defendant CITY and its department/political subdivision DOC, acting in their official capacity as corrections officers.
- 23. That at all times relevant herein, the individual Defendants to this action were acting for, upon, and in furtherance of the business of their employers and within the scope of their employment.
- 24. A Notice of Claim was served on the Defendant CITY on or about April 23, 2010 and a Supplemental and Amended Notice of Claim was served on the Defendant CITY on or about

October 20, 2010. As of this date Plaintiff's demand for payment and compensation has not yet been addressed by the Defendants.

25. That this action is commenced within one year and 90 days of the conduct giving rise to the instant litigation.

26. The 50-H hearing has been waived.

27. That all conditions and requirements precedent to the commencement of this action have been complied with.

**STATEMENT OF FACTS**

28. Starting in or about March of 2009, Defendant PHILLIPS and Defendant VIOLA on multiple and repeated occasions between then and February of 2010, specifically including incidents within November of 2009, December of 2009, January of 2010 and February of 2010, without her consent, subjected the Plaintiff to physical and sexual contact including sexual touching, sexual intercourse, and oral sex acts.

29. That at all the times relevant herein, Defendant PHILLIPS, while employed at the Rose M. Singer Center of Riker's Island Correctional Facility, sexually harassed, sexually assaulted and abused Plaintiff BROWNE.

30. In or about December of 2009, and at all the times relevant herein, Defendant VIOLA, while employed at the Rose M. Singer Center of Riker's Island Correctional Facility (hereinafter RMSC), approached and threatened to "write up" Plaintiff BROWNE for disciplinary action if Plaintiff did not meet him in the "Bubble."

31. Plaintiff BROWNE, out of fear of being written up, reported to the "Bubble" as directed by Defendant VIOLA.

32. Defendant VIOLA began fondling Plaintiff BROWNE once in the "Bubble."

33. Defendant VIOLA then demanded sexual intercourse and forced Plaintiff to engage in sexual intercourse with him.
34. After this initial encounter, Defendant VIOLA indicated that Plaintiff BROWNE 'owed him' and would have to make herself sexually available to him on two additional occasions, if she wanted to avoid being written up.
35. In or about December of 2009, and at all the times relevant herein, Defendant VIOLA, sexually harassed, sexually assaulted and abused Plaintiff BROWNE.
36. Upon information and belief, supervisory Defendants of CITY/DOC/RMSC, JOHN DOE 11-20 and JANE DOE 11-20, had received complaints of sexual misconduct, perpetrated by Defendant PHILLIPS and Defendant VIOLA, prior to and during the time frame of the sexual abuse suffered by Plaintiff BROWNE but took no effective action in response.
37. On or about February 26, 2010, Plaintiff was transferred to Elmhurst Hospital Center complaining of abdominal pain and extensive vaginal bleeding of 15 days.
38. On or about February 26, 2010, the medical professionals and staff at Elmhurst Hospital Center administered a pelvic exam, sonogram and pregnancy test to determine if Plaintiff was pregnant. The pregnancy test was positive.
39. On or about March 2, 2010, the medical professionals and staff at Elmhurst Hospital Center determined that Plaintiff was 12 weeks pregnant.
40. Defendant CITY and its department/political subdivision DOC, were informed of the pregnancy.
41. Plaintiff BROWNE started experiencing complications.
42. Defendant CITY and its department/political subdivision DOC, failed to provide proper medical care for Plaintiff BROWNE considering her condition and complications.

43. Due to the aforementioned, Plaintiff suffered a miscarriage on or about March 5, 2010.
44. After complaining about being sexually assaulted by corrections officers in RMSC to staff members at Elmhurst Hospital Center, Plaintiff BROWNE was placed in solitary confinement once she was discharged from the hospital.
45. Upon information and belief, Defendant PHILLIPS received no disciplinary action as a result of sexual assaults against Plaintiff BROWNE, and continues to work as a correctional officer with DOC.
46. Upon information and belief, Defendants VIOLA received no disciplinary action for the barrage of sexual assaults against Plaintiff BROWNE, and continues to work as a correctional officer with DOC.
47. That all the Defendant Correctional Officers Defendants JOHN DOE 1-10 and JANE DOE 1-10 who were present, or otherwise became aware of the above, failed to intervene to prevent either the initial or subsequent assault(s) on Plaintiff by Defendant VIOLA and Defendant PHILLIPS and are liable to the Plaintiff via their failure to intervene to prevent the preventable harms and violations of Plaintiff's rights committed in their presence.
48. As a direct result of the above conduct by the Defendants, Plaintiff BROWNE has been caused to suffer severe physical, psychological and emotional distress including depression and fearfulness of male officers.
49. That each and all of the acts of the Defendants alleged herein were done by the Defendants as state actors acting under color of law.

**AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF  
VIOLATION OF THE PLAINTIFF'S RIGHTS UNDER  
NEW YORK STATE LAW  
ASSAULT**

50. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior

paragraphs with the same force and effect as if more fully and at length set forth herein.

51. That on the aforementioned dates, times and places Defendants committed the tort of

assault against the Plaintiff by causing her to be placed in apprehension of imminent,

harmful and offensive touching and in so doing Defendants violated the laws and

Constitution of the State of New York and otherwise violated Plaintiff's rights under

New York law.

52.

That the Defendant CITY is vicariously liable to the Plaintiff for the individual

Defendants' common law tort of assault via the principle of *respondet superior* and that

New York CPLR § 1601 does not apply pursuant to the exception provided by CPLR §

1602(1)(b).

53.

That by reason of the aforesaid, committed by Defendants, Plaintiff suffered and

continues to suffer numerous physical and emotional injuries and that she was otherwise

damaged.

54.

That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of

money to be determined by the court and/or a jury, in excess of the jurisdictional limits of

all lower courts which might have jurisdiction over the action.

**AS AND FOR A SECOND CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF  
VIOLATION OF THE PLAINTIFF'S RIGHTS UNDER  
NEW YORK STATE LAW  
BATTERY**

55. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior paragraphs with the same force and effect as if more fully and at length set forth herein.

56. That on the aforementioned dates, times and places the Defendants committed the tort of battery against the Plaintiff by the intentional, unlawful, harmful and offensive touching without her consent, and in so doing the Defendants violated the laws and Constitution of the State of New York and otherwise violated Plaintiff's rights under New York law.

57. That by reason of the aforesaid, committed by Defendants, Plaintiff suffered and continues to suffer numerous physical and emotional injuries and that she was otherwise damaged.

58. That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of money to be determined by the court and/or a jury, in excess of the jurisdictional limits of all lower courts which might have jurisdiction over the action.

**AS AND FOR A THIRD CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF  
VIOLATION OF ARTICLE 1 SECTION 5  
OF THE NEW YORK STATE CONSTITUTION**

59. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior paragraphs with the same force and effect as if more fully and at length set forth herein.

60. That Defendants subjected Plaintiff to cruel and unusual punishment in violation of Article 1 Section 5 of the New York State Constitution.

61. That by reason of the aforesaid, committed by Defendants, Plaintiff suffered and

continues to suffer numerous physical and emotional injuries and that she was otherwise

damaged.

That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of

money to be determined by the court and/or a jury, in excess of the jurisdictional limits of

all lower courts which might have jurisdiction over the action.

**AS AND FOR A FOURTH CAUSE OF ACTION**

**ON BEHALF OF PLAINTIFF**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

63. Plaintiff repeats each of the preceding allegations, thereby incorporating such allegations

into this cause of action by reference.

64. Defendants PHILLIPS and VIOLA, by their intentional and/or reckless extreme and

outrageous conduct, which was so outrageous in character and so extreme in degree, as to

go beyond all possible bounds of decency, and regarded as atrocious and utterly

intolerable in civilized society, caused the Plaintiff to suffer severe emotional distress and

that she was otherwise damaged.

65. That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of

money to be determined by the court and/or a jury, in excess of the jurisdictional limits of

all lower courts which might have jurisdiction over the action.

**AS AND FOR A FIFTH CAUSE OF ACTION**

**ON BEHALF OF PLAINTIFF**

**NEGLIGENCE INFLICTION OF EMOTIONAL DISTRESS**

66. Plaintiff repeats each of the preceding allegations, thereby incorporating such allegations

into this cause of action by reference.

67. Defendant CITY and its department/political subdivision DOC endangered the Plaintiff's

physical safety and/or caused the Plaintiff to fear for her safety in that Defendant CITY

71. That by reason of the aforesaid, committed by Defendants, Plaintiff suffered and continues to suffer severe emotional distress and that she was otherwise damaged.
70. Defendant CITY and its department/political subdivision DOC endangered Plaintiff's physical safety and/or caused the Plaintiff to fear for her safety in that Defendant CITY and its department/political subdivision DOC negligently endangered Plaintiff's physical safety by failing to provide Plaintiff BROWNE with proper medical care after learning of her pregnancy complications and condition, thus negligently compromising Plaintiff's physical safety with obvious disregard for her emotional and physical well being.
69. Defendants CITY and its department/political subdivision DOC, unreasonably endangered the Plaintiff's physical safety and caused the Plaintiff to fear for her own sexual assault of Plaintiff, when she was most vulnerable, and for failing to provide a reasonable solution addressing the complaints regarding the individual defendants.
68. Defendant CITY and its department/political subdivision DOC endangered the Plaintiff's physical safety and/or caused the Plaintiff to fear for her safety in that Defendant CITY and its department/political subdivision DOC negligently failed to take proper disciplinary action against Defendants VIOLA and PHILLIPS although both the CITY and DOC received complaints of sexual misconduct and were notified of Plaintiff BROWNE'S mental and emotional injuries.
- and its department/political subdivision DOC negligently hired, retained, improperly trained and supervised the individual defendants resulting in their egregious and repulsive behavior towards Plaintiff BROWNE causing her to suffer from mental, emotional and physical injuries.



72. That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of money to be determined by the court and/or a jury, in excess of the jurisdictional limits of all lower courts which might have jurisdiction over the action.

**AS AND FOR A SIXTH CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF  
NEW YORK STATE TORT CLAIM  
NEGLIGENT HIRING, TRAINING, SUPERVISING AND RETENTION**

73. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior paragraphs with the same force and effect as if more fully and at length set forth herein.

74. That the Defendants, CITY and its department/political subdivision DOC, were negligent, careless, reckless and deliberately indifferent in hiring, retaining, improperly training and supervising the individual Defendants in that the said Defendants lacked the experience, deportment, ability and temperament to be employed by the CITY and its department/political subdivision DOC, in that the Defendants CITY and its

department/political subdivision DOC failed to exercise due care and caution in their hiring practices, and in particular, in hiring the individual Defendants, employees who lacked the mental capacity, moral integrity, temperament and the ability to function as employees of the CITY, DOC, and KNISCO; in failing to investigate the above-named Defendants' backgrounds and in that Defendants CITY and DOC hired and retained as employees of the department individuals who were unqualified in that the individual Defendants lacked the maturity, sensibility, intelligence and self restraint to be employed when hired to be employees of Defendants CITY and its department/political subdivision DOC.

75. That Defendant CITY and its department/political subdivision DOC failed to train their

employees to practice self restraint and exercise the proper deportment and temperament; to use force prudently and only when necessary, and to otherwise act as reasonably prudent corrections officers; and in that the Defendant CITY and its department/political subdivision DOC failed to give its employees proper instruction as to their deportment, behavior and conduct as representatives of their employers; and in that the Defendant CITY and its department/political subdivision DOC, their agents, servants and employees were otherwise reckless, careless, deliberately indifferent and negligent.

76. That Defendant CITY and its department/political subdivision DOC hired and retained as employees unqualified persons with a propensity for engaging in sexual abuse and misconduct.

77. That Defendant CITY and its department/political subdivision DOC hired and retained as employees dishonest persons with a propensity for dishonesty.

78. That Defendant CITY and its department/political subdivision DOC were negligent in permitting male corrections officers in general and officers VIOLA and PHILLIPS in particular to have unsupervised access to female inmates including Plaintiff within private areas of RMSC.

79. That the aforesaid occurrences and resulting injuries to Plaintiff's mind, body and pecuniary harms therefrom, were caused wholly and solely by reason of the negligence of the Defendant CITY and its department/political subdivision DOC, its agents, servants and employees without any negligence on the part of the Plaintiff.

80. That by reason of the negligence of the Defendant CITY and its department/political subdivision DOC, Plaintiff was harmed physically and mentally, suffering through auditory and visual hallucinations, suicide ideation, hyper vigilance, migraine headaches,

paranoia, flashbacks, nightmares, mood disorders, excessive fatigue and depression. The Plaintiff was subjected to humiliation, embarrassment, anxiety and the silent suffering of a spontaneous abortion. She is still coping with physical and emotional injuries that were sustained due to the direct result of the Defendants actions.

81. That by reason of the aforesaid, committed by Defendants, Plaintiff suffered and continues to suffer numerous physical and emotional injuries and that she was otherwise damaged.

82. That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of money to be determined by the court and/or a jury, in excess of the jurisdictional limits of all lower courts which might have jurisdiction over the action.

**AS AND FOR A FIFTH CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF  
NEGLIGENT IN FAILING TO PROVIDE PRECAUTIONARY SAFETY  
MEASURES**

83. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior paragraphs with the same force and effect as if more fully and at length set forth herein.

84. That Defendant, CITY and its department/political subdivision DOC, failed to operate, maintain and control the Rose M. Singer Center of Riker's Island Correctional Facility to avoid the ongoing sexual abuse of Plaintiff and were negligent in providing precautionary safety measures to resolve same.

85. That the Defendants, CITY and its department/political subdivision DOC, failed to implement rules and procedures to safeguard female inmates against known abuse by corrections officers and failure to enforce existing rules and procedures in this regard.  
86. That by reason of the aforesaid, committed by Defendants, Plaintiff suffered and

continues to suffer numerous physical and emotional injuries and that she was otherwise

damaged.

87. That by reason of the aforesaid, the Plaintiff has been damaged in a substantial sum of

money to be determined by the court and/or a jury, in excess of the jurisdictional limits of all lower courts which might have jurisdiction over the action.

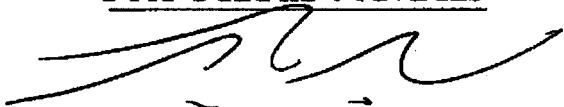
**WHEREFORE**, the plaintiff demands judgment of the defendants, joint and

severally, together with the costs and disbursements of this action, and interest thereon, for an amount to be determined by the court and/or a jury.

Dated:

New York, New York  
February 22, 2011

Yours, etc.



CERTAIN & ZILBERG, PLLC

By: Michael Zilberg, Esq.

*Attorneys for Plaintiff BROWNE*

909 Third Avenue, 28<sup>th</sup> Floor

New York, New York 10022

(212) 687-7800