

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

----- X  
SHAWN WILLIAMS, as Administrator of the Estate  
of Antonio Williams,

Plaintiff,

- against -

THE CITY OF NEW YORK, a municipal entity;  
NYPD Officer MAHON; NYPD Officer  
VALENTINO; NYPD Officer WICHERS; and  
NYPD Detective BEDDOWS,

Defendants.  
----- X

**Index No.**

**SUMMONS**

Plaintiff designates Bronx  
County as the County of  
Venue

Venue is based upon location  
where claims arose.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorney, at  
their address stated below, an answer to the attached complaint.

If this summons was personally served upon you in the State of New York, the answer  
must be served within 20 days after such service of the summons, excluding the date of service.  
If the summons was not personally delivered to you within the State of New York, the answer  
must be served within 30 days after service of the summons is complete as provided by law. If  
you do not serve an answer to the attached complaint within the applicable time limitation, a  
judgment may be entered against you, by plaintiff, for the relief demanded in the complaint,  
without further notice to you.

The action will be heard in the Supreme Court of the State of New York, in and for the  
County of Bronx. This action is brought in the County of Bronx because it is the place in which  
the torts originated.

Dated: November 24, 2020  
New York, New York

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By: \_\_\_\_\_

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*Attorneys for Plaintiff*

To: CITY OF NEW YORK  
New York City Law Department  
100 Church Street  
New York, New York 10007

NYPD Officer MAHON; NYPD Officer VALENTINO; NYPD Officer WICHERS; and  
NYPD Detective BEDDOWS  
New York City Police Department  
1 Police Plaza  
New York, New York 10038

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**VERIFIED COMPLAINT**

**JURY TRIAL DEMANDED**

**Index No.**

Plaintiff SHAWN WILLIAMS, as Administrator of the Estate of Antonio Williams, by his attorneys, Beldock Levine & Hoffman LLP, as and for the Complaint, alleges as follows:

**PRELIMINARY STATEMENT**

1. This action is brought by the Estate of Antonio Williams who was shot and killed by New York City Police Department (“NYPD”) officers on September 29, 2019 after being stopped in violation of New York state law.

2. Mr. Williams was killed by Defendants’ reckless firing of their service weapons.

3. Defendants had no reasonable belief any criminal activity was taking place before stopping Mr. Williams and engaging in a course of conduct that led to their firing their weapons.

4. Mr. Williams’s estate now seeks redress pursuant to New York State law for the injuries caused by the conduct of the officers involved.

**JURISDICTION AND VENUE**

5. This action is brought for violations of Mr. Williams’s rights under New York

State common law.

6. Venue is properly laid in the Supreme Court of the State of New York, County of the Bronx because the incident took place in Bronx County, and Defendants regularly and substantially conduct business in Bronx County. C.P.L.R. § 503 (a) and (b).

**COMPLIANCE WITH NEW YORK GENERAL MUNICIPAL LAW**

7. Plaintiff served a Notice of Claim upon the City of New York on December 23, 2019, within ninety days of the events giving rise to the claims contained therein.

8. On September 17, 2020, Plaintiff SHAWN WILLIAMS served a supplemental Notice of Claim upon the City of New York.

9. On September 25, 2020, Plaintiff SHAWN WILLIAMS, as Administrator of the Estate of Antonio Williams, appeared for an examination pursuant to § 50-h of New York's General Municipal Law.

10. More than thirty days have elapsed since Plaintiff served his Notice of Claim and the City has not offered adjustment or payment thereof.

**JURY DEMAND**

11. Plaintiff demands a trial by jury in this action on each and every one of his claims for which jury trial is legally available.

**THE PARTIES**

**Plaintiff**

12. Antonio Williams was a 27-year-old resident of New York State when he was shot and killed by members of the NYPD.

13. SHAWN WILLIAMS is Antonio Williams's father and the Administrator of the Estate.

14. Antonio Williams is also survived by his mother, Gladys Williams, and by his children, Ava and Messiah Williams, who are the legal distributees of his estate.

### **Defendants**

15. THE CITY OF NEW YORK (the “City”) is a municipal entity created and authorized under the laws of the State of New York.

16. The City is authorized by law to maintain a police department and does maintain the New York City Police Department (“NYPD”) which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The City assumes the risks incidental to the maintenance of a police force and the employment of police officers and detectives.

17. Defendant NYPD Officer MAHON, Defendant NYPD Officer VALENTINO, Defendant NYPD Officer WICHERS, Defendant NYPD Officer FIGUEROA, Defendant NYPD Sergeant VALENTINO and Defendant NYPD Detective BEDDOWS (the “Individual Defendants”) are employees of the NYPD who unlawfully assaulted and battered and/or failed to prevent the assault and battery on Mr. Williams, leading to his death. They are sued in their individual and official capacities as NYPD Police Officers.

18. At all times relevant herein, the Individual Defendants have acted under color of state law in the course and scope of their duties and/or functions as agents, employees, and/or officers of the City and/or the NYPD, and incidental to the lawful pursuit of their duties as agents, employees, and/or officers of the City and/or the NYPD.

### **STATEMENT OF FACTS**

#### **Antonio Williams**

19. Antonio Williams was 27 years old when he was shot and killed by NYPD officers on September 29, 2019.

20. On the night he was killed Mr. Williams was visiting a friend who lived in a New York City Housing Authority (“NYCHA”) apartment building located at or near 1132 E. 229th Street, in the City and State of New York, Borough of the Bronx.

21. Upon information and belief, Mr. Williams was waiting for a cab in the early morning on September 29, 2019, at or around 1132 E. 229th Street near Laconia Avenue in the Bronx, NY.

22. Despite having no suspicion that a felony or penal law misdemeanor was taking place, members of an NYPD anti-crime unit dressed in plainclothes and driving an unmarked car drove up onto the sidewalk near Mr. Williams, exited the car, and began yelling at Mr. Williams.

23. In response, Mr. Williams began to run. Under long established state law and NYPD departmental guidelines, Mr. Williams had every right to run away from what appeared to be a dangerous situation developing.

24. A second group of NYPD members, also members of an NYPD anti-crime unit, arrived at the scene in their vehicle and they joined in in the attempts to stopped and detain Mr. Williams.

25. Police Officers Mulkeen and WICHERS and Detective BEDDOWS chased after Mr. Williams.

26. Despite any lawful justification to do so, these officers tackled Mr. Willaims to the ground and began assaulting him.

27. During the course of this struggle, Police Officers fired shots at Mr. Williams.

28. Police Officers MAHON and VALENTINO and Police Officer FIGUEROA, who arrived on the scene shortly after the other officers began chasing Williams, also shot their firearms at Mr. Williams from the sidewalk, at a significant distance from the officers who had

followed Mr. Williams.

29. At least six NYPD members discharged their firearms striking and killing both Mr. Williams and Police Officer Mulkeen.

30. NYPD officers fired at least 15 rounds at Mr. Williams and Police Officer Mulkeen.

31. The reckless shooting of both Mr. Williams and Police Officer Mulkeen violated New York state law and NYPD departmental regulations.

32. At no time did Mr. Williams fire any shots or display a firearm.

33. After he was shot, both Police Officer Mulkeen and Mr. Williams required immediate medical attention.

34. Upon information and belief, after the shooting NYPD members ignored t Mr. Williams and denied and/or unreasonably delayed providing him emergency medical treatment causing him pain and suffering, instead choosing to provide emergency medical attention to Police Officer Mulkeen.

35. Mr. Williams was eventually transported to Medical Center where he was pronounced dead from gunshot wounds to the head and torso.

#### **The NYPD's Practice of Unlawful Stops of NYCHA Residents**

36. At the time of this incident, the NYPD maintained a de facto policy and/or practice of unlawfully stopping and detaining minority NYC residents without reasonable suspicion and/or evidence that a crime had occurred, was occurring, or was about to occur.

37. In 2010, a class of more than 400,000 New York City Housing Authority {"NYCHA"} residents and their visitors filed a lawsuit against the City of New York and NYCHA in the United States District Court for the Southern District of New York, *Davis, et al.*

*v. City of New York, et al.*, challenging the practice of unlawfully stopping and detaining NYCHA residents and their visitors without reasonable suspicion evidence because of their race and/or ethnicity.

38. In 2015, the parties entered into and the court approved a settlement agreement which required changes to the NYPD's training and policies and the NYPD's participation in court-ordered monitoring of its compliance, among other things.

39. In May 2019, the court approved public housing training for the NYPD to ensure that NYPD members are aware of and respectful of the rights of NYCHA residents and their guests.

40. Notwithstanding this settlement and training, NYPD officers, with the knowledge of the City and the NYPD, have continued to engage in stops in violation of state law.

#### **The NYPD's Anti-Crime Units**

41. The NYPD members who shot at Mr. Williams were members of an NYPD plainclothes anti-crime unit.

42. According to a July 15, 2020 *New York Times* article, the NYPD's anti-crime units account for about 2% of the NYPD's uniformed force but have been involved in 31% of the Department's fatal shooting incidents.

43. In July 2020, NYPD Commissioner Dermot F. Shea disbanded the anti-crime units.

44. Commissioner Shea stated that the anti-crime units were part of an outdated policing model, were involved in a disproportionate number of fatal police shootings and were a vestige of the NYPD's unconstitutional "stop and frisk" practice.

45. The Commissioner explained that the decision to disband the anti-crime units was

part of the NYPD’s “move away from brute force.”

46. At the time of the incident in this case, the NYPD anti-crime units maintained a de facto policy and practice of engaging in suspicionless stops of minority residents of the City.

**FIRST CAUSE OF ACTION**

**Assault**

47. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

48. Defendants without just cause wilfully and maliciously threatened to use physical force against Mr. Williams, ultimately causing his death.

49. Defendants committed the foregoing acts intentionally, wilfully, and with malicious disregard for Mr. Williams’s rights, and are therefore liable for punitive damages.

**SECOND CAUSE OF ACTION**

**Battery**

50. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

51. Defendants without just cause wilfully and maliciously used physical force against Mr. Williams, causing his death.

52. Defendants committed the foregoing acts intentionally, wilfully, and with malicious disregard for Mr. Williams’s rights, and are therefore liable for punitive damages.

**THIRD CAUSE OF ACTION**

**Wrongful Death**

53. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

54. The acts of the Defendants, alleged herein, wrongfully caused the death of Antonio Williams.

55. Mr. Williams's death was caused by the wrongful acts of defendants.

56. Mr. Williams was the father of two minor children, who have suffered pecuniary loss.

57. As a direct and proximate result of this unlawful conduct, Plaintiff sustained the damages herein alleged.

58. As a consequence, Plaintiff has suffered damages in an amount to be determined at trial.

**FOURTH CAUSE OF ACTION**  
**Conscious Pain and Suffering**

59. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

60. The acts of the Defendants, alleged herein, wrongfully caused and permitted Mr. Williams to suffer physical, mental, and emotional pain, following his injury and continuing until his death.

61. As a direct and proximate result of this unlawful conduct, Plaintiff sustained the damages herein alleged.

62. As a direct and proximate result of Defendants' deprivations of Mr. Williams's rights, Mr. Williams's distributees have suffered damages in an amount to be determined at trial.

**FIFTH CAUSE OF ACTION**  
***Respondeat Superior***

63. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

64. At all relevant times, Defendant Officer MAHON, Defendant Officer VALENTINO, Defendant Officer WICHERS, Defendant Officer FIGUEROA, Defendant

Sergeant VALENTINO, and Defendant Detective BEDDOWS, and Officer Mulkeen were employees of the City and were acting within the scope of their employment.

65. The CITY OF NEW YORK is therefore vicariously liable under the doctrine of *respondeat superior* for the actions of Defendant Officer MAHON, Defendant Officer VALENTINO, Defendant Officer WICHERS, Defendant Officer FIGUEROA, Defendant Sergeant VALENTINO, and Defendant Detective BEDDOWS, and Officer Mulkeen as set forth herein.

**SIXTH CAUSE OF ACTION**  
**Bias-Based Profiling**

66. Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

67. Defendants initiated law enforcement action against Mr. Williams that, in part, relied on his actual and/or perceived race and/or housing status as the determinative or motivating factor in stopping Mr. Williams.

68. Defendants had no reasonable suspicion of criminal activity which would have justified stopping Mr. Williams on his companion.

69. Defendants' conduct constituted bias-based profiling, in violation of Section 14-151 (c)(i) and (ii) of the Administrative Code of the City of New York ("Local Law 71").

70. Accordingly, Plaintiff is entitled to injunctive and declaratory relief, along with reasonable attorneys' fees and costs.

**SEVENTH CAUSE OF ACTION**  
**Intentional and Negligent Infliction of Emotional Distress**

71. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

72. By the actions described above, Defendants engaged in extreme and outrageous conduct, which intentionally and/or negligently caused severe emotional distress to Plaintiff. The acts and conduct of the Defendants were the direct and proximate cause of injury and damage to the Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

73. As a result of the foregoing, Plaintiff was deprived of his liberty, suffered specific and serious bodily injury, pain and suffering, psychological and emotional injury, humiliation, costs and expenses, and was otherwise damaged and injured.

### **EIGHTH CAUSE OF ACTION**

#### **Negligence**

74. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

75. The Defendants, jointly and severally, negligently caused injuries, emotional distress, and damage to the plaintiff. The acts and conduct of the Defendants were the direct and proximate cause of injury and damage to the Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

76. As a result of the foregoing, Plaintiff was deprived of his liberty, suffered specific and serious bodily injury, pain and suffering, psychological and emotional injury, costs and expenses, and was otherwise damaged and injured.

### **NINTH CAUSE OF ACTION**

#### **Negligent Hiring, Screening, Retention, Supervision, and Training**

77. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

78. Defendant City negligently hired, screened, retained, supervised, and trained Defendants. The acts and conduct of the Defendants were the direct and proximate cause of injury and damage to the Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

79. As a result of the foregoing, Plaintiff was deprived of his liberty, suffered specific and serious bodily injury, pain and suffering, psychological and emotional injury, costs and expenses, and was otherwise damaged and injured.

**TENTH CAUSE OF ACTION**  
**Violations of the New York State Constitution**

80. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

81. Defendants subjected Plaintiff to the foregoing acts and omissions without due process of law, thereby depriving Plaintiff of rights, privileges, and immunities secured by Article 1, §§ 6, 11, and 12 of the New York State Constitution, including, without limitation, the following deprivations of his rights, privileges, and immunities:

82. Plaintiff was deprived of life without due process of law, in violation of New York State Constitution Article 1, § 6.

83. Plaintiff was deprived of his right to equal protection under the law, in violation of New York State Constitution Article 1, § 11.

84. Plaintiff was deprived of his right to be free from unreasonable searches and seizures, in violation of New York State Constitution Article 1, § 12.

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**ELEVENTH CAUSE OF ACTION**  
**Denial or Delay of Medical Care and/or Medication**

85. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

86. Defendants denied and/or delayed providing Plaintiff reasonable, good faith medical attention while he was in custody of NYPD members.

87. As a result, Plaintiff suffered serious injury or significant exacerbation of injury.

88. Defendants' conduct violated New York Civil Rights Law Section 28.

**DEMAND FOR RELIEF**

**WHEREFORE**, Plaintiff demands the following relief against the defendants, jointly and severally:

- (a) compensatory damages, including damages for pain and suffering, in an amount just and reasonable and in conformity with the evidence at trial;
- (b) punitive damages against the individual defendants;
- (c) attorneys' fees;
- (d) the costs and disbursements of this action;
- (e) interest; and

[///]

(f) such other and further relief as this Court deems just and proper.

Dated: November 24, 2020  
New York, New York

Respectfully submitted,

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/s/

By: \_\_\_\_\_

Jonathan C. Moore  
David B. Rankin  
Rebecca Pattiz

*Attorneys for Plaintiff*

**VERIFICATION**

**ATTORNEY'S VERIFICATION**

I, Jonathan C. Moore, an attorney duly admitted to practice before the Courts of the State of New York, affirm the following to be true under the penalties of perjury:

- 1) I am an attorney of record for the Plaintiff.
- 2) I have read the annexed Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are alleged upon information and belief, and as to those matters, I believe them to be true. My beliefs, as to those matters therein not stated upon knowledge, are based upon facts, records, other pertinent information contained in my files.
- 3) This verification is made by me because Plaintiff does not reside in the County where I maintain my offices.

Dated: November 24, 2020  
New York, New York

/s/

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Jonathan C. Moore