

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF RHODE ISLAND

PETER BROOMFIELD,
Plaintiff,

C.A. No. 1:24-cv-0444

v.

PLAINTIFF DEMANDS TRIAL BY JURY

CITY OF WARWICK and WARWICK
WATER DIVISION, by and through Mayor
Frank J. Picozzi, in his official capacity,
Defendants.

COMPLAINT AND JURY DEMAND

This action is commenced by PETER BROOMFIELD (hereinafter “Plaintiff”) against CITY OF WARWICK and WARWICK WATER DIVISION (hereinafter “Employer” or “Defendant”) to remedy and seek relief for unlawful employment practices arising under *Title VII of the Civil Rights Act of 1964*, 42 U.S.C. § 2000e, 42 U.S.C. § 1983 Deprivation of Rights (for Assault by State Actor), *Rhode Island Fair Employment Practices Act*, R.I. Gen § 28-5-1 *et seq.*, (“FEPA”), and the *Rhode Island Civil Rights Act of 1990*, R.I. Gen. Law § 42-112-1 *et seq.* (hereinafter “RICRA”) as well as.

PARTIES

1. Plaintiff resides within the state of Rhode Island, and worked for Defendant in the Warwick Water Division in Warwick, Rhode Island.
2. Defendant City of Warwick is a government municipality in Rhode Island, and is a state actor sued by and through Mayor Frank J. Picozzi in his official capacity; the principal place of business is Warwick, Rhode Island.

3. Warwick Water Division is a public body, upon information and belief, that is a division of the government municipality, City of Warwick, with a principal place of business in Warwick, Rhode Island, and was the division that specifically employed Plaintiff.

JURISDICTION AND VENUE

4. This Court has jurisdiction to hear the Complaint pursuant to 28 U.S.C. § 1331.
5. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367. Plaintiff's state claims are so related to Plaintiff's federal claims that they form part of the same case or controversy. Consideration of judicial economy, fairness, and convenience warrants this Court's exercise of supplemental jurisdiction over Plaintiff's state law claims.
6. This Court has personal jurisdiction over Defendant because Defendant has the requisite minimum contacts with the State of Rhode Island and availed itself of the rights and privileges in Rhode Island by conducting interstate commerce in Rhode Island; this Court exercising personal jurisdiction over Defendant does not offend the traditional notion of fair play and substantial justice.
7. Venue of this action lies under Title VII pursuant to 42 U.S.C. § 2000e-5(f)(3) for the Title VII claims under all applicable factors because Rhode Island is the: (a) State in which the unlawful employment practice is alleged to have been committed, (b) in the judicial district in which the employment records relevant to such practice are maintained and administered, and (c) the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice.

ADMINISTRATIVE PROCEDURES

8. Charges of Discrimination were timely filed with the Rhode Island Commission of Human Rights (RICHR) on or about May 31, 2024, and the charges were co-filed with the Equal Employment Opportunity Commission (EEOC).
9. On or about October 8, 2024, the RICHR issued a Notice of Right to Sue (RICHR NO. 24 EMP 281) followed by an EEOC Right to Sue notice (EEOC NO. he EEOC # on Broomfield is 16J-2024-00203) on or about October 24, 2024, enabling a private civil action to be filed.
10. This Complaint was timely filed after issuance of the Notices of the Right to Sue.

FACTUAL ALLEGATIONS

11. From December 7, 2015 through present¹, Plaintiff worked for the Warwick Water Department (“employer” or “Water Division”) in Warwick, RI as the Operation Aid.
12. Plaintiff is a male of Jewish decent and as such, he is afforded the protections of Title VII and state analog laws.
13. During the course of Plaintiff’s employment, he also participated in investigations about the sexual harassment of a female coworker; those protected acts afford him protections under the anti-retaliation provision of Title VII and state analogs.
14. At all times relevant since Plaintiff’s hiring, his performance met or exceeded his employer’s legitimate expectations.
15. On or around December 7, 2015, Plaintiff’s employment began at the Warwick Water Department as the Operation Aid.

¹ Plaintiff is out of work due to the events in this complaint as he waits for news on an alternate job and/or transfer for approximately a year now.

16. Plaintiff's direct superiors included the Director of the Water Division, Terry DiPetrillo (hereinafter "Mr. Terry² DiPetrillo") and Michael St. Pierre (hereinafter "Mr. St. Pierre"), the Business Financial Manager.
17. For the first seven (7) years, Plaintiff did his job well and there were no offensive events.
18. In fact, Plaintiff regularly received accolades from the mayor's office throughout his employment.
19. However, as time went on, and after an employee named Bree Boulais started working in Plaintiff's department, it became apparent that the leadership of the Water Department fostered an unlawful, hostile work environment; the hostility quickly escalated to retaliation against those who opposed the unlawful behavior in the office.
20. More specifically, by the Spring of 2022, Plaintiff witnessed the environment start to become hostile for the Water Project Supervisor, Bree Boulais (hereinafter "Ms. Boulais"), because of her sex.
21. Ms. Boulais confided in Plaintiff on multiple occasions about sexually explicit comments made towards her by some of their coworkers and by their supervisors; these comments were both subjectively and objectively offensive towards Ms. Boulais.
22. For example, on or about March 15, 2022, Ms. Boulais and other co-workers were gathered in Plaintiff's office discussing work-related matters.
23. Mr. Terry DiPetrillo, one of Ms. Boulais' and Plaintiff's bosses, entered the room and, in front of their coworkers, commented crudely, "Bree, I believe I left my socks by your bedside."
24. Ms. Boulais appeared, as well as shared, her shock by Mr. Terry DiPetrillo's implication that she had been at his house and leaving clothing items there.

² Terry's brother Michael DiPetrillo also worked with Plaintiff and will be referred to both by their full names.

25. This comment was subjectively and objectively offensive.
26. Plaintiff was extremely uncomfortable watching this exchange.
27. Mr. Terry DiPetrillo then proceeded to make another comment, to Richard Moniz (hereinafter “Mr. Moniz”), the Lead Meter Tech, which was even more significantly harassing, humiliating, and offensive.
28. Specifically, Mr. Terry DiPetrillo stated to Mr. Moniz, “[w]ant to come by Bree’s later and run a train on her³?”
29. Plaintiff was in disbelief at Mr. Terry DiPetrillo’s violating comment and Ms. Boulais was clearly humiliated.
30. Upon information and belief, Ms. Boulais complained about this interaction to one of her supervisors, Mr. St. Pierre.
31. Mr. St. Pierre advised Ms. Boulais that he would take care of it.
32. According to Ms. Boulais, Mr. St. Pierre directed Ms. Boulais that she did not need to go to Human Resources (HR).
33. In fact, Plaintiff was directed to report concerns within their office to chain of command, first, before going to HR.
34. Around this same time in early 2022, when Ms. Boulais began being sexually harassed by Mr. Terry DiPetrillo, Plaintiff and coworkers were all enduring the ongoing sexually charged interactions between Mr. Michael DePetrillo and a coworker, Ms. Daucharme.
35. By way of brief background, Mr. Michael DiPetrillo also worked in Plaintiff’s department; he was the brother of Mr. Terry DiPetrillo.

³ There is a known connotation to such a comment, whereas Mr. Terry DiPetrillo was offering to ‘running a train’ on Ms. Boulais meant both men having sex with her. According to dictionary.com, the slang is defined as meaning, “To run train (or run a train) refers to when multiple men have sex with a woman one after the other, with or without consent...” <https://www.dictionary.com/e/slang/run-train/> last visited 11/12/2023

36. Mr. Michael DiPetrillo, often exhibited sexist and womanizing behavior in the workplace and he was having a sexual affair with a coworker, Ms. Daucharme, which Plaintiff knew about, and that made him uncomfortable since they were each married to someone else.
37. Moreover, the interactions between Mr. Michael DiPetrillo and Ms. Dacharmne made the Plaintiff, Ms. Boulais, and other coworkers uncomfortable because they would openly talk about being together and made sexually explicit comments to each other in the office around their coworkers.
38. For example, Mr. Michael DiPetrillo was in the office when he publicly stated to Ms. Daucharme, “you would look better with my balls in your mouth.”
39. This comment was inappropriate for the work environment and made Plaintiff (and other coworkers) extremely uncomfortable.
40. Notably, the managers were within earshot for many of these comments and nothing was done.
41. Further, the managers discouraged Plaintiff from going to HR so he did not report it right away, given that the managers already knew anyway.
42. Plaintiff did later report this to HR and nothing was done.
43. Additionally around this time in early 2022, and specifically after Ms. Boulais reported Mr. Terry DiPetrillo to Mr. St. Pierre, suddenly Mr. Terry DiPetrillo’s brother, Mr. Michael DiPetrillo, began to threatening Ms. Boulais and intimidating her in retaliation for her reports about his brother.
44. Specifically, on or about April 1, 2022 Ms. Boulais was walking out to her car to take her lunch break when a large metal tool known as an Angle Grinder landed just a few feet in front of her.
45. An Angle Grinder is, upon information and belief, a power tool and not just a hand tool.

46. An Angle Grinder is a sizable tool that would have caused physical injury to Ms. Boulais had it hit her.
47. Upon information and belief, when Ms. Boulais looked in the direction the tool came from Mr. Michael DiPetrillo was standing there glaring at her intimidatingly.
48. Frightened, Ms. Boulais locked herself in her vehicle and called Plaintiff.
49. After informing Plaintiff about what had occurred, Plaintiff advised Ms. Boulais to call the director, Mr. Terry DiPetrillo.
50. Upon information and belief, Mr. Terry DiPetrillo informed Ms. Boulais to “keep this to [herself] for the time being” and directed her “not call and inform” the other Supervisor, Mr. St. Pierre.
51. Further, Mr. Terry DiPetrillo, informed Ms. Boulais that he wanted to handle the incident “in-house”, meaning he did not want her to file a report with the HR Department.
52. However, upon information and belief, Ms. Boulais still called Mr. St. Pierre, to report the harassing event.
53. Later that day, Mr. Terry DiPetrillo ordered the office staff and some family members, including Ms. Boulais, Mr. Terry DiPetrillo’s spouse, Mr. Moniz, Mr. St. Pierre, Plaintiff’s spouse, and Plaintiff, to gather at a restaurant to discuss what had transpired earlier that day.
54. Mr. Terry DiPetrillo asked Ms. Boulais to explain the details of the incident.
55. After hearing about his brother’s violent outburst Mr. Terry DiPetrillo informed Plaintiff that his brother, Mr. Michael DiPetrillo, had a history of violence and without going into details, mentioned that his brother had a violent outburst previously in the office.
56. Mr. Terry DiPetrillo continued to reassure Plaintiff that “violence of any kind would not be tolerated” and that he would make sure his brother was held accountable “to the fullest extent.”

57. Upon information and belief, Mr. Michael DiPetrillo then changed the story and claimed to his brother, Mr. Terry DiPetrillo, that he did not throw the tool at Ms. Boulais, but instead the tool fell off the back of his truck when he was going to park in the side yard.

58. Plaintiff was informed about Mr. Michael DiPetrillo's new version of events from Mr. Terry DiPetrillo.

59. However, according to Ms. Boulais recollection, the tool was too far away from his truck to have fallen off on its own, and his car had not been moving.

60. Furthermore, the event occurred at the time of day when, due to the lunch break times, Mr. Michael DiPetrillo would not normally be in the parking lot but he would know, again due to lunch break times, that Ms. Boulais would be walking to her car for her break.

61. Plaintiff did not believe Mr. Michael DiPetrillo's version of the tool falling off the car.

62. Thus, Plaintiff proceeded outside of the office to measure the distance that the tool would have had to travel to land where it did in comparison to where Mr. Michael DiPetrillo's vehicle was parked.

63. Plaintiff did not feel the investigation was going to be fair, so he wanted to measure the distance himself to test Mr. Michael DiPetrillo's explanation.

64. Plaintiff then made his way back into the office to clarify how far the tool had actually traveled.

65. Afterwards, Plaintiff walked out of the office to use the copy machine located in front of Ms. Boulais desk and Mr. Michael DiPetrillo was standing nearby.

66. Mr. Michael DiPetrillo looked at Plaintiff with a smirk and in a menacing tone asked him, "[d]id you find what you were looking for?"

67. Plaintiff responded, "yeah I did and you saying that you didn't throw it is bullshit."

68. Plaintiff then told Mr. Michael DiPetrillo that he should leave the office because he was making Ms. Boulais uncomfortable.
69. Mr. Michael DiPetrillo angrily responded, “I have no idea what you’re talking about.”
70. Ms. Boulais said to Mr. Michael DiPetrillo, “you know exactly what we’re talking about.”
71. Ms. Boulais continued on to say, “[y]ou know what you did, you know that you tried to hit me with the angle grinder!”
72. Mr. Michael DiPetrillo just laughed and did not acknowledge Ms. Boulais.
73. At this point all three (3) of them began arguing and as the argument escalated.
74. Ms. Boulais then yelled for the other supervisor, Mr. St. Pierre, whose office was nearby.
75. Mr. St. Pierre emerged from his office and explained he thought it was in the best interest of everyone involved to report the matter to the HR Department.
76. On or about April 5, 2022, all employees involved in this incident were called down one by one into the HR Department to give their statements as a part of the investigation.
77. Each person was called in to meet with HR Director, Steven Rotondo (hereinafter “Mr. Rotondo”) and Eric Earls (hereinafter “Mr. Earls”), the Director of the Department of Public Works, the larger department that oversaw the Water Division.
78. Upon information and belief, Mr. Earls was Terry DiPetrillo’s boss and oversaw the Public Works Department.
79. During Plaintiff’s statement to Mr. Rotondo and Mr. Earls, he also directly reported the inappropriate, sexually-harassing behavior displayed by Mr. Michael DiPetrillo and Ms. Daucharme in the office which made him uncomfortable.
80. More specifically, Plaintiff reported an incident where Mr. DiPetrillo went out of his way to point out that he had bought Ms. Daucharme earrings.

81. Plaintiff was reporting sexual harassment in the office which offended himself, Ms. Boulais, and others.
82. Thus, Plaintiff's report was a protected act under Title VII and state analogs and Plaintiff should have been protected from retaliation for his reports under the law.
83. That afternoon, Mr. Michael DiPetrillo was called down to give his version of the incident, during which, upon information and belief, he claimed that he slammed the tool against the ground to remove a bit that was stuck, resulting in it landing almost 25 feet away from him.
84. Notably, the new story by Mr. Michael DiPetrillo differed from not only Ms. Boulais' recounting of the event, but also differed from his own prior version of the story that he provided to his brother and Director, Mr. Terry DiPetrillo, claiming the tool simply fell out of his truck.
85. Around the same time Mr. Michael DiPetrillo was being interviewed, upon information and belief, Mr. Terry DiPetrillo learned that his brother was being questioned by HR.
86. Suddenly, Mr. Terry DiPetrillo got angry and he proceeded into the area where Ms. Boulais and Plaintiff was carrying out their workday.
87. Mr. Terry DiPetrillo then approached them and angrily chastised Ms. Boulais and Plaintiff for reporting the event to HR.
88. Specifically, Mr. Terry DiPetrillo stated, "[y]ou should have kept your mouth shut, you guys fucked up."
89. Mr. Terry DiPetrillo's threats to Plaintiff (and Ms. Boulais) were unlawful retaliation under Title VII and state analogs for Plaintiff's protected acts of reporting Mr. Michael DiPetrillo's sex-based harassment of Ms. Daucharme and his sex-based and retaliatory harassment of Ms. Boulais.

90. Mr. Terry DiPetrillo then continued, in a threatening manner, “Great job, you got a good man fired.”
91. Mr. Terry DiPetrillo then stated, “now you got the corner office involved,” meaning that since HR and Mr. Earls were involved, that also meant, upon information and belief, that the Mayor of Warwick would also be involved.
92. Mr. Terry DiPetrillo’s statement sounded like an additional threat in retaliation for Plaintiff and Ms. Boulais’ reports to HR and Mr. Earls.
93. Mr. Terry DiPetrillo also stated, “[i]f you guys had mentioned this before I could have done something about it.”
94. Mr. Terry DiPetrillo continued walking around the office ranting about how Ms. Boulais and Plaintiff “couldn’t keep it to themselves now we’re forced to take it to HR,” and how, “we could have handled it in house.”
95. Plaintiff felt threatened and retaliated against for reporting the harassment by Mr. Terry DiPetrillo’s brother Michael DiPetrillo.
96. During that workday, Mr. Terry DiPetrillo continued ranting in the office and blaming both Ms. Boulais and Plaintiff for his brother being investigated by HR.
97. In retaliation for Plaintiff and Ms. Boulais’ reports, Mr. Terry DiPetrillo then threatened moving Plaintiff’s and Ms. Boulais’ desk to opposite sides of the office.
98. Mr. St. Pierre had also spoke to HR during this time.
99. After he spoke to HR and based on how Mr. Terry DiPetrillo reacted, Mr. St. Pierre said to Plaintiff “I will never go to HR again.”

100. After that, Mr. St. Pierre did not step in on Plaintiff's behalf, nor on Ms. Boulais behalf, despite both of them complaining to Mr. St. Pierre about Mr. Terry DiPetrillo and Mr. Michael DiPetrillo.
101. The investigation into Mr. Michael DiPetrillo went on for months, ending, upon information and belief, in or around June of 2022.
102. On or about June 2, 2022 Terry DiPetrillo came into the office very early.
103. The only people in the office at that time, that Plaintiff recalls, were John Moynihan and himself; they were in Plaintiff's office.
104. Mr. Terry DiPetrillo entered and proclaimed, "you got a good man fired!" in a very aggressive way.
105. Mr. Terry DiPetrillo proceeded to his office and slammed the door so hard that the molding fell off his door and debris from the ceiling tiles fell on Mr. Moynihan's head.
106. Upon information and belief, the only result of the "investigation" was that Mr. Michael DiPetrillo received a 10-day suspension without pay, as well as *only* a verbal warning.
107. On or about June 8, 2022, Richard Moffat, the other foreman, came into Plaintiff's office and inquired why Michael Dipetrillo had not been receiving the daily sheets.
108. On or about June 9, 2022, Mr. Terry DiPetrillo entered the office and aggressively reprimanded Plaintiff from across the office, in front of many coworkers, for "withholding" the daily sheet from his brother Michael DiPetrillo.
109. The daily sheet is a file office employees receive to show where the road crew would be performing work and what work was being performed.
110. If an employee is either terminated or on suspension, they would not receive this daily sheet, because they are not physically there to perform the work that needed to be done that day.

111. Thus, during Mr. Michael DiPetrillo's suspension he would *not* get a daily sheet, upon information and belief, based on prior patterns and practices in the division.

112. When Plaintiff expressed this fact to Mr. Terry DiPetrillo, he then shouted back at him very loudly.

113. Mr. Terry DiPetrillo shouted, "I didn't tell you not to send them to him."

114. Mr. Terry DiPetrillo continued to yell, "I'm going to be a boss from now on."

115. Plaintiff responded, "that would be great."

116. Mr. Terry DiPetrillo loudly slammed another door at that time.

117. Plaintiff was shocked by his aggressive reaction and feared for his safety.

118. The months following, the Director Mr. Terry DiPetrillo was rarely seen inside of the office and would go missing for multiple days at a time.

119. Mr. St. Pierre started informally acting as the Director in Mr. Terry DiPetrillo's absence.

120. When Mr. Terry DiPetrillo did arrive in the office, he gave Ms. Boulais and Plaintiff the silent treatment, even during work-related matters that required his assistance.

121. This new and disparate treatment was in retaliation for Ms. Boulais' and Plaintiff's reports to HR about Michael DiPetrillo.

122. When Mr. Terry DiPetrillo was in the office, he was disheveled and at times, his eyes seemed glossed over and he would wear flip flops.

123. One day, Mr. Terry DiPetrillo wore what appeared to be a bathing suit.

124. Both Mr. Terry DiPetrillo and his brother Michael DiPetrillo, retaliated against Plaintiff during this time.

125. The work environment became more and more hostile for Plaintiff.

126. Furthermore, in this same time as 2022 continued into 2023, Mr. Michael DiPetrillo continued to go out of his way to make Plaintiff's and Ms. Boulais' job more complicated and hostile by influencing their coworkers to not talk to them.
127. For example, upon information and belief, Mr. Michael DiPetrillo informed the road crew to avoid both Ms. Boulais and Plaintiff, and even placed a sign on the door, stating "EFFECTIVE IMMEDIATLY. OFFICE STAFF AND FOREMAN ONLY".
128. Plaintiff and Ms. Boulais were instructed, differentially from other coworkers, not to enter the office for any reason.
129. Communicating with the road crew was an important aspect of Plaintiff and Ms. Boulais' jobs.
130. Blocking access to the office complicated the communications and had no job or business related purpose, other than to retaliate against Plaintiff and Ms. Boulais.
131. On or about November 9, 2022, Mr. St. Pierre sent a text message in a group thread that consisted of Ms. Boulais and Mr. Terry DiPetrillo.
132. Mr. St. Pierre was not aware that Mr. Terry DiPetrillo was a part of the group message.
133. Mr. St. Pierre's text message stated, "What the fuck, I wish he would go mope in his own office. I'm trying to fucking work. I don't want to hear his derelict stories."
134. Mr. St. Pierre, upon information and belief, was referring to Mr. Terry DiPetrillo.
135. At the time, it was only Mr. St. Pierre, Ms. Daucharme, Ms. Boulais, and Plaintiff in the office.
136. Mr. Terry DiPetrillo was very angry and slammed a door.
137. Mr. Terry DiPetrillo left momentarily and then returned.

138. At that point, Mr. Terry DiPetrillo started yelling at the group saying, “I’ve been a good boss,” “I can’t fucking believe this,” “This is bullshit,” “This ends now,” and ended his yelling with, “fuck you guys.”
139. Everyone present in the office were on edge with their boss’ aggression and yelling.
140. Plaintiff was on the phone with a customer and spoke up telling Mr. Terry DiPetrillo to be quiet; this resulted in a verbal argument with Mr. Terry DiPetrillo trying to order him to go home despite him having work to do.
141. Plaintiff did not want to leave Ms. Boulais or other coworkers alone in the office with Mr. Terry DiPetrillo while he was in such a violent and unpredictable state.
142. Plaintiff said he could not leave and he removed himself to calm down.
143. Plaintiff was extremely disturbed with the ongoing erratic behavior of Mr. Terry DiPetrillo.
144. Plaintiff therefore requested another meeting with HR.
145. During that meeting, Plaintiff was given the option to return to work or not.
146. Plaintiff chose to return to work.
147. However, when Plaintiff returned to his work area, Mr. Terry DiPetrillo told him to go home again.
148. Plaintiff said he was not going to, as he knew he had just been given the option to stay by HR.
149. Mr. Terry DiPetrillo then said, “you don’t have to go home but you’re not getting paid.”
150. On or around November 14, 2022 Mr. Earls and Mr. Rotondo came into the Water Division once again.
151. Plaintiff was soon called down to for meeting with Mr. Earls and Mr. Rotondo.

152. In this meeting Plaintiff reported that the office environment felt unsafe, which it did to both Plaintiff and Ms. Boulais.
153. As a result of the investigation done by the HR Department, Mr. St. Pierre was given a letter of reprimand for the text message he sent but there was no action taken against Mr. Terry DiPetrillo for his violent outbursts.
154. On or about November 14, 2022, after the HR interview, Plaintiff was called into Mr. Terry DiPetrillo's office where his Union representative Steward Mark Conklin (hereinafter "Mr. Concklin") was already present.
155. Mr. Terry DiPetrillo had a written reprimand for Plaintiff; it claimed Plaintiff shared incorrect map information.
156. For background, Plaintiff often communicated with contractors who needed underground utilities information; he would provide that information.
157. Importantly, Plaintiff did not know the section of the map he shared on the referenced occasion was incorrect and further the incorrect map was not his error.
158. Therefore, the write-up did not make sense.
159. Union representative Mr. Concklin even stated to Mr. Terry DiPetrillo that it was "ridiculous."
160. In response, Mr. Terry DiPetrillo finally ripped up the write-up and therefore Plaintiff did not receive a written reprimand at that time, as far as he knew.
161. Mr. Terry DiPetrillo then threatened to move Plaintiff out of his office and into an undesirable, public workspace where people would walk behind him.
162. Mr. DiPetrillo knew such a placement of Plaintiff's workspace would be distracting and uncomfortable to Plaintiff.

163. Upon information and belief, Mr. Terry DiPetrillo threatened this move in retaliation for Plaintiff's prior protected activities.

164. On or about November 16, 2022, Mr. Terry DiPetrillo had a meeting that included Mr. St. Pierre, Ms. Boulais and Plaintiff.

165. In that meeting, Mr. Terry DiPetrillo admitted that he had threatened to move Plaintiff's desk to a central location simply as a way to hurt Plaintiff.

166. On or about November 22, 2023, Mr. Terry DiPetrillo attempted to suspend Ms. Boulais for submitting a document late; Ms. Boulais had submitted the paperwork on time.

167. Ms. Boulais was very upset for receiving yet another, unsubstantiated act of retaliation.

168. Plaintiff suggested that Ms. Boulais bring this matter to HR.

169. On or about November 23, 2022, Mr. Terry Dipetrillo came into Plaintiff's office, which was shared for part of the day with David Carlson ("Mr. Carlson").

170. Mr. Carlson conducted daily water samples and took part in the procurement process, which required him to work alongside and near Ms. Boulais.

171. Mr. Terry DiPetrillo informed Mr. Carlson that he would be moving his desk into the back stall and that IT will move his computer for him.

172. Ms. Boulais and Plaintiff felt this was another act of retaliation; separating coworkers from Ms. Boulais and Plaintiff so as to alienate and isolate them.

173. Earlier that same day, there was another occurrence of Mr. Terry DiPetrillo yelling at Plaintiff needlessly in retaliation for his support of Ms. Boulais' harassment claims.

174. By way of brief background, Ms. Ducharme covered Plaintiff's job when he was out for a full day and was thus, at only those times, was paid a higher rate.

175. Plaintiff had been out of work for approximately 2.5 hours prior, but had not been out a full day.
176. By pattern and practice, this did not require Ms. Ducharme to be paid at the higher rate, as Plaintiff had been informed.
177. However, Ms. Ducharme inquired of Plaintiff about pay at the increased rate for those approximately 2.5 hours that he had been out of work.
178. Plaintiff replied that he needed to check with Mr. St. Pierre.
179. Plaintiff understood the issue to have been resolved pending one of his bosses, Mr. St. Pierre's, direction.
180. However, approximately 45 minutes to an hour later, Mr. Terry DiPetrillo aggressively yelled at Plaintiff to pay Ms. Ducharme "whenever [he was] not here."
181. Mr. Terry DiPetrillo humiliated Plaintiff publicly and distressed Plaintiff with his aggressive yelling.
182. Mr. DiPetrillo then continued that "[he is] the boss and everything should go through [him]."
183. Following the November 2022 incident, in or around the end of 2022 and then into the Spring of 2023, Mr. St. Pierre informed Plaintiff that the Mayor had gone up to him and asked, "does Terry DiPetrillo have a drinking problem."
184. According to Mr. St. Pierre, he responded to the Mayor, "[i]f you're asking me the question you know the answer."
185. During this time, Mr. Terry DiPetrillo was absent often.

186. Unfortunately, when Mr. Terry DiPetrillo was absent, he seemed to have delegated his authority to his brother, Mr. Michael DiPetrillo, who was left to make important decisions regarding matters of the Water Division.
187. This act by Mr. Terry DiPetrillo also forced Plaintiff and Ms. Boulais to work with Michael DiPetrillo.
188. Mr. St. Pierre did not stop this.
189. Notably, and tellingly, Mr. St. Pierre's motto – spoken to Plaintiff and Ms. Boulais often – was “I'm a mushroom, kept in the dark and fed shit.”
190. During this time, Mr. Michael DiPetrillo and Mr. Terry DiPetrillo accelerated the acts to further retaliate against, and exclude, Ms. Boulais and Plaintiff.
191. For example, the office staff would always receive the same business cards which Ms. Boulais would order through the Purchasing Department.
192. In or around December of 2022, Mr. Michael DiPetrillo paid out of his own pocket and had special business cards made for everyone in the office *except for Ms. Boulais and Plaintiff*.
193. Then, during Christmas of 2022, there was an office tree which had all of the office employees' new business cards, *except for Ms. Boulais and Plaintiff*.
194. Furthermore, there was a Christmas commercial that was put together by Mayor Frank Picozzi and *neither Ms. Boulais nor Plaintiff* were involved in the commercial despite being heavily involved in all Water business the prior year.
195. By comparison, just the year before in 2021, all staff were included and highly involved in the planning of the commercial.
196. However, in 2022 Plaintiff and Ms. Boulais were not given any times or any information about the commercial and only the day before it was to be recorded did they hear about it.

197. The retaliation against Plaintiff by the DiPetrillo brothers, for his participation in making protected reports continued consistently through April of 2023.
198. This retaliation continued to include the exclusion of Plaintiff and Ms. Boulais, hostility towards them by the DiPetrillo brothers, ostracizing them from coworkers, and making their work harder intentionally and needlessly.
199. Additionally, during this time, Ms. Boulais began to experience overt sexual harassment by *another* coworker, Mr. Normal Metz (hereinafter “Mr. Metz”).
200. For example, on or about April 14, 2023, Mr. Metz texted Plaintiff and stated that he had a dream where “Ms. Boulais kissed [him] and said she had been waiting years to do that.”
201. Ms. Boulais also informed Plaintiff during this time that Mr. Metz made the same type of comment to her regarding dreaming about her kissing him.
202. Ms. Boulais was uncomfortable with Mr. Metz telling her this.
203. To the best of Plaintiff’s knowledge Ms. Boulais also told Mr. St. Pierre, her superior, about this yet nothing was done.
204. Further, during this time, Mr. Terry DiPetrillo continued to act in an unstable manner at work, including being aggressive towards Plaintiff and Ms. Boulais in retaliation for their prior reports.
205. For example, on April 27, 2023, Mr. Terry DiPetrillo came into the office with two (2) collapsible batons.
206. Mr. Terry DiPetrillo announced to the office that another of his brothers, Thomas DiPetrillo, was attacked nights prior during a bachelor party and that his brother was at the hospital in a coma.

207. At one point, Mr. Terry DiPetrillo stood next to Ms. Boulais' desk, and aggressively thrust the collapsible batons in front of Ms. Boulais and Plaintiff.
208. Plaintiff was extremely uncomfortable with Mr. Terry DiPetrillo having weapons in the office due to his history of unpredictable aggressive outbursts.
209. Both, Plaintiff and Ms. Boulais were worn down by the hostile work environment full of retaliatory actions by Mr. Michael DiPetrillo and Mr. Terry DiPetrillo.
210. Mr. St. Pierre witnessed all of the above and neither said nor did anything to address any of the above.
211. Upon information and belief, Ms. Boulais and Plaintiff complained about all of the above to Mr. St. Pierre but, again, he did not do anything.
212. However, soon after these events, matters became worse for Ms. Boulais.
213. In fact, on or about the next day, April 28, 2023, Mr. St. Pierre, on of Ms. Boulais' bosses, *also* started to harass Ms. Boulais in an overt romantic/sexual manner.
214. Specifically, on or about that day, Mr. St. Pierre sent Ms. Boulais a text where he confessed to having developed some feelings for Ms. Boulais.
215. Additionally, Mr. St. Pierre is substantially older than Ms. Boulais, and upon information and belief, old enough to be her father.
216. Mr. St. Pierre's text stated that he did not expect Ms. Boulais to "reciprocate" but awkwardly asked her, "did you ever get the gut feeling I like you?"
217. The text by Mr. St. Pierre ended with "I simply can't hold it in any longer."
218. Ms. Boulais was made incredibly uncomfortable by the text.
219. Ms. Boulais shared the text with Plaintiff.
220. Plaintiff again suggested that Ms. Boulais report the text to HR.

221. Plaintiff also reminded Ms. Boulais he would back up Ms. Boulais' claims of sexual harassment by yet another boss and/or coworker.

222. As the spring and summer of 2023 continued, Mr. Metz continued to come by Ms. Boulais' desk and make inappropriate comments.

223. Moreover, on one occasion, Mr. Metz tried to get Ms. Boulais to follow him to his car to "give her a present."

224. Ms. Boulais and Plaintiff intended to take action to stop the retaliation, and her ongoing sexual harassment.

225. As the spring and summer of 2023 continued, the retaliation by Mr. Terry DiPetrillo and Mr. Michael DiPetrillo continued with the same acts of hostility and alienation of Plaintiff and Ms. Boulais.

226. Then, August of 2023 arrived.

227. Plaintiff rarely took vacation time, but he took Monday, August 7, 2023 off work.

228. This day off stressed Plaintiff out because payroll was due.

229. Payroll due was at 11 am on that Tuesday, August 8, 2023.

230. Thus, upon Plaintiff's return to work that Tuesday, August 8, 2023, he was very focused and stressed completing payroll.

231. Soon after Plaintiff's arriving, however, Mr. Terry DiPetrillo entered into his office at around 8:30 am in the morning.

232. Mr. Terry DiPetrillo also called Ms. Boulais and Mr. St. Pierre into Plaintiff's office.

233. Mr. Terry DiPetrillo stated that he wanted to tell a joke.

234. Plaintiff was trying to focus on his work but he complied with his boss's request to listen.

235. Once everyone was in Plaintiff's office, Mr. Terry DiPetrillo asked Plaintiff to stand up so he could tell him the joke as Ms. Boulais and Mr. St. Pierre were the audience.
236. Mr. Terry DiPetrillo then, standing close to Plaintiff, said, "This is my Nazi joke. Knock knock??"
237. Importantly, at all times relevant, Mr. Terry DiPetrillo knew that Plaintiff was of Jewish descent.
238. Plaintiff began to say, "[w]ho's there?"
239. Before the words even left Plaintiff's mouth, the Mr. Terry DiPetrillo, *open palm slapped Plaintiff across the face.*
240. The sound of the slap was audible.
241. Mr. Terry DiPetrillo then delivered the punchline of the 'Nazi joke': "We will be the ones asking the questions."
242. Mr. Terry DiPetrillo burst out laughing hysterically as Mr. Boulais and Mr. St. Pierre looked on in utter shock.
243. Plaintiff was mortified, humiliated, and offended, as well as in pain and shock from the physical assault.
244. This "joke" was subjectively and objectively offensive.
245. Moreover, slapping Plaintiff was an assault in the workplace.
246. Mr. Terry DiPetrillo's targeting of Plaintiff to be the subject of his "Nazi joke" was degrading because he is of Jewish Decent.
247. Plaintiff took this assault and comments about the joke regarding Nazis as a religious-based, ethnic-based, and/or nation of origin-based harassment and discrimination.

248. The harassment and physical assault were also retaliation for Plaintiff's reports about Ms. Boulais.

249. The slap was very hard and left a big red mark on Plaintiff's face.

250. After Mr. Terry DiPetrillo slapped Plaintiff, Mr. St. Pierre did not react except giving a nervous laugh before he exited the room quickly.

251. Ms. Boulais also quickly left the room quickly and uncomfortably.

252. Mr. Terry DiPetrillo just kept laughing hysterically and continued laughing.

253. Mr. Terry DiPetrillo then just walked out of Plaintiff's office laughing.

254. Plaintiff sat in shock and disbelief.

255. Plaintiff could feel the impact of Mr. Terry DiPetrillo's hand on his face for hours that day.

256. However, Plaintiff did not feel safe enough to exit his office to go look in a mirror.

257. Ms. Boulais told Plaintiff that he had a very red face where he was struck.

258. At approximately 12:30 pm on August 8, 2023, Plaintiff left for his lunch break, embarrassed to have to go home and tell his wife what had happened, including being assaulted.

259. Plaintiff was nervous about returning to work that day, but he did.

260. Upon Plaintiff's return after his lunch break, Plaintiff completed his daily tasks in a professional manner and focused on pushing through the day, blocking the disturbing event out.

261. After the workday was completed, Mr. St. Pierre, Ms. Boulais, and Plaintiff convened in the parking lot to commiserate about the assault and several other occurrences that had led to that moment.

262. Mr. St. Pierre commented on Mayor Picozzi saying, "[a]t this point, I have to believe that the Mayor is turning a blind eye," referring to how Mr. Terry DiPetrillo was able to abuse Plaintiff and Ms. Boulais despite all of their prior reports to superiors and HR.

263. Plaintiff referred to Mr. Terry DiPetrillo as a bully; Mr. St. Pierre replied, “[h]e’s a bully, he’s a big bully, he’s absolutely a bully”.
264. Mr. St. Pierre also mentioned being present once when Mr. Michael DiPetrillo got into an altercation with a now-retired employee named Robert Cahir (“Mr. Cahir”).
265. Mr. St. Pierre relayed how Mr. Cahir and Mr. Michael DiPetrillo disagreed about something which led to Mr. Michael DiPetrillo being furious and yelling at Mr. Cahir, “I’m going to fucking pound you!”
266. Mr. St. Pierre could clearly remember the incident vividly and concluded saying Mr. Michael DiPetrillo has “anger issues.”
267. This anecdote further confirmed Plaintiff’s concerningly-growing belief that both DiPetrillo brothers were unhinged, violent, and unpredictable, making his work environment intolerably unsafe.
268. The next day, on or around August 9, 2023, Plaintiff felt unsafe returning to work and called out sick.
269. At approximately 9:00 am on August 9, 2023, Plaintiff went to the City of Warwick HR Office with Mr. Moynihan from the union.
270. Mr. Moynihan and Plaintiff met with Mr. Rotondo (again).
271. Plaintiff reported what had occurred the day prior, including that it was a joke about Nazis, Plaintiff’s Jewish decent, and that Mr. Terry DiPetrillo physically hit him.
272. Plaintiff also reminded him that this was not the first complaint against Mr. Terry DiPetrillo.

273. Plaintiff specifically said, “[t]his is the second time I’ve come here to you guys because of an aggressive, hostile act by this man. He retaliated against me three times as a result of this [referring to the first time he went to HR because of Mr. Terry DiPetrillo]”

274. Plaintiff also reported to HR’s Mr. Rotondo, “...I’m afraid of this man retaliating against me from this [report to HR]. My wife is afraid. We have all got anecdotal evidence of him doing this to people in the past.”

275. During that meeting, Plaintiff also asked Mr. Rotondo if he could be transferred.

276. Mr. Rotondo stated something to the effect of, “we can’t just do that.”

277. On or about the next day, August 10, 2023, Plaintiff called Mr. Rotondo because Mr. Rotondo had told Plaintiff that he would call earlier in the day that day, but never did.

278. When Plaintiff got Mr. Rotondo on the phone, Mr. Rotondo told Plaintiff that he was still “gathering information and sorting through it so I could make a recommendation.”

279. Mr. Rotondo also stated that he had to “bring it up” to his “boss.”

280. Plaintiff asked who his boss was and he said, “the Chief of Staff and by extension, the Mayor.”

281. When Plaintiff again raised the need for a transfer, Mr. Rotondo stated that since he was a “bargaining member employee” he could not just “up and transfer [him] to another place.”

282. However, Mr. Rotondo’s statement was not accurate, and Plaintiff knew it due to a prior employee’s experience.

283. Upon information and belief, several years ago, an employee named Donald Dickeson was being paid through the water division but was to report and punch his timecard in the maintenance office which is a separate building.

284. In short, he was transferred.

285. Plaintiff believed this story to be true because Plaintiff would get that employee's timecard sent to him once a week since Plaintiff performed payroll for him.
286. During this conversation about transfer, Mr. Rotondo added that transfers "take time".
287. Mr. Rotondo also stated that Plaintiff would "still have to pass" the written and oral tests to get the transfer.
288. Importantly, Plaintiff, by this time, had a no contact order with Mr. Terry DiPetrillo.
289. Thus, Plaintiff had been told it is not possible for him to "return to work" without a transfer.
290. In short, Mr. Rotondo provided no proactive options to keep Plaintiff away from Mr. Terry DiPetrillo and allow Plaintiff to return to work.
291. Plaintiff informed Mr. Rotondo that he would not be returning to work at the Water Division, as in he could not work with Mr. Terry DiPetrillo any longer.
292. During this meeting, Mr. Rotondo also demanded that if Plaintiff did not return to work by August 15, 2023, that he would be considered to be on "workman's comp" and would receive a prorated weekly wage.
293. Plaintiff took this action as an effective termination.
294. Plaintiff asked Mr. Rotondo if the city was responsible for reporting assaults that occur while an employee is at work to the police.
295. Mr. Rotondo replied by saying that they "have no obligation to do that."
296. Mr. Rotondo further stated that the city handles these things as a "civil matter" and it would be up to Plaintiff to go to the police.
297. The meeting solved none of Plaintiff's issues about how to return to work or create a non-hostile work environment.

298. That was the last time Plaintiff heard anything from the City of Warwick.
299. Notably, during these conversations, Mr. Rotondo, also stated that they would be conducting an investigation and that Plaintiff would hear about a resolution.
300. Plaintiff never heard from the City of Warwick on that matter either.
301. Plaintiff now believes that he was effectively terminated that day and has never been asked to return to work.
302. Plaintiff has not been contacted by the City or the Water Division so as to inform him that there would be any remedy, or that he would be brought back and transferred, for over a year.
303. Due to his distress, Plaintiff identified a mental health professional and he booked an emergency appointment.
304. Notably, also on August 10, 2023, Plaintiff went to the police station and filed the report.
305. Plaintiff met with Sergeant Detective Nelson Carreiro on August 10, 2023 to press charges against Mr. Terry DiPetrillo for assault.
306. Plaintiff has continued to see the therapist for a long period of time every week or every other week.
307. While out of work on workers compensation, the City used approximately 700 of Plaintiff's sick time hours to pay him.
308. When the sick hours ran out in or around March of 2024, Plaintiff's payments from workers compensation stopped entirely and was not fixed for many weeks.
309. Additionally, Plaintiff believes his PTO hours, or at least some, were lost when the roll over occurred in or around June of 2024 for the new fiscal year.
310. Plaintiff has suffered significant financial impact due to the above as well as because of workers compensation paying notably less.

311. Further, Plaintiff was only a few short years from vesting in the 10 year pension level which means his effective termination has lost him hundreds of thousands of dollars of pension money.
312. Finally, well after Plaintiff was out of work, Mr. Michael DiPetrillo has, on multiple occasions, drove past him and while doing so, Mr. Michael DiPetrillo put up his middle finger, the known gesture to tell Plaintiff to “F&* \$ off” or otherwise known as “flipping the bird.”
313. Plaintiff was offended and disturbed by these acts.
314. The most recent incident of this occurring was on or around April 8, 2024.
315. As a direct and proximate result of Plaintiff’s employer’s discriminatory actions, Plaintiff suffered and continues to suffer loss of income and earning capacity; loss of work-related benefits, privileges, promotions, and status; experienced humiliation and loss of standing in the community; suffered and continue to suffer from extreme emotional distress and mental anguish resulting in physical injury; and suffered other injuries, all continuing to date.

COUNT I

***RELIGIOUS AND/OR ETHNIC – DISCRIMINATORY TERMS AND CONDITIONS
RELIGIOUS AND/OR ETHNIC - DISCRIMINATORY TERMINATION
Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2
Violation of RI Fair Employment Practices Act, R.I. Gen 1956 § 28-5-1 et seq. (FEPA)
Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)***

316. Paragraphs 1-315 are hereby incorporated by reference in their entirety.
317. Plaintiff is afforded protections from religious and ethnic harassment and discrimination under Title VII, FEPA, and RICRA.
318. Defendants subjected Plaintiff to severe and pervasive harassment and disparate treatment, as well as an unresolved hostile work environment, which changed the terms and conditions of employment.

319. Defendants knew of the harassing and discriminatory conduct but failed to take swift, remedial action in violation of, *inter alia*, Title VII, FEPA, and RICRA.

320. Defendants effectively terminated Plaintiff because of religion and/or ethnicity; namely, he has been out of work, and not been placed in an alternate job, despite requests, for over a year, resulting in his effective termination.

321. But for Defendant's discriminatory conduct, Plaintiff would not have effectively terminated.

322. Plaintiff experienced the aforesaid and incorporated damages as a direct and proximate result of Defendants' intentional conduct.

323. Defendants' discriminatory conduct, policies, and practices were intentionally discriminatory, motivated by animus, impermissible, and unlawful considerations and violate, *inter alia*, Title VII, FEPA, and RICRA.

324. Because Defendants' conduct was intentional, constitutes gross negligence, recklessness, and was willful and/or wanton, punitive or exemplary damages are warranted.

325. Plaintiff experienced the damages aforesaid as a proximate result of Defendant's agents' intentional conduct.

326. Defendants are vicariously responsible for the acts and omissions of its agents under Respondeat Superior.

COUNT II

RELIGIOUS AND/OR ETHNIC – RETALIATORY TERMS AND CONDITIONS
RELIGIOUS AND/OR ETHNIC - RETALIATORY TERMINATION
Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3
Violation of RI Fair Employment Practices Act, R.I. Gen 1956 § 28-5-1 et seq. (FEPA)
Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)

327. Paragraphs 315 are hereby incorporated by reference in their entirety.

328. Plaintiff was protected from retaliatory harassment, discrimination and termination as a result of engaging in protected conduct under Title VII, FEPA, and RICRA.

329. Plaintiff engaged in protected conduct, opposed unlawful conduct and exercised his rights under the Title VII, FEPA, and RICRA.
330. Specifically, Plaintiff reported his religious and/or ethnic harassment, and physical assault, by Terry DiPetrillo to leadership and HR, both of which protected under Title VII, FEPA, and RICRA.
331. As a result of Plaintiff's protected activity, Plaintiff was subjected to retaliatory treatment by Defendant's agents; namely, he has been out of work, and not been placed in an alternate job, despite requests, for over a year, resulting in his effective termination.
332. But for Defendants' agents' retaliatory conduct, Plaintiff would not have been effectively terminated.
333. Defendants' agents' retaliatory conduct, policies, and practices were intentionally retaliatory, motivated by animus, impermissible and unlawful considerations and violate, *inter alia*, Title VII, FEPA, and RICRA.
334. Because Defendants' conduct was intentional, constitutes gross negligence, recklessness, and was willful and/or wanton, punitive or exemplary damages are warranted.
335. Plaintiff experienced the damages aforesaid as a proximate result of Defendants' agents' intentional conduct.
336. Defendants are vicariously responsible for the acts and omissions of its agents under Respondeat Superior.

COUNT III

GENDER AND SEX RETALIATION – RETALIATORY TERMS AND CONDITIONS
GENDER AND SEX RETALIATION - RETALIATORY CONSTRUCTIVE DISCHARGE
Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3
Violation of RI Fair Employment Practices Act, R.I. Gen 1956 § 28-5-1 et seq. (FEPA)
Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)

337. Paragraphs 315 are hereby incorporated by reference in their entirety.

338. Plaintiff was protected from retaliatory harassment, discrimination and termination as a result of engaging in protected conduct under Title VII, FEPA, and RICRA, namely reporting, and supporting the claims of, Bree Boulais' sexual harassment and retaliation by several of Defendants' agents.
339. Plaintiff engaged in protected conduct, opposed unlawful conduct and exercised his rights under the Title VII, FEPA, and RICRA.
340. Specifically, Plaintiff reported, and supported the claims of, Bree Boulais as to her experience of sexual harassment and retaliation by Defendants, to leadership and HR, both of which protected under Title VII, FEPA, and RICRA.
341. As a result of Plaintiff's protected activity, Plaintiff was subjected to retaliatory treatment by Defendants' agents Mr. Terry DiPetrillo and Mr. Michael DiPetrillo.
342. Further, as a result of Plaintiff's protected activity, he has been effectively terminated; namely, he has been out of work, and not been placed in an alternate job, despite requests, for over a year, resulting in his effective termination.
343. But for Defendants' agents' retaliatory conduct, Plaintiff would not have been effectively terminated.
344. Defendants' agents' retaliatory conduct, policies, and practices were intentionally retaliatory, motivated by animus, impermissible and unlawful considerations and violate, *inter alia*, Title VII, FEPA, and RICRA.
345. Because Defendant' conduct was intentional, constitutes gross negligence, recklessness, and was willful and/or wanton, punitive or exemplary damages are warranted.
346. Plaintiff experienced the damages aforesaid as a proximate result of Defendants' agents' intentional conduct.

347. Defendant is vicariously responsible for the acts and omissions of its agents under Respondeat Superior.

COUNT IV
Deprivation of Rights 42 U.S.C. § 1983 / Physical Assault By State Actor

348. Plaintiff incorporates by reference all paragraphs above as if fully set forth herein.

349. Defendants have deprived Plaintiff of his rights as guaranteed by the Fourteenth Amendment to the United States Constitution, in violation of the Civil Rights Act of 1871, 42 U.S.C. § 1983 to be free of violations of rights protected by the Constitution or laws of the United States committed by persons acting under the color of state authority.

350. Mr. Terry DiPetrillo is a state actor and was acting under the color of state authority when he assaulted and battered Plaintiff.

351. Plaintiff had a Constitutionally protected right to be free from bodily harm due perpetrated by state actor Mr. Terry DiPetrillo.

352. Mr. Terry DiPetrillo's intentionally deprived Plaintiff of his Constitutionally protected substantive due process right to bodily integrity.

353. Mr. Terry DiPetrillo's actions were intentional and were taken for the purpose of causing physical harm, pain, suffering, emotional and physiological trauma in violation of and in deliberate indifference of Plaintiff's substantive due process rights.

354. Defendants, by their actions and/or omissions, have deprived Plaintiff of his substantive due process and Equal Protection rights guaranteed under the Fifth and Fourteenth Amendment of the United States Constitution.

355. As a direct and proximate result of Defendants' actions, omissions, and deliberate indifference, Plaintiff suffered through an unnecessary, unlawful, traumatic injury.

356. Plaintiff experienced the damages aforesaid as a proximate result of Defendants' agent's intentional conduct.

357. Defendant is vicariously responsible for the acts and omissions of its agents under Respondeat Superior.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- a. Order judgment for Plaintiff against Defendant on all Counts of the Complaint and declare that the practices detailed in this Complaint are unlawful;
- b. Order, for all applicable Counts, that Defendant make Plaintiff whole by awarding appropriate back pay with interest, front pay, compensation for all other lost income and benefits, earning capacity, and all other relevant entitlements and emoluments;
- c. Order, for all applicable Counts, that Plaintiff be awarded an amount of money which will fairly compensate the Plaintiff for his mental anguish, emotional pain and suffering, damage to his reputation, loss of standing in the community, and other damages incurred;
- d. Order, for all applicable Counts, that the Defendant pay Plaintiff's costs and reasonable attorney's fees resulting from this action;
- e. Order, for all applicable Counts, that the Defendant pay multiple damages, if this Court should find the same applicable;
- f. Order, for all applicable Counts, that the Defendant pay punitive or exemplary damages, as appropriate to punish Defendant for their malicious conduct, recklessness conduct, and/or callous indifference to the statutorily and common law protected rights of Plaintiff;
- g. Order, for all applicable Counts, that Defendant pay post-judgment interest where appropriate and allowable by law;

- h. Order, for all applicable Counts, that Defendant pay pre-judgment interest, including interest for all damages awarded to Plaintiff from the date the cause of action accrued, where appropriate and allowable by law;
- i. Retain jurisdiction of this action to ensure full compliance; and
- j. Order, for all Counts, such other relief to Plaintiff as this Court deems just and proper.

DEMAND FOR JURY TRIAL

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

October 24, 2024

Respectfully Submitted,
PLAINTIFF
Peter Broomfield,
By his attorney,

/s/ Paige Munro-Delotto
Paige Munro-Delotto, Ph.D., Esq. #9291
Munro-Delotto Law, LLC
400 Westminster Street, Ste. 200
Providence, RI 02903
(401) 521-4529
(866) 593-9755 (fax)
Email: Paige@pmdlawoffices.com