

THE SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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NICOLE HECKER,

Case No. _____

Plaintiff,

COMPLAINT

v.

(Demand for Jury)

RICHARD DAVIS.

Defendant.

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Plaintiff Nicole Hecker, (“Plaintiff”) through undersigned counsel, comes now and submits the following Complaint against Defendant Richard Davis (“Defendant”).

PRELIMINARY STATEMENT

This Complaint is premised upon the Victims of Gender-Motivated Violence Protection Law (“VGM”) § 10-1101 *et seq.* While the events complained of herein took place during the years 2015 and 2016, § 10-1105 of the VGM, effective beginning January 9, 2022, revived the statute of limitations for “any civil claim or cause of action brought under this chapter that is barred because the applicable period of limitation has expired”; stating that the action “may be commenced not earlier than six months after, and not later than two years and six months after, **September 1, 2022.**” Therefore, Plaintiff is within the statute of limitations to bring an action pursuant to § 10-1104 of the VGM.

VGM provides a civil cause of action for "injury by an individual who committed a crime of violence motivated by gender" (VGM § 10–1104). The term "crime of violence" is defined as "an act or series of acts that would constitute a misdemeanor or felony against the person as defined in state or federal law ... if the conduct presents a serious risk of physical injury to another, whether or not those acts actually resulted in criminal charges, prosecution or conviction" (Id., § 10–1103).

The term "crime of violence motivated by gender" is defined as a "crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender" (Id.).

PARTIES AND JURISDICTION

1. Plaintiff Nicole Hecker is an adult female who resides within the City of New York, County of New York.
2. Defendant Richard Davis is an adult male who also resides in the City of New York, County of Kings.
3. This Court has jurisdiction over the parties as they both reside in the City of New York, and the actions which are the basis for this Complaint took place in the City of New York. The Supreme Court has general jurisdiction pursuant to NY Jud. Law § 140-B.

FACTUAL BACKGROUND

1. The Parties Relationship Origins

4. The parties in this matter began to develop a close relationship after meeting during their time as colleagues for the Metropolitan Transit Authority ("MTA"), beginning in the year 2009. Ms. Hecker was a bus operator at the time, while Mr. Davis was involved in the TWU Local 100 Union ("TWU").
5. Around this time, the Defendant assisted Ms. Hecker with a work situation related to vacation, and they started to become close shortly afterwards.
6. Beginning in the Summer of 2011, Ms. Hecker and Mr. Davis worked together on Ms. Hecker's worker's compensation case that she was facing at the time. The relationship developed into an intimate one from there, and the parties began dating.

7. Between 2012 and 2013, Mr. Davis would have the Plaintiff accompany him on his Union trips, and requested that she be placed on Union Release to continue accompanying him to different Union trips, event, classes, etc...
8. Between the years 2013 and 2015, Plaintiff began to learn information about Mr. Davis, and his other relationships with females within the MTA.

2. Incidents of Gender-Motivated Violence

9. Plaintiff reiterates lines 1-8 as if fully incorporated herein.
10. On June 6, 2015, the TWU held a family event which the parties attended together. After the event, the Plaintiff and Defendant were driving a U-Haul truck when the Plaintiff questioned Mr. Davis about an inappropriate relationship with another female bus operator who was present at the foregoing event.
11. In response to this inquiry from the Plaintiff, Mr. Davis proceeded to punch her in the face and head repeatedly. He then held her in a tight headlock while Ms. Hecker was trying to escape the vehicle.
12. Behind the parties in a separate car, was an ex-union officer (current at the time) who also participated in the event, named Terrance Harmon. Once the Plaintiff was finally able to get free from Mr. Davis, she exited the U-Haul and, without her shoes, scrambled into the vehicle driven by Mr. Harmon, who then promptly took her home.
13. Part of being a female in this relationship, meant that Ms. Hecker was not allowed to question Mr. Davis' "authority", his actions, or his behavior with other women, lest face the wrath of his violent assaults.

14. The physical injuries sustained by Plaintiff as a result of this attack, included a busted lip, and swollen and bruised face.
15. Around January of 2016, Ms. Hecker was promoted from her position as Executive Secretary to the President of the TWU, to Director of the Union's Childcare Trust Fund ("CCF").
16. In the Summer of 2016, the parties had been formally dating for about 5 years, and Mr. Davis still had not finalized his divorce.
17. Resultingly, Mr. Davis was contributing very little to the parties' household during this time. When Ms. Hecker raised the issues of divorce and finance, once again, the Defendant began to assault her. This time, he grabbed her hair and attempted to drag her down to the floor by it, and then grabbed Ms. Hecker tightly by her arm and dug his nails into her skin.
18. This assault took place at the Garden of Eden Market located across the street from the Union Hall. The Plaintiff immediately went upstairs to her office located on the 4th floor. The scratches on her arm were questioned by CCF employee, Nicole Scott, who noticed that her arm was bleeding.
19. Mr. Davis than wrote an apology letter to the Plaintiff, acknowledging his behavior and actions, as alleged herein.
20. Mr. Davis' assaults on the Plaintiff were not motivated by a *general animus* towards females (although he certainly holds one). Rather, they are motivated by the fact that Ms. Hecker herself is a female, and Mr. Davis thus treated her and sees her as subservient and utilized physical punishment as a form of control and exertion of power over this particular Plaintiff, on the basis of her gender.

21. Out of fear of losing her job and position, facing any issues if she had to return to MTA, or worse, further violence, Ms. Hecker did not report this incident due to the history of TWU to rescue and sanitize their members who commit wrongs as opposed to rightfully subjecting them to the disciplinary process. However, she did inform a trusted Union representative about the incident in confidence.
22. Furthermore, Ms. Hecker was aware at this time that the previous instances of sexual harassment complaints being lodged against the Defendant in 2009, 2011, and 2012, were all dismissed without any ramification to Mr. Davis. Therefore, she felt she had no recourse due to the pattern and practice of the TWU and MTA.
23. Thus, Ms. Hecker saw the futility in complaining at the time, and made the decision that the only consequence of filing a formal complaint, would be either retaliation against her, or hardship at work; not any adverse consequences or remedial measures taken against the Defendant.
24. The Defendant's history of animus towards women is extensive. On December 21, 2022, a scathing email was circulated around the MTA, to Union officers, and even to Governor Hochul, alleging sexual misconduct against various women perpetrated by this same Defendant, Richard Davis. The Plaintiff's name and photograph was attached to this email, yet no disciplinary action was taken.
25. Further, as recently as January of 2023, The Defendant, feeling very comfortable and emboldened in his position as President of the TWU, while at a work meeting with multiple other employees present, referred to another female employee, stating that "she's smart, can type 100 wpm, and *I like the way my penis feels inside her vagina.*"

26. Upon information and belief, Ms. Hecker ended the parties' relationship in December of 2016 and ceased any further non-professional communication with him around May of 2017.
27. It is well known, Mr. Davis has a sordid history of misogyny, sexual harassment complaints, and gender-motivated violence. During the parties' relationship, and specifically during the foregoing instances, Mr. Davis acted with an overt animus towards the Plaintiff, and committed acts of violence upon her, based on her position as a female. His belief that she, as a female, was beneath him, subservient to him, and that physical violence is an acceptable way to maintain power and control over her, all point to gender as being Mr. Davis' primary motivation in committing these acts of violence.
28. Mr. Davis' assaults on the Plaintiff meet the criminal elements for *Assault in the Third Degree* (NY Pen. Law § 120.00), and *Reckless Endangerment in the Second Degree* (NY Pen. Law § 120.20).

PRAYER FOR RELIEF

Whereby, Plaintiff Nicole Hecker seeks the following relief from the court:

- a. Punitive damages for pain, suffering, and emotional distress; and,
- b. Declaratory Judgement stating that the Defendant violated the VGM and committed two acts of gender-motivated violence against the Plaintiff.

Dated: December 14, 2023

/s/ Tricia Lindsay
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