

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

-----X
DAVID A. SAGER,

Plaintiff,

SUMMONS

vs.

COUNTY OF SULLIVAN,

Defendant.
-----X

TO: COUNTY OF SULLIVAN

PLEASE TAKE NOTICE THAT THE ANNEXED COMPLAINT has been filed against the
County of Sullivan in the Supreme Court, County of Sullivan.

You are hereby directed to file your Answer to said Complaint within thirty days of
its service upon you or to otherwise respond in compliance with the CPLR.

Your Answer should be served upon Michael H. Sussman, Sussman & Watkins, 55 Main
Street, PO Box 1005, Goshen, New York 10924 [845]-294-3991.

Your failure to timely file an Answer or otherwise respond to the Complaint may result in
the entry of a default judgment against you and the convening of an inquest concerning plaintiff's
damages.

Dated: June 11, 2013

Yours, etc.



MICHAEL H. SUSSMAN
Counsel for Plaintiff

SUSSMAN & WATKINS
PO Box 1005
Goshen, NY 10924
(845)-294-3991

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

-----X
DAVID A. SAGER,

Plaintiff,

VERIFIED COMPLAINT

vs.

COUNTY OF SULLIVAN,

Defendant.
-----X

Plaintiff, David A. Sager, by and through his counsel, Michael H. Sussman, hereby alleges and states as and for his Verified Complaint against defendant states:

1. Plaintiff, David A. Sager, is a resident of the County of Sullivan of legal age.
2. Defendant, County of Sullivan, is a municipal corporation which may sue and be sued pursuant to section 75[b] of the Civil Service Laws of the State of New York.
3. This Honorable Court has jurisdiction over this matter pursuant to Civil Service Laws of the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION

4. On October 1, 2012, plaintiff Sager was appointed as Deputy Commissioner of the Department of Family Services.
5. Plaintiff was so hired by Commissioner Randy Parker following an interview with the Commissioner for the position.
6. Commissioner Parker was authorized to hire and fire his own Deputy Commissioner and, in so doing, acted on behalf of the County of Sullivan.
7. Plaintiff was assigned to oversee the day-to-day operations of Temporary Assistance, Medicaid, Child Protective Services, Foster Care and Adult Protective Services programs.
8. These assignments derived from conversations with Commissioner Parker.

9. Plaintiff was terminated by defendant Parker on May 15, 2013.

10. By his own admission, before that date, Parker never advised plaintiff that he was inadequately or improperly discharging the duties and responsibilities assigned to him.

11. At the time of plaintiff's termination, which he himself advised, Parker provided defendant no reason for his termination.

12. Indeed, in public statements made thereafter, Parker has stated that he was not required to provide any such reason to plaintiff.

13. Despite his failure to provide a reason to plaintiff and his public statement that he need not provide plaintiff any reason for his termination, in recent public comments, Parker has claimed that plaintiff lacked the experience to discharge the duties and responsibilities assigned to him.

14. This reason is sheer pretext in that in the weeks before terminating plaintiff and before plaintiff's disclosures, Parker stated that he intended to expand plaintiff's duties and responsibilities and at the most recent full staff meeting held in April 2013, Parker praised plaintiff's job performance.

15. In fact, defendant terminated plaintiff because he was reporting fraud and illegal activities which were transpiring within the Department of Family Services, specifically on the part of legal staff, CPS staff and temporary assistance staff.

16. Plaintiff reported such illegal activities to Parker in the several months before his termination.

17. Specifically, plaintiff reported that a serious case of sexual abuse known to CPS staff had not been, and then was not being, properly or timely investigated.

18. Further, plaintiff advised Parker that neglect and incompetence on the part of DSS' legal staff was causing the failure to conduct a timely and proper investigation.

19. Plaintiff made clear that he believed that CPS' failure to timely investigate this serious claim of sexual abuse constituted an improper governmental action, was contrary to departmental rules and

regulations which required the prompt and thorough investigation of such matters and imperiled the health/safety of the child adversely affected by such conduct.

20. Plaintiff also raised issue with the consequence of the incompetent performance by another agency counsel designated to conduct such investigations and his failure to comply with reasonable investigative and prosecutorial standards, again leading to the imperiling of child victims of sexual abuse.

21. While Parker privately agreed with plaintiff that DSS legal staff was not competently performing their functions, he took no remedial action.

22. Indeed, Parker's political association with one of the DSS counsel caused him to wish to conceal the evidence plaintiff had revealed of her incompetence and professional misconduct and, instead, animated him to terminate plaintiff.

23. But for plaintiff's disclosure of the incompetence and professional misconduct of this agency attorney and her engagement in improper governmental action, Parker, acting on behalf of the County of Sullivan, would not have dismissed the plaintiff.

24. By terminating plaintiff because he disclosed to Commissioner Parker the failure of DSS counsel to properly investigate and instigate enforcement actions in sexual abuse cases, defendant violated section 75-b of the Civil Service Law of the State of New York.

WHEREFORE, plaintiff prays that this Honorable Court accept jurisdiction in this matter, empanel a jury to hear and decide all issues within its scope and authority, reinstate plaintiff to his position and award to plaintiff make whole relief as provided by sub-section 5 of section 740 of the Labor Law, including compensation for lost wages, benefits and other remuneration , as well as attorneys' fees and costs with pre and post-judgment interest.

DATED: JUNE 10, 2013

YOURS, ETC

MICHAEL H. SUSSMAN

Counsel for Plaintiff

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