

Monday, April 19, 2021

Marcus Conte vs. The Brooklyn Hospital Center - Case No.10207504

Complainant's Response to defendant TBHC's "*Request reconsideration and reversal of Determination of Probable Cause*"

TO: NYSHDR

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CC: bhoey@kelleydrye.com

FROM:

Marcus Conte, Complainant
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Dear Division,

I am here to report that Defendant TBHC continues their whirlwind of lies, defamation and libel against this Reporter. Rather than make restitution for harm done TBHC continues to smear Marcus Conte with their frivolous and ever changing pleadings to the Division. To save their own skin, TBHC elects to further harm my reputation as a respected member of the press. They appear willing to say or do anything to NOT correct the substantive problems of racism at their establishment. Swift action and Sanctions against TBHC would be appreciated.

In their latest frivolous attempt to change history and ignore direct video evidence to the contrary, TBHC files with the Division via prohibited ex parte communication "*Request reconsideration and reversal of Determination of Probable Cause*" dated March 31, 2021. As a side note, the Division told me that direct communication between parties was prohibited. Nonetheless, TBHC sends their defamatory 'legal papers' to me directly via snail mail. With their latest corrupt paperwork, TBHC inadvertently explains to us how they came to hire racist security guard Joshua Wright. Simply put - the apple doesn't fall far from the tree. Wright is the one person who denied me the public accommodation with the racist slur "**Get your white privilege out of here.**" TBHC supports this derelict behavior, and provides cover to racist employees like Joshua Wright.

In their latest rant TBHC makes many of the same absurd arguments they made the last time around; that is: they were the only ones "fighting a war" against Covid-19 while everyone else, including popular media representatives were just hanging around 'starting trouble.' Perhaps TBHC should know that in one form or another EVERYONE suffered through the early days of the pandemic. It is the job of the journalist to report that suffering. Without the journalist reporting it, no one would know it exists.

Further defamation,

For the first time we learn TBHC claims reporter Marcus Conte "*called both security officers niggers.*" This is a totally outrageous and disturbing new lie TBHC is spreading: very damaging to my brand, clearly malicious in it's intent and obviously untrue. TBHC shows no signs of remorse for their actions. In fact they are doubling down. If this new allegation is allowed to go unchecked, there is no telling what they will say next. The video evidence in this case tells the true story. But instead, TBHC actively promotes a conspiracy that news reporter Marcus Conte is a trashy troublemaker running around town hurling the N-word at hospital staff while the hospital itself embraces a sort of racial justice and Covid-19 warriorship. It's Incomprehensible, illogical and totally unsupported by the evidence.

Another amazing thing happens in their latest filing. TBHC reveals to us an incredible contradiction in their pleadings. In every filing thus far TBHC told us security guard Joshua Wright acted prudently and lawfully but in a separate document [see attached] it's revealed that TBHC in fact disciplined Wright a few days after the incident for his "*inappropriate comments of a personal nature directed at the person [media representative]. The comments were recorded on video and posted on social media...you [Wright] represent The Brooklyn Hospital Center in your actions and your speech.*" In this "Corrective Disciplinary Report" dated and signed by Joshua Wright we also learn that Wright was only suspended 2 days for his vile actions.

So which is it TBHC? You can't discipline someone for inappropriate action then come to the table and preach the inappropriate action never happened.

Further, TBHC has failed to respond to, and therefore rejects the Early Resolution Pilot Program proposed by the Division dated Wed, Feb 17, 2021.

For these reasons, and many reasons already in the record, defendant's preposterous *Request for Reversal of Determination of Probable Cause* should be flatly denied.

Respectfully,
Marcus Conte Reporting



The Brooklyn Hospital Center

Keeping Brooklyn healthy.

Corrective Discipline Report

EMPLOYEE NAME Joshua Wright		DEPARTMENT Security	Position Security Officer
PERSON WRITING REPORT John Quinn	TITLE Senior Director of Security	DATE OF INCIDENT April 1, 2020	DATE April 13, 2020

DETAILS OF INCIDENT/SITUATION

Mr. Wright on April 1, 2020 during your shift you engaged in conduct that did not conform to Brooklyn Hospital guidelines. During this time, you engaged a media representative on TBH property for filming in an unsanctioned location. During your verbal interaction you failed to deescalate the situation. Instead of informing the media representative that his actions were not authorized and escorting him off TBHC grounds, you made inappropriate comments of a personal nature directed at the person. The comments were recorded on video and posted on social media. These comments exacerbated the situation. As a security officer, while in the performance of your duty, you are expected to conduct yourself in a professional manner. You represent the Brooklyn Hospital Center in your actions and speech, in this situation you failed to live up to expectations. As a result of the inappropriate comments you made during this situation I am recommending a suspension of two (2) days. This conduct will not be tolerated. If sustained improvement is not noted, future corrective action may be taken up to and including termination.

I have read the above report. I fully understand its content and acknowledge receipt of the same. Write Initials JW
Employee's Comments:

PREVIOUS ACTIONS: Please give dates and reasons, e.g. absenteeism, lateness, etc. for any previous action(s) (Verbal/Written Warning, Suspension, etc.)

ACTION TAKEN: VERBAL WRITTEN SUSPENSION FOR ___ DAYS DISCHARGED

NOTE: An immediate and sustained improvement is required. If an immediate and sustained improvement is not noted, you may be subject to further corrective action, up to and including termination of employment.

MANAGER / SUPERVISOR PRINT John Quinn	MANAGER / SUPERVISOR SIGNATURE 	DATE: 4-14-2020
Employee NAME PRINTED Joshua Wright	Employee SIGNATURE 	DATE: 4-14-20
UNION DELEGATE NAME PRINTED Elwin Cruz	UNION DELEGATE SIGNATURE 	DATE: 4-14-20