

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

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OBRIAN PASTRANA,

Petitioner,

**For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules**

Index No. 160515/2023

-against-

NEW YORK CITY FIRE PENSION FUND,  
BOARD OF TRUSTEES OF NEW YORK  
CITY FIRE PENSION FUND, and THE  
CITY OF NEW YORK,

**PETITIONER'S AFFIDAVIT  
IN SUPPORT OF VERIFIED  
PETITION**

Respondents.

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**OBRIAN PASTRANA** being duly sworn, deposes and says:

1. I am the Petitioner in the above-captioned matter.
2. I have been employed by the New York City Fire Department since 2006 at the age of twenty-years old. It was my dream to become a FDNY Firefighter and one day a Fire Marshall. I started as an EMT and was promoted in 2013 to Firefighter.
3. When COVID hit the City the way it did, I wasn't too nervous. I knew that with the proper precaution, as a young healthy man I would be fine. I also knew that the vaccine was not something I wanted to partake in. I remember talks in the Fire Department saying we couldn't be forced to do it.
4. Then in October 2021, there was officially a Vaccine Mandate for all City Workers, including firefighters. When they came out with a deadline to get the vaccine, I hoped that if I waited until the end, maybe something would come out that it wouldn't need to be done. I remember the day of the deadline, my captain had a long talk with me saying if

I didn't take it I was crazy. He warned me that the City could literally take everything I had worked hard for away, including my tear, my pension, and my career! After a long talk with my wife, she told me I had no choice, I was the head of the household and needed to provide.

5. On October 29, 2021, the last day of the deadline, I received the first dose of the Pfizer COVID-19 vaccination in order to comply with the Vaccine Mandate and continue working as a Firefighter. If I only I could go back to that day! I had no idea then what was in store for me.

6. After taking the vaccine, I immediately had an apparent allergic reaction. Despite this, I was told by the Fire Department that they wouldn't be letting anyone off the hook without being fully vaccinated and providing proof of that second dose.

7. I spoke with several Fire Department doctors who evaluated me due to my allergic reaction to the first dose and they all told me the same thing: "continue getting vaccinated."

8. I was afraid to get the second dose, especially since I was not getting any better after the first dose. I told the Fire Department doctors that I could not get the second dose. I was told by the Department doctors that I had to get the second dose despite my medical condition.

9. After the second dose, I was again rushed to the Emergency Room with more and more severe reactions including severe chest pain, shortness of breath, and fatigue. I was afraid I was going to die after I got that second dose.

10. I ended up at the cardiologist's office, and even after months of suffering through these severe adverse reactions, I was still hopeful. As a firefighter, we are taught to fight

through things – pain, suffering, fatigue, sorrow. I had no intentions of letting this take me out of work. I was sure I would be back in no time.

11. When the cardiologist told me it was bad news, that I had myocarditis and I could never be a firefighter again, I was completely blindsided. To say I was devastated would be putting it mildly.

12. I couldn't have imagined not being able to be a firefighter anymore and finishing my career. All of my dreams for the future were no longer possible.

13. I was afraid, wondering how I was going to support my family.

14. And I was afraid for my health. What would the rest of my life be like?

15. I was sent by the Department to see a Fire Department cardiologist and he sent me for an echocardiogram followed by a cardiac MRI.

16. I am a former EMT and my wife is a Registered Nurse. When we looked over those results, we were blown away. I was in heart failure.

17. My cardiologist reviewed the results and confirmed that I would never fight fires again based on the MRI.

18. At this point, I was suffering from severe depression and anxiety. I had so much anger and I felt completely betrayed by the Fire Department.

19. I was suffering so badly mentally, I did not know where to turn to so I tried an AA meeting. I know that sounds completely crazy since I am not an alcoholic but I was so desperate for any type of support and mental health.

20. I began to see a therapist from the Fire Department. She diagnosed me with depression, anxiety, and post traumatic stress disorder.

21. On top of that, my physical health was suffering as well. I will never be the same man I was. My heart is weak. My body is weak. I feel like a shell of what I once was.

22. Aside from everything that I was dealing with, my family had been affected so much as well. My relationship with my wife was directly affected. I could no longer help her the way she needed me to around the house or with the kids. And my career was being ripped away from me. My manhood was no longer secure. I could not continue to provide on the level I was before.

23. My relationship with my children had been affected too. I could barely walk without being fatigued, or short of breath. I couldn't even play catch with my daughter without having to make up an excuse of me needing to sit down and take an inhaler. My daughter would see me and ask if she could help, but me knowing she just wanted to be a kid and have fun was no longer an option which I felt responsible for.

24. I remember always saying I never knew how anyone could find an excuse to take their own life, but now I knew! I felt invisible. The guilt, regret, and sense of loss was overwhelming. I struggled with intrusive thoughts. I was so angry at the Department for doing this to me.

25. The FDNY cardiologist recommended me to a heart failure specialist at NYU. I remember going to his office and seeing the sign specifically say "heart failure specialist", I felt renewed dismay and anger. The NYU cardiologist also confirmed with me everything that my doctor had said, I did have myocarditis, it was a result of the vaccine, I did have heart failure, along with scarring of my heart as well, and everything I was going through was in fact real. No this was not a nightmare. This had become my life.

26. I remember in September of 2022, the FDNY cardiologist said to me, “you can never return to the firehouse” and that I would be being retired early as a result. It was official at this point, I was a complete mess, and even though I was told that I would eventually get better, there was no light at the end of the tunnel for me anymore. Everything I had worked for and hoped for was taken from me and despite my worries and claims not being listened to, I was right all along.

27. I was officially retired from the FDNY on June 29th 2023, at only 36 years of age. My life is forever changed. I still suffer from the same symptoms I had initially started with. I take a bunch of different medications on a daily basis. I can no longer make the money I made when I was a firefighter and on top of that I cannot physically do the work I used to do.

28. I have continued with my therapist from the FDNY even though I am no longer employed by them. I know deep down in my heart, nothing will ever be the way it was. and even though I can try and convince myself that maybe things will get better, I know nothing will change what has happened to me.

29. Being a NYC firefighter was a huge part of my life, and having the FDNY turn their back on me the way that it did, has showed me the truth behind the FDNY and the City of New York and how they see their members as, only a number.

30. I am sharing this with you, with the hope that you can see the injustice I have suffered, and continue to suffer. Being forced to take a vaccine that has permanently disabled me for the Department, I expect to at least be taken care of. Instead, I am left in financial ruin on top of physically and mentally devastated. I can barely keep food on the table. My mortgage is more than I can afford.

31. It is not right. I am entitled to the accidental disability benefits and I ask that this Court help me achieve a small sliver of the justice I deserve. I just want to be able to support my family.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 4<sup>th</sup>, 2023  
Northburgh, NY

  
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OBRIAN PASTRANA

Sworn to before me on this 4<sup>th</sup> day of November, 2023,  
On that day came OBRIAN PASTRANA, who I knew to be the same

  
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NOTARY PUBLIC

MARCIA N SPENCER  
Notary Public - State of New York  
NO. 01SP6378620  
Qualified in Orange County  
My Commission Expires Jul 30, 2026

