

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

**JOSÉ A. CARRASCO-RODRÍGUEZ
IVELISSE NAVARRO-RIVERA,
IRIS I. ALICEA-GUZMÁN,
IVIS W. NEGRÓN-MARTÍNEZ,
MYRNA L. ALBELO-ALBELO,
JOSÉ E. ROSADO-AGOSTO,
JOEL A. SANTIAGO-GARCÍA,
CELIDÉS ROSADO-SANTIAGO,
DAVID J. SÁNCHEZ-RIVERA,
NEREIDA RIVERA-DÍAZ,
EDUARDO CHÉVERE-COSME,
SULY MORENO-BERRÍOS,
CARMEN M. VÁZQUEZ-NIEVES and
DELIMAR RIVERA-RESTO**

Plaintiffs,

v.

**SERGIO L. TORRES-TORRES in his personal capacity
and in his official capacity as MAYOR
OF THE MUNICIPALITY OF COROZAL;
ROSARITO RODRÍGUEZ-ALBINO, in her
personal capacity and in her official capacity as
ADMINISTRATOR OF THE MUNICIPALITY
OF COROZAL; RICARDO RODRÍGUEZ-
DÍAZ, in his personal capacity and in his official capacity
as DIRECTOR OF THE OFFICE OF
HUMAN RESOURCES FOR THE
MUNICIPALITY OF COROZAL; FRANCES
MARRERO-RODRÍGUEZ, in her personal
capacity and in her official capacity
as DIRECTOR OF THE OFFICE OF CULTURAL
AND TOURISM AFFAIRS; THE
MUNICIPALITY OF COROZAL; JOHN DOE;
and JANE DOE**

Defendants.

Civil No: 14-1060

COMPLAINT

JURY TRIAL DEMANDED

CIVIL RIGHTS

DAMAGES

DECLARATORY RELIEF

INJUNCTIVE RELIEF

COMPLAINT

TO THE HONORABLE COURT:

Plaintiffs JOSÉ A. CARRASCO-RODRÍGUEZ, IVELISSE NAVARRO-RIVERA, IRIS I. ALICEA-GUZMÁN, IVIS W. NEGRÓN-MARTÍNEZ, MYRNA L. ALBELO-ALBELO, JOSÉ E. ROSADO-AGOSTO, JOEL A. SANTIAGO-GARCÍA, CELIDÉS ROSADOSANTIAGO, DAVID J. SÁNCHEZ-RIVERA, NEREIDA RIVERA-DÍAZ, EDUARDO CHÉVERE-COSME, SULY MORENO-BERRÍOS, CARMEN M. VÁZQUEZ-NIEVES and DELIMAR RIVERA-RESTO (collectively “Plaintiffs”), hereby file this Complaint for economic, compensatory and punitive damages, and for declaratory, injunctive and equitable relief, against SERGIO L. TORRES-TORRES in his personal capacity and in his official capacity as MAYOR OF THE MUNICIPALITY OF COROZAL; ROSARITO RODRÍGUEZALBINO, in her personal capacity and in her official capacity as ADMINISTRATOR OF THE MUNICIPALITY OF COROZAL; RICARDO RODRÍGUEZ-DÍAZ, in his personal capacity and in his official capacity as DIRECTOR OF THE OFFICE OF HUMAN RESOURCES FOR THE MUNICIPALITY OF COROZAL; FRANCES MARRERO-RODRÍGUEZ, in her personal capacity and in her official capacity as DIRECTOR OF THE OFFICE OF CULTURAL AND TOURISM AFFAIRS; THE MUNICIPALITY OF COROZAL; JOHN DOE; and JANE DOE.

INTRODUCTION

1. This is a civil action filed by twelve (12) former transitory or fixed-term employees (“Transitory Plaintiffs”), and two (2) former career employees (“Career Plaintiffs”), seeking redress for blatant, politically motivated adverse employment actions taken against them in violation of federal and local law.

2. All Plaintiffs began working for the Municipality of Corozal (“Corozal” or “Municipality”) under the administration of former Mayor, Roberto Hernández-Vélez (“Hernández-Vélez”) of the New Progressive Party (“NPP”).

3. As a result of the 2012 General Elections, the administration in the Municipality of Corozal switched political sides; Hernández-Vélez lost his bid for reelection to Defendant Sergio

L. Torres-Torres (“Torres-Torres”) of the Popular Democratic Party (“PDP”).

4. Before this change in administration, the appointments of the Transitory Plaintiffs had been consistently renewed after their respective expiration – some for over twelve (12) years.

5. After assuming control of the Municipal administration, Defendant Torres-Torres and his political trust appointees, Defendants Rosarito Rodríguez-Albino and Ricardo Rodríguez-Díaz

(“Rodríguez-Díaz”), systematically refused to renew the appointments, rehire and/or recall the Plaintiffs who held term employment. Plaintiffs were then replaced with PDP-affiliated individuals in their positions, who now perform the same duties and functions the Plaintiffs had done previously.

6. All the Transitory Plaintiffs worked in positions and carried out functions for which political affiliation is not an appropriate requirement, and none of them had ever received a negative evaluation as to their work performance.

7. In the case of the Career Plaintiffs, Defendants illegally terminated their career positions without Due Process of Law and in furtherance of the politically discriminatory scheme hatched by Defendant Torres-Torres and co-Defendants.

8. The Career Plaintiffs were public employees whose positions did not involve crafting, developing, or implementing public policy. Their positions were neither public policy-making

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positions, nor positions that required the Plaintiffs to perform public policy functions. Therefore, political affiliation is not an appropriate requirement for their positions.

9. As it can be logically inferred from such fact-pattern, and as noted in more detail below, the adverse employment actions executed by Defendants were motivated by Plaintiffs' political affiliation, participation and beliefs in favor of a political party and/or a political candidate other than the PDP, specifically the NPP. Had it not been for Plaintiffs' political affiliation, participation and beliefs, they would still be employed by the Municipality.
10. Plaintiffs accordingly allege violations under the First Amendment and Due Process Clause of the United States Constitution, as well as under the laws and Constitution of the Commonwealth of Puerto Rico, in particular, Sections 1, 2, 4, 6 and 7 of Article II of the Constitution of Puerto Rico, and Articles 1802 and 1803 of the Civil Code §§5141 and 5142 of Title 31 of the Puerto Rico Laws Annotated.

JURISDICTION AND VENUE

11. This District Court has federal subject matter jurisdiction pursuant to 28 U.S.C. §1331 because this is a civil action brought under the laws and the Constitution of the United States.

12. This Court also has supplemental jurisdiction over all claims arising under the laws and the Constitution of the Commonwealth of Puerto Rico pursuant to 28 U.S.C. §1367.

13. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. §1391. All parties reside in Puerto Rico, and a substantial part of the acts, events and/or omissions giving rise to the

Plaintiffs' claims occurred in Puerto Rico.

14. A jury trial is demanded.

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PARTIES

Plaintiffs

15. Plaintiff **José A. Carrasco-Rodríguez** ("Carrasco-Rodríguez") had worked for the Municipality of Corozal as a transitory or fixed-term employee for approximately five (5) months – since September 7, 2012. Carrasco-Rodríguez's last appointment in the Municipality expired on February 15, 2013. Defendants refused to renew his appointment and failed to rehire or recall him, because he had exercised his First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of his appointment, Carrasco-Rodríguez worked as a Supervisor in the Municipality's Department of Public Works, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Carrasco-Rodríguez is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

16. Plaintiff **Ivelisse Navarro-Rivera** (“Navarro-Rivera”) had worked for the Municipality of Corozal as a transitory or fixed-term employee for over four (4) years – since February 9, 2009. Navarro-Rivera’s last appointment in the Municipality expired on March 15, 2013. Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised her First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Navarro-Rivera worked as a Clerk in the Municipality’s Public Works Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Navarro-Rivera is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

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17. Plaintiff **Iris I. Alicea-Guzmán** (“Alicea-Guzmán”) had worked for the Municipality of Corozal as a transitory or fixed-term employee for over eight years (8) years – since August 17, 2004. Alicea-Guzmán’s last appointment in the Municipality expired on April 30, 2013. Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised her First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Alicea-Guzmán worked as an Auxiliary Collector in the Municipality’s Revenue and Finance Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Alicea-Guzmán is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

18. Plaintiff **Ivis W. Negrón-Martínez** (“Negrón-Martínez”) had worked for the

Municipality of Corozal as a transitory or fixed-term employee for over two (2) years – since October 13, 2010. Negrón-Martínez’s last appointment in the Municipality expired on April 30, 2013. Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised her First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Negrón-Martínez worked as an Auxiliary Collector in the Municipality’s Revenue and Finance Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Negrón-Martínez is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

19. Plaintiff **Myrna L. Albelo-Albelo** (“Albelo-Albelo”) had worked for the Municipality of Corozal as a transitory or fixed-term employee for over two (2) years – since – March 3, 2011. Albelo-Albelo’s last appointment in the Municipality expired on April 30, 2013. Defendants

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refused to renew her appointment and failed to rehire or recall her because she had exercised her First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Albelo-Albelo worked as a Maintenance Employee in the Municipality’s Human Resources Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Albelo-Albelo is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

20. Plaintiff **José E. Rosado-Agosto** (“Rosado-Agosto”) had worked for the Municipality of Corozal as a transitory or fixed-term employee for approximately six (6) years – since the year

2007. Rosado-Agosto's last appointment in the Municipality expired on April 30, 2013. Defendants refused to renew his appointment and failed to rehire or recall him, because he had exercised his First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of his appointment, Rosado-Agosto's worked as a Worker in the Municipality's Public Works Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Rosado-Agosto is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

21. Plaintiff **Joel A. Santiago-García** ("Santiago-García") had worked for the Municipality of Corozal as a transitory or fixed-term employee for approximately two and a half (2 ½) years – since on or around October 2010. Santiago-García's last appointment in the Municipality expired on April 30, 2013. Defendants refused to renew his appointment and failed to rehire or recall him, because he had exercised his First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of his appointment, Santiago-

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García worked as a Worker in the Municipality's Public Works Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Santiago-García is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

22. Plaintiff **Celidés Rosado-Santiago** ("Rosado-Santiago") had worked for the Municipality of Corozal as a transitory or fixed-term employee for over two (2) years – since April 30, 2011. Rosado-Santiago's last appointment in the Municipality expired on April 30, 2013. Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised her

First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Rosado-Santiago worked as an Office Systems Technician in the Municipality's Purchasing and Logistics Office, performing routine and lowlevel duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Rosado-Santiago is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

23. Plaintiff **David J. Sánchez-Rivera** ("Sánchez-Rivera") had worked for the Municipality of Corozal as a transitory or fixed-term employee for over a year and a half (1 ½) – since June 6, 2011. Sánchez-Rivera's last appointment in the Municipality expired on April 30, 2013. Defendants refused to renew his appointment and failed to rehire or recall him, because he had exercised his First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of his appointment, Sánchez-Rivera worked as a Work Brigade Supervisor in the Municipality's Sports and Recreation Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an

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appropriate requirement for such position. Sánchez-Rivera is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

24. Plaintiff **Nereida Rivera-Díaz** ("Rivera-Díaz") had worked for the Municipality of Corozal as a transitory or fixed-term employee for over a year and a half (1 ½) – since December 2, 2011. Rivera-Díaz's last appointment in the Municipality expired on June 28, 2013. Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised her First Amendment rights and had engaged in activity protected by the First

Amendment. At the time of the non-renewal of her appointment, Rivera-Díaz worked as a Human Resources Technician in the Municipality's Human Resources Department, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Rivera-Díaz is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

25. Plaintiff **Eduardo Chévere-Cosme** ("Chévere-Cosme") had worked for the Municipality of Corozal as a transitory or fixed-term employee for over twelve (12) years – since August 2000. Chévere-Cosme's last appointment in the Municipality expired on June 30, 2013. Defendants refused to renew his appointment and failed to rehire or recall him, because he had exercised his First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of his appointment, Chévere-Cosme worked as a Heavy Equipment Operator in the Municipality's Office of Emergency Management, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Chévere-Cosme is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

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26. Plaintiff **Suly Moreno-Berríos** ("Moreno-Berríos") had worked for the Municipality of Corozal as a transitory or fixed-term employee for over six (6) years – since December 18, 2006. Moreno-Berríos' last appointment in the Municipality expired on June 30, 2013. Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised her First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Moreno-Berríos worked as a Clerk in the

Municipality's Human Resources Department performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position.

Moreno-Berríos is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

27. Plaintiff **Carmen M. Vázquez-Nieves** ("Vázquez-Nieves") had worked for the Municipality of Corozal as a career employee from January 24, 1991 until October 7, 2013 – the effective date of her termination by Defendants. Defendants terminated Plaintiff Vázquez-Nieves because she had exercised her First Amendment rights and had engaged in activity protected by the First Amendment. At the time of her termination by Defendants, Plaintiff Vázquez-Nieves worked as Assistant Director of the Human Resources Department, performing routine and lowlevel duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Vázquez-Nieves is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

28. Plaintiff **Delimar Rivera-Resto** ("Rivera-Resto") had worked for the Municipality of Corozal as a career employee from December 1999 until October 4, 2013 – the effective date of her termination by Defendants. Defendants terminated Plaintiff Rivera-Resto because she had exercised her First Amendment rights and had engaged in activity protected by the First

Amendment. At the time of her termination by Defendants, Plaintiff Rivera-Resto worked as a Tour Guide, performing routine and low-level duties that had no impact on public policy. Party

affiliation is not an appropriate requirement for such position. Rivera-Resto is a citizen of the United States, is affiliated to the NPP, and currently resides in Corozal, Puerto Rico.

Defendants

29. Defendant **Sergio L. Torres-Torres** (“Torres-Torres”) is the Mayor of the Municipality of Corozal.
- a. Torres-Torres is a citizen of the United States and a resident of Corozal, Puerto Rico.
 - b. Torres-Torres was elected Mayor of the Municipality Corozal as a result of the November 2012 General Election under the PDP ticket, and currently serves as the Mayor of the Municipality Corozal.
 - c. Torres-Torres is a prominent member of the PDP.
 - d. As Mayor, Torres-Torres is the nominating authority of the Municipality of Corozal and he participated in, directed, executed, authorized and/or condoned the adverse employment actions giving rise to this Complaint.
 - e. At all times relevant and material hereto, Torres-Torres was acting under color of state law.
 - f. Torres-Torres is being sued for declaratory, injunctive and monetary relief in both his individual capacity and in his official capacity as Mayor of the Municipality of Corozal.
30. Defendant **Rosarito Rodríguez-Albino** (“Rodríguez-Albino”) is the Administrator of the Municipality of Corozal.

- a. Rodríguez-Albino is a citizen of the United States and upon information and belief is currently a resident of Corozal, Puerto Rico.
- b. Rodríguez-Albino was appointed as Administrator of the Municipality, a trust position, by Torres-Torres once he assumed the office of Mayor of the Municipality of Corozal in January of 2013.
- c. Rodríguez-Albino is a well-known member of the PDP in the Municipality of Corozal, and was a loyal follower, contributor and supporter of the PDP; of Defendant Torres-Torres, and of his campaign for the 2012 election.
- d. As Administrator, Rodríguez-Albino participated in, directed, executed, authorized and/or condoned the adverse employment actions giving rise to this Complaint.
- e. At all times relevant and material hereto, Rodríguez-Albino was acting under color of state law.
- f. Rodríguez-Albino is being sued for declaratory, injunctive and monetary relief in both her individual capacity and in her official capacity as the Administrator of the Municipality of Corozal.

31. Defendant **Ricardo Rodríguez-Díaz** (“Rodríguez-Díaz”) is the Director of the Municipality’s Office of Human Resources.

- a. Rodríguez-Díaz is a citizen of the United States and upon information and belief is currently a resident of Corozal, Puerto Rico.
- b. Rodríguez-Díaz was appointed the Director of the Office of Human Resources by Torres-Torres at some point in late spring/early summer of 2013.

- c. Rodríguez-Díaz is a well-known member of the PDP in the Municipality of Corozal, and was a loyal follower, contributor and supporter of the PDP; of Defendant TorresTorres, and of his campaign for the 2012 election.
 - d. As Human Resources Director, Rodríguez-Díaz participated in, directed, executed, authorized and/or condoned the adverse employment actions giving rise to this Complaint.
 - e. At all times relevant and material hereto, Rodríguez-Díaz was acting under color of state law.
 - f. Rodríguez-Díaz is being sued for declaratory, injunctive and monetary relief in both his individual capacity and in his official capacity as the Human Resources Director for the Municipality of Corozal.
32. Defendant **Frances Marrero-Rodríguez** (“Marrero-Rodríguez”) is the Director of the Municipality’s Office of Culture and Tourism Affairs.
- a. Marrero-Rodríguez is a citizen of the United States and upon information and belief is currently a resident of Corozal, Puerto Rico.
 - b. Marrero-Rodríguez was appointed the Director of the Office of Culture and Tourism Affairs by Torres-Torres once he assumed the office of Mayor of the Municipality of Corozal in January of 2013.
 - c. Marrero-Rodríguez is a well-known member of the PDP in the Municipality of Corozal, and was a loyal follower, contributor and supporter of the PDP; of Defendant Torres-Torres, and of his campaign for the 2012 election.

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- d. As Director of the Office of Culture and Tourism Affairs, Marrero-Rodríguez participated in, directed, executed, authorized and/or condoned the adverse employment actions giving rise to this Complaint.
 - e. At all times relevant and material hereto, Marrero-Rodríguez was acting under color of state law.
 - f. Marrero-Rodríguez is being sued for declaratory, injunctive and monetary relief in both her individual capacity and in her official capacity as the Director of the Office of Culture and Tourism Affairs.
33. Defendant **The Municipality of Corozal** (“Municipality” or “Corozal”) is a municipality within the Commonwealth of Puerto Rico. The Municipality has the capacity to sue and be sued.

The Municipality responds for Defendants’ actions, and because at all times relevant and material hereto Defendants were acting pursuant to a Municipal policy and/or custom, and the actions giving rise to this complaint arise from acts from policy making officials for which the Municipality is responsible under 42 U.S.C. §1983.

34. Defendant **John Doe** is an individual defendant who works at the Municipality of Corozal; whose name, identity and other personal circumstances are unknown at present. Defendant John Doe, however, directly and/or indirectly participated in, authorized or condoned and/or set in motion a series of events in connection with the political discrimination and harassment and the non-renewal of Plaintiffs’ appointments because of Plaintiffs’ political affiliations participation, and beliefs. At all times relevant and material hereto, Defendant John Doe was acting under color of state law.

35. Defendant **Jane Doe** is an individual defendant who works at the Municipality of Corozal; whose name, identity and other personal circumstances are unknown at present.

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Defendant Jane Doe, however, directly and/or indirectly participated in, authorized or condoned and/or set in motion a series of events in connection with the political discrimination and harassment and the non-renewal of Plaintiffs' appointments because of Plaintiffs' political affiliations participation, and beliefs. At all times relevant and material hereto, Defendant Jane Doe was acting under color of state law.

STATEMENT OF FACTS

GENERAL ALLEGATIONS AS TO ALL PLAINTIFFS ¹

36. This case involves blatant acts of political discrimination in the aftermath of the November 2012 election by the newly elected PDP Mayor of Corozal and his co-Defendant political trust appointees, and upon information and belief, with other defendants whose names are not yet known, against fourteen (14) humble individuals affiliated with the NPP.
37. All of the Plaintiffs began working for the Municipality of Corozal under NPP mayoral administrations led by Hernández-Vélez or Carlos Serra-Vélez – a fact known to all Defendants.
38. Until the General Election of 2012, Corozal had been a bulwark of the NPP for a span of nearly thirty five years. Between 1977 and 1996, former mayor Carlos Serra-Velez of the NPP led Corozal's municipal administration. In 1996 Roberto Hernández-Vélez of the

¹ Unless individually specified, all averments made throughout this complaint referring to "Plaintiffs" or "Defendants," whether in plural or singular, shall be read to include each and every named Plaintiff or Defendant, respectively.

NPP was elected mayor of Corozal, and served for four consecutive terms until he was defeated by Defendant Torres-Torres in the General Elections of 2012.

39. Because Corozal's municipal administration had been controlled by the NPP for the past thirty five (35) years, practically the entire Municipality's work force was affiliated with the NPP and/or were NPP militants before Defendant Torres-Torres assumed control of the municipality's administration.

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40. The workplace for municipal employees in Corozal is very small; where all municipal employees know and regularly interact with each other; politics is a common discussion topic amongst them, and the political affiliation of employees such as the Plaintiffs is well known to their fellow employees and to the community of Corozal in general.
41. The Defendants associated the Plaintiffs with the NPP and with Hernández-Vélez and/or his NPP mayoral administration, as well as with his political campaign and/or that of other NPP candidates for political office.
42. Plaintiffs have been affiliated to the NPP both on a Commonwealth-wide and municipal basis at all times relevant and material to this action – a fact known to all Defendants.
43. The political activism of the Plaintiffs on behalf of the NPP and/or Hernández-Vélez during the 2012 political campaign was open and well known in the small community of Corozal, and the Defendants were well aware of such political activism. Plaintiffs participated in political meetings and motorcades organized by Hernández-Vélez during the 2012 political campaign. Plaintiffs also had bumper stickers affixed on their personal vehicles supporting Hernández-Vélez and/or had flags or signs supporting his candidacy

for reelection prominently displayed in front of their homes. Such political activity occurred in the streets of Corozal, and Defendants would see it.

44. All of the Defendants knew, assumed, and/or perceived that all of the Plaintiffs had voted for the NPP and for NPP candidates in the General Election of 2012, including for HernándezVélez, instead of the PDP and Torres-Torres, the mayoral candidate of the PDP.

45. Most of the Plaintiffs served as electoral polling officers for the NPP during the 2012 General Elections and in previous General Elections and Primaries. There are only a few voting

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centers in Corozal. It is, therefore, a matter of common knowledge who works as volunteers in those centers, and the political affiliations of such volunteers.

46. Some Plaintiffs also held leadership positions in the NPP locally; coordinated NPP polling officers during General Elections and Primaries and/or were related to prominent members of the NPP in Corozal.

47. On November 6, 2012, a contentious General Election² was held in Puerto Rico.

48. In the 2012 General Election, of the NPP was defeated by co-Defendant Torres-Torres, the PDP mayoral candidate.

49. Defendants had been active in political circles in Corozal as members of the PDP and are well known in that community as PDP activists.

² The November 6, 2012, "General Election" involved elections for all state-wide offices (the Governor, the Resident Commissioner, Senators at large, Senators by district, Representatives at large, Representatives by district), all municipal offices (78 Mayors and 78 Municipal Legislative Assemblies) and a plebiscite whereby the people selected amongst acceptable status options.

50. As in virtually all elections, the atmosphere in the Municipality (and in Corozal in general) was politically charged during the months prior to and after the General Election of 2012.
51. Individuals – including Plaintiffs – openly expressed their support for their respective candidates and their participation in political activities, events and campaigns. Individuals – including Plaintiffs – would also openly defend their political preferences, candidates and parties during discussions with individuals affiliated with opposing political parties including those loyal to and of the political trust of Defendants and the PDP. As a result, the political affiliations of such individuals – including Plaintiffs – were openly known, including by Defendants who closely monitored their political adversaries, and the collaborators and supporters of such adversaries, as well as by the Corozal community in general.

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52. After winning the 2012 General Election, co-Defendant Torres-Torres assumed office as the new PDP Mayor of the Municipality of Corozal. He was sworn in as Mayor in mid-January of 2013.
53. Shortly after he was sworn in as Mayor of Corozal, Defendant Torres-Torres selected coDefendants Rodríguez-Albino and Marrero-Rodríguez to fill the positions of Administrator of the Municipality of Corozal and Director of the Office of Cultural and Tourism Affairs, respectively.

54. In early June 2013, Defendant Torres-Torres selected co-Defendant Rodríguez-Díaz to fill the position of Director of the Human Resources Department.
55. Co-Defendants Rodríguez-Albino Rodríguez-Díaz and Marrero-Rodríguez have been affiliated with the PDP both on a Commonwealth-wide and municipal basis at all times relevant and material to this action. They are PDP activists and supported the political campaign of Torres-Torres when he ran against Hernández-Vélez in the General Elections of 2012.
56. Plaintiffs Vázquez-Nieves and Rivera-Resto held career positions in the Municipality of Corozal. All the other Plaintiffs in this civil action held low-level transitory or fixed-term employee positions in the Municipality of Corozal.
57. At all times relevant and material hereto, Plaintiffs were all public employees whose positions did not involve crafting, developing, or implementing public policy. Plaintiffs' positions were neither public policy-making positions, nor positions that required the Plaintiffs to perform public policy functions.
58. None of the Plaintiffs performed functions of close propinquity to policy-making employees, nor did they have access to politically sensitive information or confidential information related to public policy matters or the legislative process.

59. As such, political affiliation was not an appropriate requirement for Plaintiffs' positions.
60. Before Defendant Torres-Torres assumed control of the municipal administration, none of the Plaintiffs had ever received a negative evaluation of their work performance.

61. The appointments of the Transitory Plaintiffs were consistently renewed after their expiration. That is, until Defendants arrived and refused to renew such appointments after they assumed office.
62. Shortly after Defendant Torres-Torres was sworn in as mayor of Corozal, some of the Transitory Plaintiffs learned from various sources within the municipal administration that their appointments would not be renewed because of their political activism on behalf of the NPP and/or they had campaigned for Hernández-Vélez.
63. After assuming the reins of power as Mayor in the Municipality of Corozal, Defendant Torres-Torres, acting hand in hand with the other co-Defendants, systematically refused to renew the appointments of the Transitory Plaintiffs when such appointments ended. Defendants did so because of the Transitory Plaintiffs' political affiliation, participation and beliefs on behalf of a political party other than the PDP in a statewide and municipal basis, and particularly because of their political involvement on behalf of candidates not affiliated with the PDP on a statewide and municipal basis.
64. Shortly before the expiration of their appointments, all the Transitory Plaintiffs were notified of the date their appointments were to expire by way of a letter signed by Plaintiff Vázquez-Nieves, acting as Assistant Director of Human Resources in the absence of a Human Resources Director. Said letters were drafted under instructions of Defendant Rodríguez-Albino and delivered to Plaintiff Vázquez-Nieves for her signature only. Plaintiff Vázquez-Nieves was not privy of any information regarding whether or not those appointments were going to be

renewed. In fact, Plaintiff Vázquez-Nieves signed similar letters for the transitory employees whose appointments were renewed as well as for those whose appointments were not renewed.

65. Each Defendant participated in the politically-motivated non-renewals of the appointments of the Transitory Plaintiffs by, *inter alia*, directing, planning, ordering, authorizing, condoning, encouraging, promoting and/or executing the non-renewals.

66. At the time of the non-renewal of the Transitory Plaintiffs' appointments by the Defendants, Plaintiffs had not been informed of a single complaint as to their job performance.

67. The discriminatory scheme devised by Defendants continued to unfold when shortly after defendants failed to renew the appointments of the Transitory Plaintiffs, or rehire or recall them, Defendants replaced or substituted the Transitory Plaintiffs in their positions, duties and functions with loyal PDP-affiliated individuals, many of whom had actively participated during the 2012 electoral campaign in favor of Defendant Torres-Torres and other campaign(s) of the PDP. None of these individuals were working in the Municipality by December 2012.

68. These individuals immediately substituted the Transitory Plaintiffs in their positions, duties and functions after Defendants refused to renew the Transitory Plaintiff's appointments.

69. Upon information and belief, Rodríguez-Albino worked in direct connection with the rest of the Defendants in the identification of the employees in the Municipality of Corozal that were going to be dismissed and/or whose appointments were not going to be renewed because of their political affiliation and participation, as well as the identification of the

individual – affiliated and/or supporters of the PDP – that were to be appointed to perform the duties of the dismissed employees.

70. Defendants’ purpose for not renewing the Transitory Plaintiffs’ appointments was not only to discriminate and retaliate against them because of their exercise of First Amendment

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rights and their engagement in activities protected by the First Amendment on behalf of a political party other than the PDP and candidates other than Defendant Torres-Torres; but also to accommodate loyal PDP followers. Defendants openly admitted this on multiple occasions.

71. Defendant Torres-Torres brazenly admitted and specifically made reference to the fact that the Transitory Plaintiffs were NPP sympathizers and/or had not supported him during the 2012 political campaign as a reason to refuse to renew the Transitory Plaintiffs’ appointments and recall them to fill their former positions.

72. When some of the Transitory Plaintiffs met with Defendant Torres-Torres demanding an explanation for his failure to rehire and/or to ask him to rehire them, he openly acknowledged the

Transitory Plaintiffs’ affiliation with the NPP, and he admitted that he was only recruiting PDP loyalists who had supported his campaign.

73. One of the Transitory Plaintiff was told by Defendant Torres-Torres during one such meeting that his appointment would not be renewed because he had campaigned against Torres-

Torres and had openly criticized him during the political campaign. This Plaintiff’s transitory appointment was not renewed.

74. Defendant Torres-Torres told another Transitory Plaintiff who met with him that the only way she could save her employment with the Municipality was to campaign for him in the next elections. She responded that she was an NPP'er first and foremost and as such, would never campaign for him. Unsurprisingly, her transitory appointment was not renewed either.
75. Other Transitory Plaintiffs who met personally with Defendants to ask for their jobs back were told by Defendants that the municipality was out of funds. Meanwhile and in stark contrast with the representation made to the Plaintiffs, Defendants were systematically replacing or

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substituting the Transitory Plaintiffs in their positions, duties and functions with loyal PDPaffiliated individuals.

76. Notwithstanding the efforts made by the Transitory Plaintiffs to make known to Defendants their availability to continue working in their positions or other ones for which they were qualified, not a single Transitory Plaintiff was rehired or recalled to his/her former position or to fill any other available position in the new PDP-controlled municipal administration.
77. The employees hired to substitute the Transitory Plaintiffs were notable for their affiliation with the PDP, consisting of people who had served as electoral polling officers for the PDP and/or who were PDP militants.

78. All Defendants were involved in the politically motivated hiring of the substitutes by, *inter alia*, selecting them, hiring them, signing their appointments, training them or assigning them Plaintiff's former positions, duties and functions.
79. Defendants also wished to reward PDP loyalists with illegal spoils of co-Defendant Torres-Torres' victory as the PDP candidate for Mayor of Corozal by improperly depriving the Transitory Plaintiffs of their jobs and their means of feeding their families, based on politically discriminatory reasons.
80. No credible economic or cost savings rationale can be offered by Defendants for dismissing the Transitory Plaintiffs nor can any valid reorganizational claim be asserted because the Transitory Plaintiffs were systematically substituted with new PDP-affiliated employees who then proceeded to perform the same duties and functions that the Transitory Plaintiffs had competently handled before.
81. The non-renewal of the Transitory Plaintiffs' employment with the Municipality was undertaken because of and in retaliation for their political affiliation, their exercise of First

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Amendment rights, and their engagement in activities protected by the First Amendment, including the right to vote, the right to speak out on political and policy issues, the right to participate in political and public policy matters and/or in political campaigns on behalf of individual candidates who share their political beliefs or affiliations, and the right of political association.

82. Co-Defendant Torres-Torres himself – as well as the other co-Defendants – directly participated, directed, crafted, condoned, authorized, approved, were grossly indifferent to (despite being aware of), set in motion a series of events that led to, and/or executed

the decision not to renew the Transitory Plaintiffs' appointment because they knew – or because they perceived – that the Transitory Plaintiffs had exercised their First Amendment rights, and had engaged in activities protected by the First Amendment, with regards to a political party other than the PDP, in particular the NPP.

83. All Defendants also generally directed, ordered, condoned, and/or authorized subjecting individuals affiliated and/or perceived as being affiliated with a political party other than the

PDP and Co-Defendant Torres-Torres' campaign (including Plaintiffs) – in particular individuals affiliated with the NPP and Co-Defendant Torres-Torres' political adversaries – to adverse employment actions on a generic basis (i.e. without even knowing who the employees were) because of their political affiliation, participation and beliefs with regards to a political party other than the PDP.

84. Defendants were directly involved in the refusal to renew the Transitory Plaintiffs' appointments, including by being the effective decision maker, executor, or a willful participant absent whom the adverse employment actions giving rise to this Complaint would not have occurred. All Defendants executed their actions while motivated by the Transitory Plaintiffs

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adverse political beliefs and because of their understanding the Transitory Plaintiffs were of competing political persuasions.

85. In the particular cases of Plaintiffs Vázquez-Nieves and Rivera-Resto, who held career positions, Defendants found pretextual reasons to illegally terminate their employment

with the Municipality and divest them of their career positions in furtherance of the politically discriminatory scheme devised by Defendants.

86. Prior to terminating Plaintiff Rivera-Resto's career position, Defendant Marrero-Rodríguez and employees of the political trust of Defendant Torres-Torres subjected Rivera-Resto to a relentless politically-motivated harassment campaign and to harsh and unwarranted criticism. They also subjected her to disparate work conditions and treatment; amongst other numerous acts of politically motivated mistreatment against Rivera-Resto.

87. Defendants also terminated Plaintiffs Vázquez-Nieves and Rivera-Resto without adequate notice, much less notice explaining the reasons for their termination or review mechanisms, and without being afforded a meaningful opportunity to be heard, which Due Process dictated.

88. The discriminatory and retaliatory actions mentioned above – i.e. the termination of Plaintiffs' employment with the Municipality; the termination of the career positions of Plaintiffs Vázquez-Nieves and Rivera-Resto ; the non-renewals of the Transitory Plaintiffs' appointments; the failures to hire, rehire and recall Plaintiffs – was because of the Plaintiffs' political affiliation, their exercise of First Amendment rights, and their engagement in activities protected by the First Amendment – including the right to vote, the right to speak out on and participate in political and public policy matters and/or in political campaigns on behalf of individual candidates who share their political beliefs or affiliations, and the right of political association.

89. Defendants not only acted individually to deprive Plaintiffs of their Federal Constitutional rights, but they also acted in a joint and conspiratorial manner. Each Defendant also acted in furtherance of the pattern, practice and plan to discriminate

against individuals affiliated or perceived as being affiliated with the NPP and/or as supporting an NPP-candidate, including Plaintiffs.

90. Defendants' participation in the politically motivated adverse employment actions giving rise to this Complaint and in the politically motivated hiring practices described above can also be reasonably inferred by their respective positions – positions which inherent functions necessarily require such participation.

91. Defendants' actions described throughout this Complaint, and which may reasonably be inferred from the averments in this Complaint, have also had a chilling effect on Plaintiffs speech and compromised their political beliefs – as they are now fearful of exercising their First Amendment rights and of engaging in activity protected by the First Amendment in the Municipality because of fear of being discriminated and retaliated against by Defendants. This constitutes irreparable injury.

92. Pursuant to Articles 3.009 and 12.002 (later renumbered as 11.002) of the Autonomous Municipalities Act, the mayor of a municipality is the appointing authority of the Executive branch of municipal governments and as the highest authority of the executive branch of municipal governments, the mayor is charged with the direction, administration and supervision of the operations of the municipality and has the duty, power and function, among others, of appointing all officials and employees of the municipality and dismissing them from their positions when necessary for the good of the service, for just cause and in accordance with the

procedures established in the Autonomous Municipalities Act, Act No. 81 of August 30, 1991, codified at 21 L.P.R.A. §§4109(I)(o) and 4552.

93. The above facts show that the Defendants' malicious, discriminatory, and retaliatory adverse employment actions mentioned before were carried out with malice and with reckless disregard to Plaintiffs' constitutional rights and shock the conscience.
94. Reasonable public officials in Defendants' positions would have realized that subjecting Plaintiffs to political discrimination, terminating their employment and/or failing to rehire or recall them would have constituted a violation of their constitutional rights.
95. In carrying out their actions, the Defendants intentionally disregarded longstanding and consistent case law from virtually every court in the United States, which repeatedly and consistently proscribe politically-motivated adverse employment actions against government employees who hold positions for which political affiliation is not an appropriate requirement, such as those the Plaintiffs held.
96. The discriminatory and retaliatory political motive behind the adverse employment actions at issue may be also discerned by Defendants' hiring and firing practices.
97. With their actions, Defendants deprived these Plaintiffs of a substantial portion of the funds with which they sustained themselves and/or their families, and subjected them to personal pain and suffering simply because they favored and supported (or were perceived as favoring and supporting) a political party and/or candidates of a political party which were in opposition to the PDP and PDP candidates for office such as Defendant Torres-Torres.

SPECIFIC ALLEGATIONS AS TO ALL PLAINTIFFS ³

Plaintiff José A. Carrasco-Rodríguez

98. Plaintiff José A. Carrasco-Rodríguez (“Carrasco-Rodríguez”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

99. Carrasco-Rodríguez started working for the Municipality of Corozal in October of 2012.

When defendants refused to renew his appointment and/or to rehire or recall him, Carrasco-Rodríguez worked as a Supervisor at the Municipality’s Department of Public Works.

100. After taking office, Defendants refused to renew Carrasco-Rodríguez’s term appointment because of his political affiliation with the NPP.

101. Party affiliation is not an appropriate requirement for Carrasco-Rodríguez’s position. At all times relevant and material hereto, Carrasco-Rodríguez was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Carrasco-Rodríguez did not perform functions of close propinquity to policymaking employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

102. Carrasco-Rodríguez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Carrasco-Rodríguez’s principal duties were low-level clerical functions.

103. For the reasons set forth in this Complaint, all Defendants were aware that CarrascoRodríguez is an active member of the NPP. Carrasco-Rodríguez is politically active on behalf of the NPP within the small community of Corozal. It was of common

³ To avoid repetition, all previous allegations referring to Plaintiffs, unless individually specified, are incorporated as if set forth in full herein to apply to each Plaintiff.

knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Carrasco-Rodríguez avidly

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supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

104. Moreover, Defendants also knew or assumed that Carrasco-Rodríguez had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.
105. During the 2012 General Elections, Carrasco-Rodríguez participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the closing of Hernández-Vélez' political campaign.
106. Carrasco-Rodríguez served as an NPP polling officer in General Elections. During the political campaign of 2012, he also distributed partisan propaganda throughout Corozal supporting the reelection of Hernández-Vélez.
107. Carrasco-Rodríguez was a member of Hernandez-Velez's advance team when he visited Corozal's wards during the political campaign of 2012.
108. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Carrasco-Rodríguez. 109. Defendants refused to renew Carrasco-Rodríguez's appointment and/or to rehire or recall him without evaluating his job performance and efficiency.
110. At no time prior to the non-renewal of his appointment and/or the refusal to rehire or recall him did the Defendants discipline Carrasco-Rodríguez or issue a reprimand related to the performance of his duties.

111. Defendants hired someone to substitute for Carrasco-Rodríguez. That person is a member and/or supporter of the PDP.

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112. The reason for the refusal to renew Carrasco-Rodríguez's appointment and/or to rehire or recall him was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP.

113. As a result of this actions, Defendants have deprived Carrasco-Rodríguez of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights – all because he is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Ivelisse Navarro-Rivera

114. Plaintiff Ivelisse Navarro-Rivera ("Navarro-Rivera") is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

115. Navarro-Rivera started working for the Municipality of Corozal in February of 2009. When defendants refused to renew her appointment and/or to rehire or recall her, Navarro-Rivera worked as a Clerk in the Municipality's Public Works Department.

116. After taking office, Defendants refused to renew Navarro-Rivera's term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

117. Party affiliation is not an appropriate requirement for Navarro-Rivera's position. At all times relevant and material hereto, Navarro-Rivera was a public employee whose

position was not a public policy-making position, or one that required her to perform public policy functions. Navarro-Rivera did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

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118. Navarro-Rivera engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Navarro-Rivera's principal duties were low-level clerical functions.
119. For the reasons set forth in this Complaint, all Defendants were aware Navarro-Rivera is an active member of the NPP. Navarro-Rivera is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Navarro-Rivera avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.
120. Moreover, Defendants also knew or assumed that Navarro-Rivera had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.
121. During the 2012 political campaign, Navarro-Rivera participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades, meetings and events associated with the political campaign for the reelection of Hernández-Vélez.
122. Navarro-Rivera served as the director of NPP electoral polling officers in General

Elections. She also was a member of Hernández-Vélez' advance team when he visited Corozal's wards during the political campaign of 2012.

123. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Navarro-Rivera.

124. Defendants refused to renew Navarro-Rivera's appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

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125. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Navarro-Rivera or issue a reprimand related to the performance of her duties.

126. Defendants hired someone to substitute for Navarro-Rivera. That person is a member and/or supporter of the PDP.

127. The reason for the refusal to renew Navarro-Rivera's appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP. 128. As a result of this actions, Defendants have deprived Navarro-Rivera, of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the

PDP or its candidates.

Plaintiff Iris I. Alicea-Guzmán

129. Plaintiff Iris I. Alicea-Guzmán (“Alicea-Guzmán”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

130. Alicea-Guzmán started working for the Municipality of Corozal in August 17, 2004. When defendants refused to renew her appointment and/or to rehire or recall her, Alicea-Guzmán worked as an Auxiliary Collector in the Municipality’s Revenue and Finance Department. 131. After taking office, Defendants refused to renew Alicea-Guzmán’s term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

132. Party affiliation is not an appropriate requirement for Alicea-Guzmán’s position. At all times relevant and material hereto, Alicea-Guzmán was a public employee whose position was

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not a public policy-making position, or one that required her to perform public policy functions. Alicea-Guzmán did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

133. Alicea-Guzmán engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Alicea-Guzmán’s principal duties were low-level clerical functions.

134. For the reasons set forth in this Complaint, all Defendants were aware Alicea-Guzmán is an active member of the NPP. Alicea-Guzmán is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Alicea-Guzmán avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012

elections.

135. Moreover, Defendants also knew or assumed that Alicea-Guzmán had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

136. During the 2012 political campaign, Alicea-Guzmán participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.

137. Alicea-Guzmán served as an NPP polling officer in General Elections and Primaries. She also was a member of Hernandez-Velez' advance team when he visited Corozal's wards during the political campaign of 2012.

138. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Alicea-Guzmán.

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139. Defendants refused to renew Alicea-Guzmán's appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

140. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Alicea-Guzmán or issue a reprimand related to the performance of her duties.

141. Defendants hired someone to substitute for Alicea-Guzmán. That person is a member and/or supporter of the PDP.

142. The reason for the refusal to renew Alicea-Guzmán's appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP.

143. As a result of this actions, Defendants have deprived Alicea-Guzmán of the income and

benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Ivis W. Negrón-Martínez

144. Plaintiff Ivis W. Negrón-Martínez (“Negrón-Martínez”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

145. Negrón-Martínez started working for the Municipality of Corozal in October 13, 2010.

When defendants refused to renew her appointment and/or to rehire or recall her, Negrón-Martínez worked as an Auxiliary Collector in the Municipality’s Revenue and Finance Department.

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146. After taking office, Defendants refused to renew Negrón-Martínez’s term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

147. Party affiliation is not an appropriate requirement for Negrón-Martínez’s position. At all times relevant and material hereto, Negrón-Martínez was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Negrón-Martínez did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

148. Negrón-Martínez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Negrón-Martínez's principal duties were low-level clerical functions.
149. For the reasons set forth in this Complaint, all Defendants were aware that NegrónMartínez is an active member of the NPP. Negrón-Martínez is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Negrón-Martínez avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.
150. Moreover, Defendants also knew or assumed that Negrón-Martínez had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.
151. During the 2012 political campaign, Negrón-Martínez participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.

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152. Negrón-Martínez was an NPP electoral polling officer in General Elections, and was a member of Hernández-Vélez's advance team when he visited Corozal's ward during the political campaign of 2012. Negrón-Martínez's husband is a well-known NPP political activist in Corozal.
153. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Negrón-Martínez.

154. Defendants refused to renew Negrón-Martínez's appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

155. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Negrón-Martínez or issue a reprimand related to the performance of her duties.

156. Defendants hired someone to substitute for Negrón-Martínez. That person is a member and/or supporter of the PDP.

157. The reason for the refusal to renew Negrón-Martínez's appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP.

158. As a result of this actions, Defendants have deprived Negrón-Martínez of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Myrna L. Albelo-Albelo

159. Plaintiff Myrna L. Albelo-Albelo ("Albelo-Albelo") is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

160. Albelo-Albelo started working for the Municipality of Corozal in March 3, 2011. When defendants refused to renew her appointment and/or to rehire or recall her, Albelo-Albelo worked as a Maintenance Worker in the Department of Human Resources.

161. After taking office, Defendants refused to renew Albelo-Albelo's term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

162. Party affiliation is not an appropriate requirement for Albelo-Albelo's position. At all times relevant and material hereto, Albelo-Albelo was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Albelo-Albelo did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

163. Albelo-Albelo engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Albelo-Albelo's principal duties were low-level janitorial functions.

164. For the reasons set forth in this Complaint, all Defendants were aware Albelo-Albelo is an active member of the NPP. Albelo-Albelo is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Albelo-Albelo avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

165. Moreover, Defendants also knew or assumed that Albelo-Albelo had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

166. During the 2012 political campaign, Albelo-Albelo participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.

167. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism Albelo-Albelo.

168. Defendants refused to renew Albelo-Albelo's appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

169. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Albelo-Albelo or issue a reprimand related to the performance of her duties.

170. Defendants hired someone to substitute for Albelo-Albelo. That person is a member and/or supporter of the PDP.

171. The reason for the refusal to renew Albelo-Albelo's appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP. 172. As a result of this actions, Defendants have deprived Albelo-Albelo of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff José E. Rosado-Agosto

173. Plaintiff José E. Rosado-Agosto (“Rosado-Agosto”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

174. Rosado-Agosto started working for the Municipality of Corozal in 2007. When defendants refused to renew his appointment and/or to rehire or recall him, Rosado-Agosto worked as a Worker in the Municipality’s Public Works Department.

175. After taking office, Defendants refused to renew Rosado-Agosto’s term appointment because of his political affiliation with the NPP.

176. Party affiliation is not an appropriate requirement for Rosado-Agosto’s position. At all times relevant and material hereto, Rosado-Agosto was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Rosado-Agosto did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

177. Rosado-Agosto engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Rosado-Agosto’s principal duties were low-level functions.

178. For the reasons set forth in this Complaint, all Defendants were aware that Rosado-Agosto is an active member of the NPP. Rosado-Agosto is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Rosado-Agosto avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

179. Moreover, Defendants also knew or assumed that Rosado-Agosto had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

180. During the 2012 General Elections, Rosado-Agosto participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the closing of Hernández-Vélez' political campaign.

181. Also during this time, Rosado-Agosto distributed NPP partisan propaganda throughout Corozal supporting the NPP and reelection of Hernández-Vélez.

182. Rosado-Agosto was a member of Hernández-Vélez' advance team when he campaigned in Corozal's wards and communities in 2012.

183. Rosado-Agosto drove the political propaganda truck that transmitted political jingles and slogans in the Municipality's communities during the political campaign of 2012.

184. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Rosado-Agosto.

185. Defendants refused to renew Rosado-Agosto's appointment and/or to rehire or recall him without evaluating his job performance and efficiency.

186. At no time prior to the non-renewal of his appointment and/or the refusal to rehire or recall him did the Defendants discipline Rosado-Agosto or issue a reprimand related to the performance of his duties.

187. Defendants hired someone to substitute for Rosado-Agosto. That person is a member and/or supporter of the PDP.

188. The reason for the refusal to renew Rosado-Agosto's appointment and/or to rehire or recall him was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP.

189. As a result of this actions, Defendants have deprived Rosado-Agosto of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights – all because he is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Joel A. Santiago-García

190. Plaintiff Joel A. Santiago-García (“Santiago-García”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

191. Santiago-García started working for the Municipality of Corozal on or around October 2010. When defendants refused to renew his appointment and/or to rehire or recall him, Santiago-García worked as a Worker in the Municipality’s Public Works Department.

192. After taking office, Defendants refused to renew Santiago-García’s term appointment because of his political affiliation with the NPP.

193. Party affiliation is not an appropriate requirement for Santiago-García’s position. At all times relevant and material hereto, Santiago-García was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Santiago-García did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

194. Santiago-García engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Santiago-García principal duties were low-level clerical functions.

195. For the reasons set forth in this Complaint, all Defendants were aware that SantiagoGarcía is an active member of the NPP. Santiago-García is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Santiago-García avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

196. Moreover, Defendants also knew or assumed that Santiago-García had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

197. During the 2012 General Elections, Santiago-García participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the closing of Hernández-Vélez' political campaign.

198. Santiago-García was a member of Hernández-Vélez' advance team when he campaigned in Corozal's wards and communities in 2012 and he also distributed partisan propaganda throughout Corozal supporting the reelection of Hernández-Vélez.

199. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Santiago-García.

200. Defendants refused to renew Santiago-García's appointment and/or to rehire or recall him without evaluating his job performance and efficiency.

201. At no time prior to the non-renewal of his appointment and/or the refusal to rehire or recall him did the Defendants discipline Santiago-García or issue a reprimand related to the performance of his duties.

202. Defendants hired someone to substitute for Santiago-García. That person is a member and/or supporter of the PDP.

203. The reason for the refusal to renew Santiago-García appointment and/or to rehire or recall him was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP. 204. As a result of this actions, Defendants have deprived Santiago-García of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights – all because he is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Celidés Rosado-Santiago

205. Plaintiff Celidés Rosado-Santiago (“Rosado-Santiago”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

206. Rosado-Santiago started working for the Municipality of Corozal in April 30, 2011.

When defendants refused to renew her appointment and/or to rehire or recall her, Rosado-Santiago worked as an Office Systems Technician in the Municipality’s Purchasing and Logistics Office.

207. After taking office, Defendants refused to renew Rosado-Santiago’s term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

208. Party affiliation is not an appropriate requirement for Rosado-Santiago’s position. At all times relevant and material hereto, Rosado-Santiago was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Rosado-Santiago did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

209. Rosado-Santiago engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Rosado-Santiago's principal duties were low-level clerical functions.
210. For the reasons set forth in this Complaint, all Defendants were aware that RosadoSantiago is an active member of the NPP. Rosado-Santiago is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Rosado-Santiago avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.
211. Moreover, Defendants also knew or assumed that Rosado-Santiago had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.
212. During the 2012 political campaign, Rosado-Santiago participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.
213. Rosado-Santiago was a deputy coordinator of NPP electoral polling officers in the General Elections of 2012. She also was a member of Hernández-Vélez' advance team when he visited Corozal's wards and communities during the political campaign of 2012.
214. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Rosado-Santiago.
215. Defendants refused to renew Rosado-Santiago's appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

216. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Rosado-Santiago or issue a reprimand related to the performance of her duties.
217. Defendants hired someone to substitute for Rosado-Santiago. That person is a member and/or supporter of the PDP.
218. The reason for the refusal to renew Rosado-Santiago's appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP. 219. As a result of this actions, Defendants have deprived Rosado-Santiago of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff David J. Sánchez-Rivera

220. Plaintiff David J. Sánchez-Rivera (“Sánchez-Rivera”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.
221. Sánchez-Rivera started working for the Municipality of Corozal in June 6, 2011. When defendants refused to renew his appointment and/or to rehire or recall him, Sánchez-Rivera worked as Work Brigade Supervisor in the Municipality's Sports and Recreation Department.
222. After taking office, Defendants refused to renew Sánchez-Rivera term appointment because of his political affiliation with the NPP.

223. Party affiliation is not an appropriate requirement for Sánchez-Rivera's position. At all times relevant and material hereto, Sánchez-Rivera was a public employee whose position was

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not a public policy-making position, or one that required him to perform public policy functions. Sánchez-Rivera did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

224. Sánchez-Rivera engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Sánchez-Rivera's principal duties were low-level clerical functions.

225. For the reasons set forth in this Complaint, all Defendants were aware that Sánchez-Rivera is an active member of the NPP. Sánchez-Rivera is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Sánchez-Rivera avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

226. Moreover, Defendants also knew or assumed that Sánchez-Rivera had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

227. During the 2012 General Elections, Sánchez-Rivera participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the closing of Hernández-Vélez' political campaign.

228. Sánchez-Rivera served as an NPP polling officer in General Elections and Primaries. He also was a member of Hernández-Vélez' advance team when he campaigned in Corozal's wards and communities in 2012.

229. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Sánchez-Rivera.

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230. Defendants refused to renew Sánchez-Rivera's appointment and/or to rehire or recall him without evaluating his job performance and efficiency.

231. At no time prior to the non-renewal of his appointment and/or the refusal to rehire or recall him did the Defendants discipline Sánchez-Rivera or issue a reprimand related to the performance of his duties.

232. Defendants hired someone to substitute for Sánchez-Rivera. That person is a member and/or supporter of the PDP.

233. The reason for the refusal to renew Sánchez-Rivera's appointment and/or to rehire or recall him was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP.

234. As a result of this actions, Defendants have deprived Sánchez-Rivera of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights – all because he is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Nereida Rivera-Díaz

235. Plaintiff Nereida Rivera-Díaz (“Rivera-Díaz”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

236. Rivera-Díaz started working for the Municipality of Corozal in December 2, 2011. When defendants refused to renew her appointment and/or to rehire or recall her, Rivera-Díaz worked as a Human Resources Technician in the Municipality’s Human Resources Department. 237. After taking office, Defendants refused to renew Rivera-Díaz’ term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

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238. Party affiliation is not an appropriate requirement for Rivera-Díaz’ position. At all times relevant and material hereto, Rivera-Díaz was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Rivera-Díaz did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

239. Rivera-Díaz engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Rivera-Díaz’ principal duties were low-level clerical functions.

240. For the reasons set forth in this Complaint, all Defendants were aware that Rivera-Díaz is an active member of the NPP. Rivera-Díaz is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Rivera-Díaz avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections. 241.

Moreover, Defendants also knew or assumed that Rivera-Díaz had voted for HernándezVélez, the NPP, and for other NPP candidates during the 2012 elections.

242. During the 2012 political campaign, Rivera-Díaz participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.

243. Also during this time, Rivera-Díaz distributed NPP partisan propaganda throughout Corozal supporting the NPP and reelection of Hernández-Vélez. Rivera-Díaz was a member of Hernández-Vélez' advance team when he campaigned in Corozal's wards and communities in 2012.

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244. Rivera-Díaz also served as an NPP polling officer in General Elections and Primaries.

245. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Rivera-Díaz.

246. Defendants refused to renew Rivera-Díaz' appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

247. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Rivera-Díaz or issue a reprimand related to the performance of her duties.

248. Defendants hired someone to substitute for Rivera-Díaz. That person is a member and/or supporter of the PDP.

249. The reason for the refusal to renew Rivera-Díaz' appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a

member of and/or affiliated to – a political party other than the PDP, specifically the NPP. 250. As a result of this actions, Defendants have deprived Rivera-Díaz of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Eduardo Chévere-Cosme

251. Plaintiff Eduardo Chévere-Cosme (“Chévere-Cosme”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

252. Chévere-Cosme started working for the Municipality of Corozal in August, 2000. When defendants refused to renew his appointment and/or to rehire or recall him, Chévere-Cosme

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worked as a Heavy Equipment Operator in the Municipality’s Office of Emergency Management.

253. After taking office, Defendants refused to renew Chévere-Cosme’s term appointment because of his political affiliation with the NPP.

254. Party affiliation is not an appropriate requirement for Chévere-Cosme’s position. At all times relevant and material hereto, Chévere-Cosme was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Chévere-Cosme did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

255. Chévere-Cosme engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Chévere-Cosme's principal duties were low-level manual labor functions driving trucks and other heavy machinery.

256. For the reasons set forth in this Complaint, all Defendants were aware that ChévereCosme is an active member of the NPP. Chévere-Cosme is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Chévere-Cosme avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

257. Moreover, Defendants also knew or assumed that Chévere-Cosme had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

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258. During the 2012 General Elections, Chévere-Cosme participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the closing of Hernández-Vélez' political campaign.

259. During the political campaign of 2012, Chévere-Cosme also distributed partisan propaganda throughout Corozal supporting the reelection of Hernández-Vélez.

260. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Chévere-Cosme.

261. Defendants refused to renew Chévere-Cosme's appointment and/or to rehire or recall him without evaluating his job performance and efficiency.

262. At no time prior to the non-renewal of his appointment and/or the refusal to rehire or recall him did the Defendants discipline Chévere-Cosme or issue a reprimand related to the performance of his duties.

263. Defendants hired someone to substitute for Chévere-Cosme. That person is a member and/or supporter of the PDP.

264. The reason for the refusal to renew Chévere-Cosme's appointment and/or to rehire or recall him was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP.

265. As a result of this actions, Defendants have deprived Chévere-Cosme of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights – all because he is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

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Plaintiff Suly Moreno-Berríos

266. Plaintiff Suly Moreno-Berríos ("Moreno-Berríos") is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

267. Moreno-Berríos started working for the Municipality of Corozal in December 18, 2006. When defendants refused to renew her appointment and/or to rehire or recall her, MorenoBerríos worked as an Office Clerk in the Department of Human Resources.

268. After taking office, Defendants refused to renew Moreno-Berríos' term appointment and/or to rehire or recall her because of her political affiliation with the NPP.

269. Party affiliation is not an appropriate requirement for Moreno-Berríos' position. At all times relevant and material hereto, Moreno-Berríos was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Moreno-Berríos did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.
270. Moreno-Berríos engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Moreno-Berríos' principal duties were low-level clerical functions.
271. For the reasons set forth in this Complaint, all Defendants were aware Moreno-Berríos is an active member of the NPP. Moreno-Berríos is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Moreno-Berríos avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

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272. Moreover, Defendants also knew or assumed that Moreno-Berríos had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.
273. During the 2012 political campaign, Moreno-Berríos participated in political activities in support of the NPP and Hernández-Vélez including, among others, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.

274. Moreno-Berrios was also the sub-coordinator of an electoral unit of the NPP and she was a member of Hernández-Vélez' advance team when he visited Corozal's wards during the political campaign of 2012.

275. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Moreno-Berrios.

276. Defendants refused to renew Moreno-Berrios' appointment and/or to rehire or recall her without evaluating her job performance and efficiency.

277. At no time prior to the non-renewal of her appointment and/or the refusal to rehire or recall her did the Defendants discipline Moreno-Berrios or issue a reprimand related to the performance of her duties.

278. Defendants hired someone to substitute for Moreno-Berrios. That person is a member and/or supporter of the PDP.

279. The reason for the refusal to renew Moreno-Berrios' appointment and/or to rehire or recall her was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP. 280. As a result of this actions, Defendants have deprived Moreno-Berrios of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a

member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

Plaintiff Carmen M. Vázquez-Nieves

281. Plaintiff Carmen M. Vázquez-Nieves (“Vázquez-Nieves”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.
282. Vázquez-Nieves started working for the Municipality of Corozal from January 24, 1991 until October 7, 2013 – the effective date of her termination by Defendants.
283. When Defendants terminated her employment with the Municipality, she occupied a career position as Assistant Director at the Human Resources Department.
284. Party affiliation is not an appropriate requirement for Vázquez-Nieves’ position. At all times relevant and material hereto, Vázquez-Nieves was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Vázquez-Nieves did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.
285. Vázquez-Nieves engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Vázquez-Nieves’ principal duties were low-level clerical and administrative functions.
286. For the reasons set forth in this Complaint, all Defendants were aware that Vázquez-Nieves is an active member of the NPP. Vázquez-Nieves is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Vázquez-Nieves avidly

supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections.

287. Moreover, Defendants also knew or assumed that Vázquez-Nieves had voted for Hernández-Vélez, the NPP, and for other NPP candidates during the 2012 elections.

288. During the 2012 political campaign, Vázquez-Nieves participated in political activities in support of the NPP and Hernández-Vélez including, among others, walkabouts, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez. She also helped collect campaign donations for the NPP and Hernández-Vélez, and was a member of his advance team when he visited Corozal's wards during the political campaign of 2012.

289. Vázquez-Nieves served as an NPP electoral polling officer in the General Election of 2012 and in previous General Elections and Primaries, and was deputy coordinator of electoral unit 3 in Corozal.

290. Vázquez-Nieves also held a prominent leadership position in the NPP locally, serving as Secretary of the NPP in Corozal.

291. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Vázquez-Nieves.

292. Between January of 2013 and June of 2013, Defendant Torres-Torres failed to appoint a Director to run the Municipality's Office of Human Resources. During that time, VázquezNieves ran the day-to-day operations of Office of Human Resources without any direction, instructions or guidance from Defendant Torres-Torres. Not once during the time Vázquez-Nieves ran the day-to-day operations of the Office of Human Resources did Defendant TorresTorres meet with her and instruct her accordingly.

293. It wasn't until June 5, 2013, that Defendant Torres-Torres appointed Defendant Ricardo Rodríguez-Díaz as Director of the Office of Human Resources.

294. As soon as Defendant Rodríguez-Díaz assumed the position of Director of the Office of Human Resources, he followed through with Defendants' discriminatory scheme of ridding the municipality of NPP-affiliated supporters of Hernández-Vélez, including Vázquez-Nieves. 295. Vázquez-Nieves received a letter dated August 6, 2013 falsely charging her with omitting information, or forge, alter or remove without authorization official documents and failing to submit two reports to the Governmental Ethics Office and Office of the Comptroller.

296. The letter also notified Vázquez-Nieves of the intent to dismiss her and that she had a right to an informal hearing to be held at the Office of Human Resources.

297. The events giving rise to the disciplinary charges in the August 6, 2013 letter occurred while Vázquez-Nieves was on vacation leave.

298. Shortly after receiving the letter Vázquez-Nieves met with Defendant Rodríguez-Díaz to demand why she was being dismissed. Defendant Rodríguez-Díaz responded that officials at the Governmental Ethics Office had demanded that Vázquez-Nieves be dismissed for failing to submit the reports at issue. But this was a lie; Vázquez-Nieves learned from the Executive Director of the Governmental Ethics Office that no such demand had ever been made.

299. The reasons provided by Defendants Torres-Torres and Rodríguez-Díaz for Vázquez-Nieves' dismissal were pretextual and were made up to cover up Defendants' politically discriminatory scheme to rid the municipality of NPP-affiliated supporters of Hernández-Vélez.

300. Moreover, the informal hearing offered by Defendants was a sham. Defendants had already

made up their minds to punish Vázquez-Nieves because she exercised her First Amendment rights and engaged in First Amendment protected activity by campaigning during

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the 2012 elections in favor of Hernández-Vélez, rather than supporting Defendant Torres-Torres. Her termination was pre-ordained and therefore, the pre-termination hearing offered by Defendants was *pro forma* and meaningless. Vázquez-Nieves would be divested of her career position regardless of what would have transpired in the pre-termination hearing offered in the August 6, 2013 letter.

301. Defendants terminated Vázquez-Nieves without evaluating her job performance and efficiency.

302. At no time prior to the incidents leading up to her dismissal did the Defendants discipline Vázquez-Nieves or issue a reprimand related to the performance of her duties.

303. Defendants hired someone to substitute for Vázquez-Nieves. That person is a member and/or supporter of the PDP.

304. The reason that Vázquez-Nieves' job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political party other than the PDP, specifically the NPP, and that she was an avid supporter of Hernández-Vélez.

305. As a result of this actions, Defendants have deprived Vázquez-Nieves of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the

PDP or its candidates.

Plaintiff Delimar Rivera-Resto

306. Plaintiff Delimar Rivera-Resto (“Rivera-Resto”) is of legal age, a resident of Corozal, Puerto Rico and a citizen of the United States of America.

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307. Rivera-Resto started working for the Municipality of Corozal from December 1999 until October 4, 2013 – the effective date of her termination by Defendants.

308. When Defendants terminated her employment with the Municipality, she occupied a career position as a Tour Guide in the Office of Culture and Tourism Affairs.

309. Party affiliation is not an appropriate requirement for Rivera-Resto’s position. At all times relevant and material hereto, Rivera-Resto was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Rivera-Resto did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

310. Rivera-Resto engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Rivera-Resto’s principal duties were low-level functions as a Tour Guide.

311. For the reasons set forth in this Complaint, all Defendants were aware Rivera-Resto is an active member of the NPP. Rivera-Resto is politically active on behalf of the NPP within the small community of Corozal. It was of common knowledge in the workplace of the Municipality of Corozal (and by Defendants themselves) that Rivera-Resto avidly supported the NPP, in particular Hernández-Vélez who was running for re-election during the 2012 elections. 312.

Moreover, Defendants also knew or assumed that Rivera-Resto had voted for HernándezVélez, the NPP, and for other NPP candidates during the 2012 elections.

313. During the 2012 political campaign, Rivera-Resto participated in political activities in support of the NPP and Hernández-Vélez including, among others, walkabouts, motorcades and events associated with the political campaign for the reelection of Hernández-Vélez.

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314. Rivera-Resto also helped collect campaign donations for the NPP and Hernández-Vélez, and was a member of his advance team when he visited Corozal's wards during the political campaign of 2012.

315. Rivera-Resto served as an NPP electoral polling officer in the General Election of 2012 and in previous General Elections and Primaries.

316. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of Rivera-Resto.

317. As soon as Defendant Marrero-Rodríguez assumed the position of Director of the Office of Culture and Tourism Affairs, she followed through with Defendants' discriminatory scheme of ridding the municipality of NPP-affiliated supporters of Hernández-Vélez, including RiveraResto. Rivera-Resto was subjected to a relentless politically-motivated harassment campaign by Defendant Marrero-Rodríguez and employees of the political trust of Defendant Torres-Torres.

318. Defendant Marrero-Rodríguez was Rivera-Resto's direct supervisor at the Office of Culture and Tourism Affairs.

319. Defendant Marrero-Rodríguez and employees of the political trust of Defendant TorresTorres also subjected Rivera-Resto to harsh and unwarranted criticism and disparate work

conditions and treatment; amongst other numerous acts of politically motivated mistreatment against Rivera-Resto.

320. Rivera-Resto received a letter signed by Defendant Torres-Torres, dated September 5, 2013, falsely charging her with insubordination, absenteeism and prohibited activities during work hours. The letter also notified Rivera-Resto of the intent to dismiss her and that she had a right to an informal hearing to be held at the Office of Human Resources.

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321. However, the reasons provided by Defendant Torres-Torres for Rivera-Resto's dismissal in the September 5, 2013 letter were pretextual and were made up to cover up Defendants' politically discriminatory scheme to rid the municipality of NPP-affiliated supporters of Hernández-Vélez, such as Rivera-Resto.

322. The informal hearing offered by Defendants was a sham. Defendants had already made up their minds to punish Rivera-Resto because she exercised her First Amendment rights and engaged in First Amendment protected activity by campaigning during the 2012 elections in favor of Hernández-Vélez, rather than supporting Defendant Torres-Torres.

323. Moreover, Rivera-Resto had learned that Defendant Torres-Torres had promised a PDPaffiliated individual Rivera-Resto's Tour Guide position and Defendants eventually hired this individual to substitute Rivera-Resto. This individual is a member and/or supporter of the PDP and of Defendant Torres-Torres. Thus, her termination was pre-ordained and as such, the pretermination hearing offered by Defendants was *pro forma* and meaningless. Rivera-Resto would be divested of her career position regardless of what would have transpired in the pre-termination hearing offered in the September 5, 2013 letter.

324. Defendants illegally fired Rivera-Resto, divesting her of her career position as a Tour Guide in the Office of Cultural and Tourism Development. Rivera-Resto had always provided timely and adequate reasons for her absences, and had always submitted medical certifications when necessary. Also, Rivera-Resto had not engaged in prohibited activity during work hours, or in insubordinate behavior as charged in the September 5, 2013 letter signed by Defendant Torres-Torres.

325. The reason that Rivera-Resto's job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated to – a political

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party other than the PDP, specifically the NPP, and that she was an avid supporter of HernándezVélez.

326. As a result of these actions, Defendants have deprived Rivera-Resto of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her for the exercise of her civil rights – all because she is not a member of or affiliated to the PDP, and is perceived by Defendants as not having voted for the PDP or its candidates.

CAUSES OF ACTION

I.

FIRST AMENDMENT VIOLATIONS

(POLITICAL DISCRIMINATION AND RETALIATION)

327. Plaintiffs incorporate by reference all previous paragraphs contained in this Complaint.

328. It is clearly established that the First Amendment of the United States Constitution guarantees the right to freedom of speech, the right to freedom of expression, the right to freedom of association, the right to assemble and to petition the Government for redress, the

right to vote and the right to affiliate with a political party of one's choosing. Applicable case law is as clear as it is consistent on this score.

329. It is also well established that government bodies or officials, or individuals acting under color of state law and/or whose acts constitute state action, are forbidden by the First Amendment from discriminating, retaliating, abusing their authority, or taking adverse action against public employees on the basis of political affiliation, unless political loyalty is an appropriate requirement of the employment. Similarly, the First Amendment protects public employees from discrimination, retaliation, being subjected to abuses of authority, or suffering

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adverse employment actions in response for engaging in political activity unless political loyalty is an appropriate requirement of the employment.

330. As Defendants have done to Plaintiffs here, subjecting individuals to dismissals, terminations, denial of benefits, refusals to hire, rehire or recall, and/or to acts of harassment, deprivation of duties and work conditions inferior to the norm, constitute actionable adverse employment actions protected by the First Amendment.

331. Political activity, affiliation, beliefs and the right to vote are also matters of public concern.

332. It is clear that the Plaintiffs' First Amendment speech and activities were a substantial or motivating factor in the adverse employment actions complained of herein. By subjecting Plaintiffs to adverse employment actions and/or retaliating against them on the basis of

political affiliation, and/or for engaging in political activity, Defendants deprived Plaintiffs of their First Amendment Rights.

333. Defendants' actions Plaintiffs have caused a chilling effect on Plaintiffs' First Amendment rights and their exercise of First Amendment protected activity.

II.

FIFTH AND FOURTEENTH AMENDMENT VIOLATIONS

(DUE PROCESS OF LAW VIOLATIONS)

334. Plaintiffs incorporate by reference all previous paragraphs contained in this Complaint.
335. The Due Process Clause of the Constitution of the United States requires notice and an opportunity to be heard when the state seeks to deprive a person of a property interest, or rights, benefits, privileges and entitlements created by state law, such as the career positions held by Plaintiffs Vázquez-Nieves and Rivera-Resto.

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336. Plaintiffs Vázquez-Nieves and Rivera-Resto had a property interest in continued employment with the Municipality.
337. Defendants did not provide Plaintiffs Vázquez-Nieves and Rivera-Resto with adequate process. Defendants terminated them without adequate notice, much less notice explaining the reasons for the termination or review mechanisms, and without being afforded a meaningful opportunity to be heard.
338. Defendants did so with intent to deprive these Plaintiffs of their Due Process and First Amendment rights.

III.

VIOLATIONS TO CONSTITUTION AND LAWS OF THE COMMONWEALTH OF PUERTO RICO

339. Plaintiffs incorporate by reference all previous paragraphs contained in this Complaint.

340. Defendants' actions also constitute a violation of Plaintiffs' rights secured by Article II, Sections 1, 2, 4, 6 and 7 of the Puerto Rico Constitution.

341. Defendants' actions also constitute violations of Articles 1802 and 1803 of the Civil Code, §5141-5142 of Title 31.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request the following relief, jointly and severally against all Defendants:

1. That this Court determine and declare that the actions by all Defendants were in violation of the Constitution and laws of the United States and of Puerto Rico;
2. Compensatory damages and punitive damages in excess of \$21,000,000.00, comprised of the following amounts:

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- a. An amount in excess of \$1,000,000.00 for each plaintiff, for a total of \$14,000,000.00 in compensatory damages for the harm done to the Plaintiffs due to the actions taken against them;
 - b. Punitive damages in excess of \$500,000.00 for each Plaintiff, for a total of \$7,000,000.00, due to the malicious and wanton nature of the violations alleged herein.
3. Equitable relief in the form of a permanent injunction ordering Defendants to reinstate Plaintiffs to their positions, with all corresponding privileges and benefits, and ordering Defendants to refrain from further engaging in adverse employment action on the basis of political affiliations and beliefs.

4. Further, that this Court order the immediate, permanent removal and destruction of any and all letters of admonishment, disciplinary charges, and negative work evaluations in Plaintiffs' personnel file that were issued in connection with the alleged violations of the Constitution and laws of the United States and of Puerto Rico.
5. Attorneys' fees, costs and litigation expenses incurred in connection to this action pursuant to, *inter alia*, 42 U.S.C. § 1988, and other applicable statutes.
6. All applicable interests, including pre- and post- judgment interest.
7. That the Court retain jurisdiction over this action in order to ensure compliance with any decree issued by this Court;
8. Any such other and further relief as the Court may deem just and proper.
9. A jury trial is demanded.

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Respectfully submitted, this 24th day of January, 2014.

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