

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

JUAN ÁLVAREZ-MORALES,  
IRMA BADILLO-QUINTANA,  
MÉRIDA IZQUIERDO-MONTALVO,  
JOSÉ MARTÍNEZ-MARTÍNEZ,  
YOEL MARTÍNEZ-MERCADO,  
CARMEN MÉNDEZ-AVILÉS,  
DOMINGO MÉNDEZ-AVILÉS,  
OMAYRA PLAZA-OTERO,  
ADRIÁN RAMÍREZ-TORRES,  
EDDIE RIVERA-SANTANA,  
NORBERTO RUPERTO-RÍOS,  
GUILLERMO SANTANA-MORÁN,  
ISMAEL TORRES-RIVERA,  
JOSÉ VÉLEZ-PÉREZ,  
LUISA RODRÍGUEZ,  
REINI SANTANA-MORÁN,  
NABEL GONZÁLEZ-DEL VALLE,  
CARLOS LABOY-JORGE,  
FEDERICO RUPERTO-RÍOS,  
GIL VÁZQUEZ-TORRES,  
DAMARIS MÉNDEZ-FIGUEROA, and  
DAHIANA SÁNCHEZ-PÉREZ,

*Plaintiffs,*

v.

THE MUNICIPALITY OF LAS MARÍAS; JOSÉ JAVIER RODRÍGUEZ-LÓPEZ in his personal capacity and in his official capacity as MAYOR OF THE MUNICIPALITY OF LAS MARÍAS; YADIRA ALMODÓVAR-GONZÁLEZ, in her personal capacity and in her official capacity as DIRECTOR OF HUMAN RESOURCES FOR THE MUNICIPALITY OF LAS MARÍAS; JOHN DOE; and JANE DOE

*Defendants.*

Civil Action No: 13-1875

**COMPLAINT**

JURY TRIAL DEMANDED

CIVIL RIGHTS

DAMAGES

DECLARATORY RELIEF

INJUNCTIVE RELIEF

**COMPLAINT**

**TO THE HONORABLE COURT:**

Plaintiffs, JUAN ÁLVAREZ-MORALES, IRMA BADILLO-QUINTANA, MÉRIDA IZQUIERDO-MONTALVO, JOSÉ MARTÍNEZ-MARTÍNEZ, YOEL MARTÍNEZ-MERCADO, CARMEN MÉNDEZ-AVILÉS, DOMINGO MÉNDEZ-AVILÉS, OMAIRA PLAZA-OTERO, ADRIÁN RAMÍREZ-TORRES, EDDIE RIVERA-SANTANA, NORBERTO RUPERTO-RÍOS, GUILLERMO SANTANA-MORÁN, ISMAEL TORRES-RIVERA, JOSÉ VÉLEZ-PÉREZ, LUISA RODRÍGUEZ, REINI SANTANA-MORÁN, NABEL GONZÁLEZ-DEL VALLE, CARLOS LABOY-JORGE, FEDERICO RUPERTO-RÍOS, GIL VÁZQUEZ-TORRES, DAMARIS MÉNDEZ-FIGUEROA, and DAHIANA SÁNCHEZ-PÉREZ (collectively “Plaintiffs”), hereby file this Complaint for economic, compensatory and punitive damages, and for declaratory, injunctive and equitable relief, against THE MUNICIPALITY OF LAS MARÍAS; JOSÉ JAVIER RODRÍGUEZ-LÓPEZ in his personal capacity and in his official capacity as MAYOR OF THE MUNICIPALITY OF LAS MARÍAS; YADIRA ALMODÓVAR-GONZÁLEZ, in her personal capacity and in her official capacity as DIRECTOR OF HUMAN RESOURCES FOR THE MUNICIPALITY OF LAS MARÍAS; JOHN DOE; and JANE DOE.

**INTRODUCTION**

1. This is a civil action filed by twenty two (22) former transitory or fixed-term employees who seek 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 Las Marías (“Las Marías” or “Municipality”) under the administration of former Mayor, Edwin Soto-Santiago (“Soto-Santiago”) of the New Progressive Party (“NPP”).

3. Plaintiffs' appointments had been consistently renewed – some for over sixteen (16) years.

4. All 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.

5. As a result of the 2012 General Elections, the administration in the Municipality of Las Marías switched political sides; Soto-Santiago lost his bid for reelection to Defendant José Javier Rodríguez-López (“Rodríguez-López”) of the Popular Democratic Party (“PDP”).

6. Shortly after assuming control of the Municipal administration, Defendant Rodríguez-López and his political trust appointee, Defendant Yadira Almodóvar-González (“Almodóvar-González”), 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.

7. 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.

8. Plaintiffs accordingly allege violations under the First Amendment 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**

9. 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.

10. 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.

11. 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.

12. A jury trial is demanded.

**PARTIES**

**Plaintiffs**

13. Plaintiff **Juan Álvarez-Morales** ("Álvarez-Morales") had worked for the Municipality of Las Marías as a transitory or fixed-term employee for over five (5) years – since September 2007. Álvarez-Morales' last appointment in the Municipality expired on December 31, 2012. After taking office, 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, Álvarez-Morales worked as a Payroll 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. Álvarez-Morales is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

14. Plaintiff **Irma Badillo-Quintana** ("Badillo-Quintana") had worked for the Municipality of Las Marías as a transitory or fixed-term employee for over thirteen (13) years – since January

1999. Badillo-Quintana's last appointment in the Municipality expired on December 31, 2012. After taking office, 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, Badillo-Quintana worked as a Maintenance Worker in the Municipality's Police Department performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Badillo-Quintana is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

15. Plaintiff **Mérida Izquierdo-Montalvo** ("Izquierdo-Montalvo") had worked for the Municipality of Las Marías as a transitory or fixed-term employee for over ten (10) years – since August 2002. Izquierdo-Montalvo's last appointment in the Municipality expired on December 31, 2012. After taking office, Defendants refused to renew her appointment and failed to rehire or recall her because she had exercised his First Amendment rights and had engaged in activity protected by the First Amendment. At the time of the non-renewal of her appointment, Izquierdo-Montalvo worked as a Clerk in the Municipality's Library, performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Izquierdo-Montalvo is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

16. Plaintiff **José Martínez-Martínez** ("Martínez-Martínez") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over sixteen (16) years – since January 1996. Martínez-Martínez' last appointment in the Municipality expired on December 31, 2012. After taking office, Defendants refused to renew Martínez-Martínez' 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, Martínez-Martínez worked as a Construction Worker in the Municipality's Public Works Department performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Martínez-Martínez is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

17. Plaintiff **Yoel Martínez-Mercado** ("Martínez-Mercado") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for more than ten (10) years – since April 2002. Martínez-Mercado's last appointment in the Municipality expired on December 31, 2012. After taking office, 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, Martínez-Mercado worked as a Construction Supervisor in the Municipality's Public Works Department performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Martínez-Mercado is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

18. Plaintiff **Carmen Méndez-Avilés** ("C. Méndez-Avilés") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for approximately eleven (11) years – since 2001. C. Méndez-Avilés' last appointment in the Municipality expired on December 31, 2012. After taking office, 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, C. Méndez-Avilés worked as a Caretaker ("*Ama de Llaves*") in the Municipality's Geriatric Center, performing

routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. C. Méndez-Avilés is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

19. Plaintiff **Domingo Méndez-Avilés** (“D. Méndez-Avilés”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over fourteen (14) years – since January 1998. D. Méndez-Avilés’ last appointment in the Municipality expired on December 31, 2012. After taking office, 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, D. Méndez-Avilés worked as a Construction 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. D. Méndez-Avilés is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

20. Plaintiff **Omayra Plaza-Otero** (“Plaza-Otero”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for more than ten (10) years – since June 2003. Plaza-Otero’s last appointment in the Municipality expired on December 31, 2012. After taking office, Defendants refused to renew her appointment and/or employment contract 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, Plaza-Otero worked as an Office Clerk in the Municipality’s Office of Community and Citizen Assistance performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Plaza Otero is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

21. Plaintiff **Adrián Ramírez-Torres** (“Ramírez-Torres”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over three (3) years – since June, 2009. Ramírez-Torres’ last appointment in the Municipality expired on December 31, 2012. After taking office, Defendants refused to renew his appointment and/or employment contract, 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, Ramírez-Torres worked as an Office Clerk in the Municipality’s Recreation and Sports Department, performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Ramírez-Torres is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

22. Plaintiff **Eddie Rivera-Santana** (“Rivera-Santana”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over three (3) years – since January 2009. Rivera-Santana’s last appointment in the Municipality expired on December 31, 2012. After taking office, 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, Rivera-Santana worked as a Construction Worker in the Municipality’s Public Works Department, performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Plaintiff Rivera-Santana is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

23. Plaintiff **Norberto Ruperto-Ríos** (“N. Ruperto-Ríos”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over thirteen (13) years - since December 1999. N. Ruperto-Ríos’ last appointment in the Municipality expired on December 31, 2012.

After taking office, 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, N. Ruperto-Ríos worked as a Carpenter's Assistant in the Municipality's Citizen Assistance Office, performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. N. Ruperto-Ríos is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

24. Plaintiff **Guillermo Santana-Morán** ("G. Santana-Morán") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over three (3) years – since January 2009. G. Santana-Morán's last appointment in the Municipality expired on December 31, 2012. After taking office, 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, G. Santana-Morán worked as a Construction Worker in the Municipality's Public Works Department performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. G. Santana-Morán is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

25. Plaintiff **Ismael Torres-Rivera** ("Torres-Rivera") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over thirteen (13) years – since February 1999. Torres-Rivera's last appointment in the Municipality expired on December 31, 2012. After taking office, 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, Torres-Rivera worked

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

26. Plaintiff **José Vélez-Pérez** ("Vélez-Pérez") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over three (3) years – since August 2009. Vélez-Pérez' last appointment in the Municipality expired on December 31, 2012. After taking office, 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, Vélez-Pérez worked as a Construction Worker in the Municipality's Public Works Department where he performed routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Vélez-Pérez is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

27. Plaintiff **Luisa Rodríguez** ("Rodríguez") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over sixteen (16) years – since January 1997. Defendants refused to renew her appointment after its expiration on April 30, 2013, 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, Rodríguez worked as a Caretaker in the Municipality's Geriatric Center, performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Rodríguez is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

28. Plaintiff **Reini Santana-Morán** (“R. Santana-Morán”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over fourteen (14) years – since 1999. Defendants refused to renew her appointment after its expiration on May 15, 2013, 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, R. Santana-Morán worked as a Caretaker in the Municipality’s Geriatric Center performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. R. Santana-Morán is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

29. Plaintiff **Nabel González-Del Valle** (“González-Del Valle”) had worked for the Municipality of Las Marías as a transitory or fixed-term employee for over ten (10) years – since January 2003. Defendants refused to renew her appointment after its expiration on June 30, 2013, 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, González-Del Valle worked as an Office Clerk in the Municipality’s Environmental Control and Recycling Office performing routine and low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. González-Del Valle is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

30. Plaintiff **Carlos Laboy-Jorge** (“Laboy-Jorge”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over four (4) years – since January 2009. Defendants refused to renew his appointment after its expiration on June 30, 2013, 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, Laboy-Jorge worked as a Security Guard in the Municipality's Public Works Department performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Laboy-Jorge is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

31. Plaintiff **Federico Ruperto-Ríos** ("F. Ruperto-Ríos") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over ten (10) years – since January 2003. Defendants refused to renew his appointment after its expiration on June 30, 2013, 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, F. Ruperto-Ríos worked as a Driver in the Municipality's Geriatric Center, performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. F. Ruperto-Ríos is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

32. Plaintiff **Gil Vázquez-Torres** ("Vázquez-Torres") had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over four (4) years – since August 2008. Defendants refused to renew his appointment after its expiration on June 30, 2013, 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, Vázquez-Torres worked as a Security Guard in the Municipality's Public Works Department performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Vázquez-Torres is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

33. Plaintiff **Damaris Méndez-Figueroa** (“Méndez-Figueroa”) had worked in the Municipality of Las Marías as transitory or fixed-term employee for over thirteen (13) years, since April 2000. Defendants refused to renew her appointment after its expiration on September 30, 2013, 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, Méndez-Figueroa worked as a Coordinator of the Child Care Program performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Méndez-Figueroa is a citizen of the United States, is affiliated to the NPP, and currently resides in San Sebastián, Puerto Rico.

34. Plaintiff **Dahiana Sánchez-Pérez** (“Sánchez-Pérez”) had worked in the Municipality of Las Marías as a transitory or fixed-term employee for over eleven (11) years – since December 2001. Defendants refused to renew her appointment after its expiration on September 30, 2013, 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, Sánchez-Pérez worked as a Housing Inspector in the Child Care Program performing routine, low-level duties that had no impact on public policy. Party affiliation is not an appropriate requirement for such position. Sánchez-Pérez is a citizen of the United States, is affiliated to the NPP, and currently resides in Las Marías, Puerto Rico.

**Defendants**

35. Defendant **The Municipality of Las Marías** (“Municipality” or “Las Marías”) 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.

36. Defendant **José Javier Rodríguez-López** (“Rodríguez-López”) is the newly elected Mayor of the Municipality of Las Marías.

- a. Rodríguez-López is a citizen of the United States and a resident of Las Marías, Puerto Rico.
- b. Rodríguez-López was elected Mayor of the Municipality Las Marías as a result of the November 2012 General Election under the PDP ticket, and currently serves as the Mayor of the Municipality Las Marías.
- c. As Mayor, Rodríguez-López is the nominating authority of the Municipality of Arroyo and he participated in, directed, executed, authorized and/or condoned the adverse employment actions giving rise to this Complaint.
- d. Rodríguez-López is a prominent member of the PDP.
- e. At all times relevant and material hereto, Rodríguez-López was acting under color of state law.
- f. Rodríguez-López 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 Las Marías.

37. Defendant **Yadira Almodóvar-González** (“Almodóvar-González”) is the Director of the Municipality’s Human Resources Office.

- a. Almodóvar-González is a citizen of the United States and upon information and belief is currently a resident of Las Marías, Puerto Rico.

- b. Almodóvar-González was appointed the Director of the Department of Human Resources by Rodríguez-López once he assumed the office of Mayor of the Municipality of Las Marías in January of 2013.
- c. Almodóvar-González is a well-known member of the PDP in the Municipality of Las Marías, and was a loyal follower, contributor and supporter of the PDP; of Defendant Rodríguez-López, and of his campaign for the 2012 election.
- d. As Human Resources Director, Almodóvar-González 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, Almodóvar-González was acting under color of state law.
- f. Almodóvar-González is being sued for declaratory, injunctive and monetary relief in both her individual capacity and in her official capacity as the Human Resources Director for the Municipality of Las Marías.

38. Defendant **John Doe** is an individual defendant who works at the Municipality of Las Marías; 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 and/or employment contracts 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.

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

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 and/or employment contracts 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<sup>1</sup> AS TO ALL PLAINTIFFS**

40. This case involves blatant acts of political discrimination in the aftermath of the November 2012 election by the newly elected PDP Mayor of Las Marías and his co-Defendant political trust appointees, and upon information and belief, with other defendants whose names are not yet known, against twenty two (22) humble individuals affiliated with the NPP.

41. All of the Plaintiffs began working for the Municipality of Las Marías under an NPP Mayoral administration led by Soto-Santiago – a fact known to all Defendants.

42. The workplace for municipal employees in Las Marías 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 Las Marías in general.

43. The Defendants associated the Plaintiffs with the NPP and with Soto-Santiago and his NPP mayoral administration, as well as with his political campaign and/or that of other NPP candidates for political office.

44. 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.

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<sup>1</sup> 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.

45. The political activism of the Plaintiffs on behalf of the NPP and/or Soto-Santiago during the 2012 political campaign was open and well known in the small community of Las Marías, and the Defendants were well aware of such political activism. Plaintiffs participated in political meetings and motorcades organized by Soto-Santiago during the 2012 political campaign. Plaintiffs also had bumper stickers affixed on their personal vehicles supporting Soto-Santiago 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 Las Marías, and Defendants would see it.

46. 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 Soto-Santiago and the NPP, instead of the PDP and Rodríguez-López, the mayoral candidate of the PDP.

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

48. Soto-Santiago served as mayor of Las Marías for sixteen (16) years. He first became Mayor of Las Marías in the 1996 General Election, and was reelected three (3) consecutive times under the NPP ticket in the 2000, 2004 and 2008 General Elections.

49. On November 6, 2012, a contentious General Election<sup>2</sup> was held in Puerto Rico.

50. In the 2012 General Election, Soto-Santiago of the NPP was defeated by co-Defendant Rodríguez-López, the PDP mayoral candidate.

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<sup>2</sup> 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.

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

52. As in virtually all elections, the atmosphere in the Municipality (and in Las Marías in general) was politically charged during the months prior to the General Election of 2012.

53. 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 Las Marías community in general.

54. After winning the 2012 General Election, co-Defendant Rodríguez-López assumed office as the new PDP Mayor of the Municipality of Las Marías. He was sworn in as Mayor in mid-January of 2013.

55. Shortly after assuming the office of Mayor, Defendant Rodríguez-López selected co-Defendant Almodóvar-González to fill the position of Director of the Human Resources Department.

56. Co-Defendants Almodóvar-González has been affiliated with the PDP both on a Commonwealth-wide and municipal basis at all times relevant and material to this action.

57. Co-Defendants Almodóvar-González is a PDP activist and supported the political campaign of Rodríguez-López when he ran against Soto-Santiago in the General Elections of 2012.

58. Plaintiffs held low level transitory or fixed-term employee positions in the Municipality of Las Marías.

59. 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.

60. 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.

61. As such, political affiliation was not an appropriate requirement for Plaintiffs' positions.

62. None of the Plaintiffs had ever received a negative evaluation of their work at the Municipality of Las Marías.

63. Plaintiffs' transitory or fixed-term appointments were consistently renewed after their expiration. That is, until Defendants arrived and refused to renew such appointments soon after they assumed office.

64. A politically charged environment pervaded throughout the municipality immediately after Defendant Rodríguez-López took office as the new PDP Mayor of Las Marías.

65. Municipal employees affiliated with the PDP and/or who supported Defendant Rodríguez-López during the 2012 General Elections attended work dressed in red-colored clothing, in obvious reference to the colors of the PDP party insignia. Those who did not dress in red-colored clothing – such as Plaintiffs – were immediately identified and targeted by Defendants as members of the NPP and/or supporters of Soto-Santiago.

66. Within months after assuming the reins of power as Mayor in the Municipality of Las Marías and having been elected as the PDP standard bearer, Defendant Rodríguez-López, acting hand in hand with the other co-Defendants, systematically refused to renew Plaintiffs' fixed-term appointments when such contracts ended. Defendants did so because of the 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.

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

68. At the time the Plaintiffs were dismissed from their employment with the Municipality by the Defendants, Plaintiffs had not been informed of a single complaint as to their job performance.

69. The discriminatory scheme devised by Defendants continued to unfold when shortly after defendants failed to renew Plaintiffs fixed-term appointments, or rehire or recall them, Defendants replaced or substituted 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 Rodríguez-López and other campaign(s) of the PDP. None of these individuals were working in the Municipality by December 2012.

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

71. Defendants' purpose for not renewing Plaintiffs contract was not only to discriminate and retaliate against them because of their exercise of First Amendment 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 Rodríguez-López; but also to accommodate loyal PDP followers. Defendants openly admitted this on multiple occasions.

72. Defendant Rodríguez-López brazenly admitted and specifically made reference to the fact that Plaintiffs were NPP sympathizers and/or had not supported him during the 2012 political campaign as a reason to refuse to renew Plaintiff's contracts and recall them to fill their former positions.

73. When some of the Plaintiffs who held term appointments met with Defendant Rodríguez-López demanding an explanation for his failure to rehire and/or to ask him to rehire them, he openly acknowledged Plaintiffs' affiliation with the NPP, and he admitted that he was only recruiting PPD loyalists who had supported his campaign. Plaintiffs were told by Defendant Rodríguez-López in such meetings that: "We are still working on that, but first we are going to take care of our own people"; "my people helped me, so I have to help my people first"; "we are only helping those that supported my campaign", and other variants of such statements.<sup>3</sup>

74. Other Plaintiffs who met personally with Defendant Rodríguez-López to ask for their jobs back were told by Rodríguez-López that the municipality was out of funds. In one notable instance, Defendant Rodríguez-López cynically told an elderly female Plaintiff that there was "no money left to recruit her" but that she should "continue praying to God that we receive more funds so we can hire you".<sup>4</sup> Meanwhile and in stark contrast with the representation made to the Plaintiffs, Defendants were systematically replacing or substituting Plaintiffs in their positions, duties and functions with loyal PDP-affiliated individuals, including the position held by this particular elderly female Plaintiff.

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<sup>3</sup> Translation ours.

<sup>4</sup> Translation ours.

75. Notwithstanding the efforts made by the 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 Plaintiff was rehired or recalled to his/her former position or to fill any other available position in the new PDP-controlled municipal administration.

76. The employees hired to substitute 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.

77. All Defendants were involved in the politically motivated hiring of the substitutes by, *inter alia*, selecting them, hiring them, signing their contracts, training them or assigning them Plaintiff's former positions, duties and functions.

78. Defendants also wished to reward PDP loyalists with illegal spoils of co-Defendant Rodríguez-López' victory as the PDP candidate for Mayor of Las Marías by improperly depriving Plaintiffs of their jobs and their means of feeding their families, based on politically discriminatory reasons.

79. No credible economic or cost savings rationale can be offered by Defendants for dismissing the Plaintiffs nor can any valid reorganizational claim be asserted because the Plaintiffs were systematically substituted with new PDP-affiliated employees who then proceeded to perform the same duties and functions that Plaintiffs had competently handled before.

80. The non-renewal of Plaintiffs' employment with the Municipality was undertaken because of and in retaliation for 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 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.

81. Co-Defendant Rodríguez-López 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 Plaintiffs’ appointment because they knew – or because they perceived – that 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.

82. 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 Rodríguez-López’s campaign (including Plaintiffs) – in particular individuals affiliated with the NPP and Co-Defendant Rodríguez-López’s 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.

83. Defendants were directly involved in the refusal to renew 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 Plaintiffs adverse political beliefs and because of their understanding the Plaintiffs were of competing political persuasions.

84. The discriminatory and retaliatory actions mentioned above – i.e. the termination of Plaintiffs’ employment with the Municipality; the non-renewals of 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. 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.

92. The discriminatory and retaliatory political motive behind the adverse employment actions at issue may be also discerned by Defendants' hiring and firing practices.

93. 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 Rodríguez-López.

**SPECIFIC ALLEGATIONS AS TO ALL PLAINTIFFS<sup>5</sup>**

**Plaintiff Juan Álvarez-Morales**

94. Plaintiff Juan Álvarez-Morales (“Álvarez-Morales”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

95. Álvarez-Morales started working for the Municipality of Las Marías in September 2007. At the time of his dismissal<sup>6</sup>, Álvarez-Morales worked as a Payroll Clerk at the Human Resources Department.

96. After taking office, Defendants refused to renew Álvarez-Morales’ term appointment because of his political affiliation with the NPP.

97. Party affiliation is not an appropriate requirement for Álvarez-Morales’ position. At all times relevant and material hereto, Álvarez-Morales was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Álvarez-Morales 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.

98. Álvarez-Morales engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Álvarez-Morales’ principal duties at the time of his dismissal were low-level clerical functions.

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<sup>5</sup> 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.

<sup>6</sup> The term dismissal, as used herein, shall be read to include termination, appointment non-renewal, and defendants’ failure to hire, rehire or recall.

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

100. Moreover, Defendants also knew or assumed that Álvarez-Morales had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

101. During the 2012 General Elections, Álvarez-Morales served as an electoral polling officer and coordinator for the NPP and also participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

102. Álvarez-Morales had a bumper sticker supporting Soto-Santiago's reelection prominently affixed on his vehicle during the political campaign of 2012.

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

104. Defendants dismissed Álvarez-Morales from his job without evaluating his job performance and efficiency.

105. At no time prior to his dismissal did the Defendants discipline Álvarez-Morales or issue a reprimand related to the performance of his duties.

106. Defendants hired someone to substitute for Álvarez-Morales after his dismissal. That person is a member and/or supporter of the PDP.

107. The reason for Álvarez-Morales' dismissal 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.

108. As a result of this dismissal, Defendants have deprived Álvarez-Morales, 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 by dismissing him – 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 Irma Badillo-Quintana**

109. Plaintiff Badillo-Quintana (“Badillo-Quintana”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

110. Badillo-Quintana started working for the Municipality of Las Marías in January 1999. At the time of her dismissal, Badillo-Quintana worked as a Maintenance Worker in the Municipal Police Department.

111. After taking office, Defendants refused to renew Badillo-Quintana's term appointment because of her political affiliation with the NPP.

112. Party affiliation is not an appropriate requirement for Badillo-Quintana's position. At all times relevant and material hereto, Badillo-Quintana was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Badillo-Quintana 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.

113. Badillo-Quintana engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Badillo-Quintana's principal duties at the time of her dismissal were low-level janitorial functions.

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

115. Moreover, Defendants also knew or assumed that Badillo-Quintana had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

116. During the 2012 political campaign, Badillo-Quintana participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the political campaign for the reelection of Soto-Santiago.

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

118. Defendants dismissed Badillo-Quintana from her job without evaluating her job performance and efficiency.

119. At no time prior to her dismissal did the Defendants Badillo-Quintana or issue a reprimand related to the performance of her duties.

120. Defendants hired someone to substitute for Badillo-Quintana after her dismissal. That person is a member of the PDP.

121. The reason for Badillo-Quintana's dismissal 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.

122. As a result of this dismissal, Defendants have deprived Badillo-Quintana, 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 by dismissing her – 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 Mérida Izquierdo-Montalvo**

123. Plaintiff Mérida Izquierdo-Montalvo (“Izquierdo-Montalvo”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

124. Izquierdo-Montalvo started working for the Municipality of Las Marías in August 2002. At the time of her dismissal, Izquierdo-Montalvo worked as a Clerk in the Municipality's Library.

125. After taking office, Defendants refused to renew Izquierdo-Montalvo's term appointment because of her political affiliation with the NPP.

126. Party affiliation is not an appropriate requirement for Izquierdo-Montalvo's position. At all times relevant and material hereto, Izquierdo-Montalvo was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Izquierdo-Montalvo 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.

127. Izquierdo-Montalvo engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Izquierdo-Montalvo principal duties at the time of her dismissal were low-level clerical functions.

128. For the reasons set forth in this Complaint, all Defendants were aware that Izquierdo-Montalvo is an active member of the NPP. Izquierdo-Montalvo is politically active on behalf of the NPP within the small community of Las Marías, and served as a polling officer for the NPP in the 2008 and 2012 General Elections. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that Izquierdo-Montalvo avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

129. Moreover, Defendants also knew or assumed that Izquierdo-Montalvo had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

130. During the 2012 political campaign, Izquierdo-Montalvo participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

132. Defendants dismissed Izquierdo-Montalvo from her job without evaluating her job performance and efficiency.

133. At no time prior to her dismissal did the Defendants discipline Izquierdo-Montalvo or issue a reprimand related to the performance of her duties.

134. Defendants hired someone to substitute for Izquierdo-Montalvo after her dismissal. That person is a member of the PDP.

135. The reason for Izquierdo-Montalvo's dismissal 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.

136. As a result of this dismissal, Defendants have deprived Izquierdo-Montalvo 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 by dismissing her – 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 Martínez-Martínez**

137. Plaintiff José Martínez-Martínez (“Martínez-Martínez”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

138. Martínez-Martínez started working for the Municipality of Las Marías in January 1996. At the time of his dismissal, Martínez-Martínez worked as a Construction Worker in the Public Works Department.

139. After taking office, Defendants refused to renew Martínez-Martínez' term appointment because of his political affiliation with the NPP.

140. Party affiliation is not an appropriate requirement for Martínez-Martínez' position. At all times relevant and material hereto, Martínez-Martínez was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Martínez-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.

141. Martínez-Martínez engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation. Martínez-Martínez' principal duties at the time of his dismissal were low-level, manual labor functions.

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

143. Moreover, Defendants also knew or assumed that Martínez-Martínez had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

144. During the political campaign of 2012, Martínez-Martínez participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

145. Moreover, Martínez-Martínez mobilized and transported NPP affiliated individuals to electoral voting stations in the General Elections of 2012.

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

147. Defendants dismissed Martínez-Martínez from his job without evaluating his job performance and efficiency.

148. At no time prior to his dismissal did the Defendants discipline Martínez-Martínez or issue a reprimand related to the performance of his duties.

149. Defendants hired someone to substitute for Martínez-Martínez after his dismissal. That person is a member of the PDP.

150. The reason for Martínez-Martínez' dismissal 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.

151. As a result of this dismissal, Defendants have deprived Martínez-Martínez 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 by dismissing him – 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 Yoel Martínez-Mercado**

152. Plaintiff Yoel Martínez-Mercado (“Martínez-Mercado”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

153. Martínez-Mercado started working for the Municipality of Las Marías in April 2002. At the time of his dismissal, Martínez-Mercado worked as a Construction Supervisor in the Public Works Department.

154. After taking office, Defendants refused to renew Martínez-Mercado's term appointment because of his political affiliation with the NPP.

155. Party affiliation is not an appropriate requirement for Martínez-Mercado's position. At all times relevant and material hereto, Martínez-Mercado was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Martínez-Mercado 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.

156. Martínez-Mercado engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Martínez-Mercado's principal duties at the time of his dismissal were low-level, functions supervising fellow construction workers.

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

158. Moreover, Defendants also knew or assumed that Martínez-Mercado had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

159. During the political campaign of 2012, Martínez-Mercado participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

160. Martínez-Mercado was an electoral polling officer for the NPP.

161. Martínez-Mercado had a flag prominently displayed in front of his home and a bumper sticker affixed on his personal vehicle supporting the reelection of Soto-Santiago during the political campaign of 2012.

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

163. Defendants dismissed Martínez-Mercado from his job without evaluating his job performance and efficiency.

164. At no time prior to his dismissal did the Defendants discipline Martínez-Mercado or issue a reprimand related to the performance of his duties.

165. Defendants hired someone to substitute for Martínez-Mercado after his dismissal. That person is a member of the PDP.

166. The reason for Martínez-Mercado's dismissal 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.

167. As a result of this dismissal, Defendants have deprived Martínez-Mercado 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 by dismissing him – 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 Carmen Méndez-Avilés**

168. Plaintiff Carmen Méndez-Avilés (“C. Méndez-Avilés”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

169. C. Méndez-Avilés started working for the Municipality of Las Marías in 2001. At the time of her dismissal, C. Méndez-Avilés worked as a caretaker in the Municipality's Geriatric Center.

170. After taking office, Defendants refused to renew C. Méndez-Avilés' term appointment because of her political affiliation with the NPP.

171. Party affiliation is not an appropriate requirement for C. Méndez-Avilés' position. At all times relevant and material hereto C. Méndez-Avilés was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. C. Méndez-Avilés 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.

172. C. Méndez-Avilés engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. C. Méndez-Avilés principal duties at the time of her dismissal were low-level functions related to the general care of the elderly in the Municipality's Geriatric Center.

173. For the reasons set forth in this Complaint, all Defendants were aware that C. Méndez-Avilés is an active member of the NPP. C. Méndez-Avilés is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that C. Méndez-Avilés avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

174. Moreover, Defendants also knew or assumed that C. Méndez-Avilés had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

175. C. Méndez-Avilés had a flag with the logo of the NPP and another one supporting the reelection of former NPP-Governor of Puerto Rico, Luis Fortuño Buset, during the political campaign of 2012. She also had a bumper sticker supporting the reelection of mayor Soto-Santiago prominently affixed on her personal vehicle.

176. During the 2012 political campaign, C. Méndez-Avilés participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

177. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of C. Méndez-Avilés.

178. Defendants dismissed C. Méndez-Avilés from her job without evaluating her job performance and efficiency.

179. At no time prior to her dismissal did the Defendants discipline C. Méndez-Avilés or issue a reprimand related to the performance of her duties.

180. Defendants hired someone to substitute for C. Méndez-Avilés after her dismissal. That person is a member of the PDP.

181. The reason for C. Méndez-Avilés' dismissal 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.

182. As a result of this dismissal, Defendants have deprived C. Méndez-Avilés, 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 by dismissing her – 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 Domingo Méndez-Avilés**

183. Plaintiff Domingo Méndez-Avilés (“D. Méndez-Avilés”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

184. D. Méndez-Avilés started working for the Municipality of Las Marías in January 1998. At the time of his dismissal, D. Méndez-Avilés worked as a Construction Worker in the Public Works Department.

185. After taking office, Defendants refused to renew D. Méndez-Avilés' term appointment because of his political affiliation with the NPP.

186. Party affiliation is not an appropriate requirement for D. Méndez-Avilés' position. At all times relevant and material hereto D. Méndez-Avilés was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. D. Méndez-Avilés 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.

187. D. Méndez-Avilés engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. D. Méndez-Avilés principal duties at the time of his dismissal were low-level, labor-intensive functions.

188. For the reasons set forth in this Complaint, all Defendants were aware that D. Méndez-Avilés is an active member of the NPP. D. Méndez-Avilés is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that D. Méndez-Avilés avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

189. Moreover, Defendants also knew or assumed that D. Méndez-Avilés had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

190. During the political campaign of 2012, D. Méndez-Avilés had a flag supporting the reelection of Soto Santiago and another one supporting the reelection of former NPP-Governor of Puerto Rico, Luis Fortuño Buset.

191. During the 2012 political campaign, D. Méndez-Avilés participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

192. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of D. Méndez-Avilés.

193. Defendants dismissed D. Méndez-Avilés from his job without evaluating his job performance and efficiency.

194. At no time prior to his dismissal did the Defendants discipline D. Méndez-Avilés or issue a reprimand related to the performance of his duties.

195. Defendants hired someone to substitute for D. Méndez-Avilés after his dismissal. That person is a member of the PDP.

196. The reason for D. Méndez-Avilés' dismissal 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.

197. As a result of this dismissal, Defendants have deprived D. Méndez-Avilés 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 by dismissing him – 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 Omayra Plaza-Otero**

198. Plaintiff Omayra Plaza-Otero (“Plaza-Otero”) is of legal age, a resident of Las Marías, Puerto Rico, and a citizen of the United States of America.

199. Plaza-Otero started working for the Municipality of Las Marías in June 2003. At the time of her dismissal, Plaza-Otero worked as a Secretary in the Office of Community and Citizen Assistance.

200. After taking office, Defendants refused to renew Plaza-Otero’s term appointment because of her political affiliation with the NPP.

201. Party affiliation is not an appropriate requirement for Plaza-Otero’s position. At all times relevant and material hereto, Plaza-Otero was a public employee whose position was not a public policy-making position, or one that required her to perform publicpolicy functions. Plaza-Otero 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.

202. Plaza-Otero engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Plaza-Otero’s principal duties at the time of her dismissal were low-level clerical and secretarial functions.

203. For the reasons set forth in this Complaint, all Defendants were aware that Plaza-Otero is an active member of the NPP. Plaza-Otero is politically active on behalf of the NPP within the small community of Las Marías, and served as an electoral polling officer for the NPP. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that Plaza-Otero avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

204. Moreover, Defendants also knew or assumed that Plaza-Otero had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

205. During that time, Plaza-Otero had a banner supporting the reelection of Soto Santiago, two flags of the NPP and a third supporting the reelection of former NPP-Governor of Puerto Rico, Luis Fortuño Buset, all prominently displayed in front of her home.

206. During the 2012 political campaign, Plaza-Otero participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

208. Defendants dismissed Plaza-Otero from her job without evaluating her job performance and efficiency.

209. At no time prior to her dismissal did the Defendants discipline Plaza-Otero or issue a reprimand related to the performance of her duties.

210. Defendants hired someone to substitute for Plaza-Otero after her dismissal. That person is a member of the PDP.

211. The reason for Plaza-Otero's dismissal 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.

212. As a result of this dismissal, Defendants have deprived Plaza-Otero, 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 by dismissing her – 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 Adrián Ramírez-Torres**

213. Plaintiff Adrián Ramírez-Torres (“Ramírez-Torres”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

214. Ramírez-Torres started working for the Municipality of Las Marías in June 2009. At the time of his dismissal, Ramírez-Torres worked as a Clerk in the Sports and Recreation Department.

215. After taking office, Defendants refused to renew Ramírez-Torres’ term appointment because of his political affiliation with the NPP.

216. Party affiliation is not an appropriate requirement for Ramírez-Torres’ position. At all times relevant and material hereto, was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Ramírez-Torres 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.

217. Ramírez-Torres engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Ramírez-Torres’s principal duties at the time of his dismissal were low-level, clerical functions.

218. For the reasons set forth in this Complaint, all Defendants were aware that Ramírez-Torres is an active member of the NPP. Ramírez-Torres is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that Ramírez-Torres avidly

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

219. Moreover, Defendants also knew or assumed that Ramírez-Torres had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

220. Ramírez-Torres served as an electoral polling officer for the NPP in General Elections and Primaries. He also had a banner supporting the reelection of Edwin Soto-Santiago during the political campaign of 2012.

221. During the 2012 political campaign, Ramírez-Torres participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

223. Defendants dismissed Ramírez-Torres from his job without evaluating his job performance and efficiency.

224. At no time prior to his dismissal did the Defendants discipline Ramírez-Torres or issue a reprimand related to the performance of his duties.

225. Defendants hired someone to substitute for Ramírez-Torres after his dismissal. That person is a member of the PDP.

226. The reason for Ramírez-Torres's dismissal 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.

227. As a result of this dismissal, Defendants have deprived Ramírez-Torres 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 by dismissing him – 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 Eddie Rivera-Santana**

228. Plaintiff Eddie Rivera-Santana (“Rivera-Santana”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

229. Rivera-Santana started working for the Municipality of Las Marías in January 2009. At the time of his dismissal, Rivera-Santana worked as a Construction Worker in the Public Works Department.

230. After taking office, Defendants refused to renew Rivera-Santana’s term appointment because of his political affiliation with the NPP.

231. Party affiliation is not an appropriate requirement for Rivera-Santana’s position. At all times relevant and material hereto, was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Rivera-Santana 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.

232. Rivera-Santana engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Rivera-Santana’s principal duties at the time of his dismissal were low-level, labor-intensive functions.

233. For the reasons set forth in this Complaint, all Defendants were aware that Rivera-Santana is an active member of the NPP. Rivera-Santana is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace

of the Municipality of Las Marías (and by Defendants themselves) that Rivera-Santana avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

234. Moreover, Defendants also knew or assumed that Rivera-Santana had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

235. In the General Elections of 2012, Rivera Santana mobilized and transported NPP-affiliated individuals to electoral voting stations to vote for NPP candidates and Soto-Santiago.

236. During the 2012 political campaign, Rivera-Santana participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of the campaign on behalf of Soto-Santiago.

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

238. Defendants dismissed Rivera-Santana from his job without evaluating his job performance and efficiency.

239. At no time prior to his dismissal did the Defendants discipline Rivera-Santana or issue a reprimand related to the performance of his duties.

240. Defendants hired someone to substitute for Rivera-Santana after his dismissal. That person is a member of the PDP.

241. The reason for Rivera-Santana's dismissal 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.

242. As a result of this dismissal, Defendants have deprived Rivera-Santana of the income and benefits by which he sustained herself and his family; have subjected him to personal pain and

suffering; and have punished him for the exercise of his civil rights by dismissing him – 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 Norberto Ruperto-Ríos**

243. Plaintiff Norberto Ruperto-Ríos (“N. Ruperto-Ríos”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

244. N. Ruperto-Ríos started working for the Municipality of Las Marías in December 1999. At the time of his dismissal, N. Ruperto-Ríos worked as a Carpenter’s Assistant in the Office of Community and Citizen Assistance.

245. After taking office, Defendants refused to renew N. Ruperto-Ríos’ term appointment because of his political affiliation with the NPP.

246. Party affiliation is not an appropriate requirement for N. Ruperto-Ríos’ position. At all times relevant and material hereto N. Ruperto-Ríos was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. N. Ruperto-Ríos 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.

247. N. Ruperto-Ríos engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation. N. Ruperto-Ríos principal duties at the time of his dismissal were low-level, labor-intensive functions related to his job as a Carpenter’s Assistant.

248. For the reasons set forth in this Complaint, all Defendants were aware that N. Ruperto-Ríos is an active member of the NPP. N. Ruperto-Ríos is politically active on behalf of the NPP

within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that N. Ruperto-Ríos avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

249. Moreover, Defendants also knew or assumed that N. Ruperto-Ríos had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

250. N. Ruperto-Ríos crafted political campaign flags and propaganda supporting the NPP and the reelection of Soto Santiago during the political campaign of 2012.

251. At that time, N. Ruperto-Ríos also had a flag supporting the NPP prominently displayed in front of his home and a bumper sticker affixed on his vehicle supporting the reelection of Soto-Santiago.

252. During the 2012 political campaign, N. Ruperto-Ríos participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

253. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of N. Ruperto-Ríos.

254. Defendants dismissed N. Ruperto-Ríos from his job without evaluating his job performance and efficiency.

255. At no time prior to his dismissal did the Defendants discipline N. Ruperto-Ríos or issue a reprimand related to the performance of his duties.

256. Defendants hired someone to substitute for N. Ruperto-Ríos after his dismissal. That person is a member of the PDP.

257. The reason for N. Ruperto-Ríos' dismissal 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.

258. As a result of this dismissal, Defendants have deprived N. Ruperto-Ríos 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 by dismissing him – 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 Guillermo Santana-Morán**

259. Plaintiff Guillermo Santana-Morán (“G. Santana-Morán”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

260. G. Santana-Morán started working for the Municipality of Las Marías in January 2009. At the time of his dismissal, G. Santana-Morán worked as a Construction Worker in the Public Works Department.

261. After taking office, Defendants refused to renew G. Santana-Morán's term appointment because of his political affiliation with the NPP.

262. Party affiliation is not an appropriate requirement for G. Santana-Morán's position. At all times relevant and material hereto, G. Santana-Morán was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. G. Santana-Morán 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.

263. G. Santana-Morán engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation. G. Santana-Morán principal duties at the time of his dismissal were low-level, labor-intensive functions related to his job as a Construction Worker.

264. For the reasons set forth in this Complaint, all Defendants were aware that G. Santana-Morán is an active member of the NPP. G. Santana-Morán is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that G. Santana-Morán avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

265. Moreover, Defendants also knew or assumed that Guillermo Santana-Morán had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

266. During the political campaign of 2012, G. Santana-Morán had a banner supporting the reelection of Edwin Soto-Santiago prominently displayed in front of his home.

267. During the 2012 political campaign, G. Santana-Morán participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

268. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of G. Santana-Morán.

269. Defendants dismissed G. Santana-Morán from his job without evaluating him as to his job performance and efficiency.

270. At no time prior to his dismissal did the Defendants discipline G. Santana-Morán or issue a reprimand related to the performance of his duties.

271. Defendants hired someone to substitute for G. Santana-Morán after his dismissal. That person is a member of the PDP.

272. The reason for G. Santana-Morán's dismissal 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.

273. As a result of this dismissal, Defendants have deprived G. Santana-Morán, 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 by dismissing him – 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 Ismael Torres-Rivera**

274. Plaintiff Ismael Torres-Rivera (“Torres-Rivera”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

275. Torres-Rivera started working for the Municipality of Las Marías in February 1999. At the time of his dismissal, Torres-Rivera worked as a Trolley Driver in the Department of Public Works.

276. After taking office, Defendants refused to renew Torres-Rivera's term appointment because of his political affiliation with the NPP.

277. Party affiliation is not an appropriate requirement for Torres-Rivera's position. At all times relevant and material hereto Torres-Rivera was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Torres-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.

278. Torres-Rivera engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Torres-Rivera's principal duties at the time of his dismissal were low-level functions as a Trolley Driver.

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

280. Moreover, Defendants also knew or assumed that Torres-Rivera had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

281. Torres-Rivera served as an NPP electoral polling officer in General Elections and Primaries.

282. During the political campaign of 2012, Torres-Rivera had a bumper sticker affixed on his vehicle supporting the reelection of Soto-Santiago.

283. During the political campaign of 2012, Torres-Rivera participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

285. Defendants dismissed Torres-Rivera from his job without evaluating his job performance and efficiency.

286. At no time prior to his dismissal did the Defendants discipline Torres-Rivera or issue a reprimand related to the performance of his duties.

287. Defendants hired someone to substitute for Torres-Rivera after his dismissal. That person is a member of the PDP.

288. The reason for Torres-Rivera's dismissal 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.

289. As a result of this dismissal, Defendants have deprived Torres-Rivera of the income and benefits by which he sustained herself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights by dismissing him – 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 José Vélez-Pérez**

290. Plaintiff José Vélez-Pérez (“Vélez-Pérez”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

291. Vélez-Pérez started working for the Municipality of Las Marías in August 2008. At the time of his dismissal, Vélez-Pérez worked as a Construction Worker in the Public Works Department.

292. After taking office, Defendants refused to renew Vélez-Pérez' term appointment because of his political affiliation with the NPP.

293. Party affiliation is not an appropriate requirement for Vélez-Pérez' position. At all times relevant and material hereto Vélez-Pérez was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Vélez-Pérez

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.

294. Vélez-Pérez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation.

295. Vélez-Pérez' principal duties at the time of his dismissal were low-level, labor intensive functions related to his job as a Construction Worker.

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

297. Moreover, Defendants also knew or assumed that Vélez-Pérez had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

298. In the General Election of 2012, Vélez-Pérez mobilized and transported NPP-affiliated individuals to electoral voting stations to vote for the NPP and Edwin Soto-Santiago.

299. During the 2012 political campaign, Vélez-Pérez participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

301. Defendants dismissed Vélez-Pérez from his job without evaluating his job performance and efficiency.

302. At no time prior to his dismissal did the Defendants discipline Vélez-Pérez or issue a reprimand related to the performance of his duties.

303. Defendants hired someone to substitute for Vélez-Pérez after his dismissal. That person is a member of the PDP.

304. The reason for Vélez-Pérez' dismissal 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.

305. As a result of this dismissal, Defendants have deprived Vélez-Pérez, 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 by dismissing him – 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 Luisa Rodríguez**

306. Plaintiff Luisa Rodríguez (“Rodríguez”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

307. Rodríguez started working for the Municipality of Las Marías in January 1997. At the time of her dismissal, Rodríguez worked as a Caretaker in the Municipality's Geriatric Center.

308. Defendants refused to renew Rodríguez' term appointment after its expiration because of her political affiliation with the NPP.

309. Party affiliation is not an appropriate requirement for Rodríguez' position. At all times relevant and material hereto, was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Rivera-Santana 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. Rodríguez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. The principal duties of Rodríguez at the time of her dismissal were low-level functions related to the general care of the elderly in the municipality's Geriatric Center.

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

312. Moreover, Defendants also knew or assumed that Rodríguez had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

313. During that time, Rodríguez had a flag supporting the reelection of Soto Santiago prominently displayed in front of her home and a bumper sticker supporting Soto Santiago and another one the NPP affixed on her personal vehicle.

314. During the political campaign of 2012, Rodríguez participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

316. Defendants dismissed Rodríguez from her job without evaluating her job performance and efficiency.

317. At no time prior to her dismissal did the Defendants discipline Rodríguez or issue a reprimand related to the performance of her duties.

318. Defendants hired someone to substitute for Rodríguez after her dismissal. That person is a member of the PDP.

319. The reason for Rodríguez' dismissal 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.

320. As a result of this dismissal, Defendants have deprived Rodríguez 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 by dismissing her – 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 Reini Santana-Morán**

321. Plaintiff Reini Santana-Morán (“R. Santana-Morán”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

322. R. Santana-Morán started working for the Municipality of Las Marías in 1999. At the time of her dismissal, R. Santana-Morán worked as a Caretaker in the Municipality's Geriatric Center.

323. Defendants refused to renew R. Santana-Morán's term appointment after its expiration because of her political affiliation with the NPP.

324. Party affiliation is not an appropriate requirement for R. Santana-Morán's position. At all times relevant and material hereto R. Santana-Morán was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions.

R. Santana-Morán 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.

325. R. Santana-Morán engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation. The principal duties of R. Santana-Morán at the time of her dismissal were low-level functions related to the general care of the elderly in the Municipality's Geriatric Center.

326. For the reasons set forth in this Complaint, all Defendants were aware that R. Santana-Morán is an active member of the NPP. R. Santana-Morán is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that R. Santana-Morán avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

327. Moreover, Defendants also knew or assumed that R. Santana-Morán had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

328. During the 2012 political campaign, R. Santana-Morán participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago political campaign.

329. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of R. Santana-Morán.

330. Defendants dismissed R. Santana-Morán from her job without evaluating her job performance and efficiency.

331. At no time prior to her dismissal did the Defendants discipline R. Santana-Morán or issue a reprimand related to the performance of her duties.

332. Defendants hired someone to substitute for R. Santana-Morán after her dismissal. That person is a member of the PDP.

333. The reason for R. Santana-Morán's dismissal 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.

334. As a result of this dismissal, Defendants have deprived R. Santana-Morán, 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 by dismissing her – 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 Nabel González-Del Valle**

335. Plaintiff González-Del Valle (“González-Del Valle”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

336. González-Del Valle started working for the Municipality of Las Marías in January 2003. At the time of his dismissal, González-Del Valle worked as a Clerk in the Environmental Control and Recycling Office.

337. Defendants refused to renew González-Del Valle's term appointment after its expiration because of his political affiliation with the NPP.

338. Party affiliation is not an appropriate requirement for González-Del Valle's position. At all times relevant and material hereto González-Del Valle was a public employee whose position was not a public policy-making position, or one that required her to perform public policy

functions. González-Del Valle 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.

339. González-Del Valle engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. González-Del Valle principal duties at the time of her dismissal were low-level clerical functions.

340. For the reasons set forth in this Complaint, all Defendants were aware that González-Del Valle is an active member of the NPP. González-Del Valle is politically active on behalf of the NPP within the small community of Las Marías, and served as a polling officer for the NPP. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that González-Del Valle avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

341. Moreover, Defendants also knew or assumed that González-Del Valle had voted for Soto-Santiago, the NPP, and for other NPP candidates in the 2012 elections.

342. During the 2012 political campaign, González-Del Valle participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

343. González-Del Valle served as an NPP polling officer in the General Election of 2012. She was also a ward president for the NPP ("*presidenta de barrio*") in the electoral unit 7 in Las Marías.

344. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of González-Del Valle.

345. Defendants dismissed González-Del Valle from her job without evaluating her job performance and efficiency.

346. At no time prior to her dismissal did the Defendants discipline González-Del Valle or issue a reprimand related to the performance of her duties.

347. Defendants hired someone to substitute for González-Del Valle after her dismissal. That person is a member of the PDP.

348. The reason for González-Del Valle's dismissal 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.

349. As a result of this dismissal, Defendants have deprived González-Del Valle, 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 by dismissing her – 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 Carlos Laboy-Jorge**

350. Plaintiff Laboy-Jorge (“Laboy-Jorge”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

351. Laboy-Jorge started working for the Municipality of Las Marías in January 2009. At the time of his dismissal, Laboy-Jorge worked as a Security Guard in the Department of Public Works.

352. Defendants refused to renew Laboy-Jorge's term appointment after its expiration because of his political affiliation with the NPP.

353. Party affiliation is not an appropriate requirement for Laboy-Jorge's position. At all times relevant and material hereto, Laboy-Jorge was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Laboy-Jorge 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.

354. Laboy-Jorge engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Laboy-Jorge's principal duties at the time of his dismissal were low-level security guard functions.

355. For the reasons set forth in this Complaint, all Defendants were aware that Laboy-Jorge is an active member of the NPP. Laboy-Jorge is politically active on behalf of the NPP within the small community of Las Marías, and served as an NPP polling officer in the General Elections of 2012. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that Laboy-Jorge avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

356. Moreover, Defendants also knew or assumed that Laboy-Jorge had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

357. During the 2012 political campaign, Laboy-Jorge participated in political activities in support of the NPP and Soto-Santiago including, among others, motorvades and events associated with the closing of Soto-Santiago's political campaign.

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

359. Defendants dismissed Laboy-Jorge from his job without evaluating his job performance and efficiency.

360. At no time prior to his dismissal did the Defendants discipline Laboy-Jorge or issue a reprimand related to the performance of his duties.

361. Defendants hired someone to substitute for Laboy-Jorge after his dismissal. That person is a member of the PDP.

362. The reason for Laboy-Jorge's dismissal 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.

363. As a result of this dismissal, Defendants have deprived Laboy-Jorge, 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 by dismissing him – 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 Federico Ruperto-Ríos**

364. Plaintiff Federico Ruperto-Ríos (“F. Ruperto-Ríos”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

365. F. Ruperto-Ríos started working for the Municipality of Las Marías in January 1997. At the time of his dismissal, F. Ruperto-Ríos worked as a Driver in the Municipality's Geriatric Center.

366. Defendants refused to renew F. Ruperto-Ríos' term appointment after its expiration because of his political affiliation with the NPP.

367. Party affiliation is not an appropriate requirement for F. Ruperto-Ríos' position. At all times relevant and material hereto F. Ruperto-Ríos was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. F. Ruperto-Ríos 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.

368. F. Ruperto-Ríos engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. F. Ruperto-Ríos' principal duties at the time of his dismissal were low-level functions related to transporting the elderly back and forth from the Municipality's Geriatric Center.

369. For the reasons set forth in this Complaint, all Defendants were aware that F. Ruperto-Ríos is an active member of the NPP. F. Ruperto-Ríos is politically active on behalf of the NPP within the small community of Las Marías. It was of common knowledge in the workplace of the Municipality of Las Marías (and by Defendants themselves) that F. Ruperto-Ríos avidly supported the NPP, in particular Soto-Santiago who was running for re-election during the 2012 elections.

370. Moreover, Defendants also knew or assumed that F. Ruperto-Ríos had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

371. In the General Elections of 2012, F. Ruperto-Ríos mobilized and transported NPP-affiliated individuals to electoral polling stations to vote for the NPP and Edwin Soto-Santiago.

372. During the 2012 political campaign, F. Ruperto-Ríos participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

373. Defendants knew all these facts, as well as others provided throughout this Complaint in connection with the political affiliation, involvement and activism of F. Ruperto-Ríos.

374. Defendants dismissed F. Ruperto-Ríos from his job without evaluating his job performance and efficiency.

375. At no time prior to her dismissal did the Defendants discipline F. Ruperto-Ríos or issue a reprimand related to the performance of his duties.

376. Defendants hired someone to substitute for F. Ruperto-Ríos after his dismissal. That person is a member of the PDP.

377. The reason for F. Ruperto-Ríos's dismissal 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.

378. As a result of this dismissal, Defendants have deprived F. Ruperto-Ríos 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 by dismissing him – 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 Gil Vázquez-Torres**

379. Plaintiff Gil Vázquez-Torres (“Vázquez-Torres”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

380. Vázquez-Torres started working for the Municipality of Las Marías in August 2008. At the time of his dismissal, Vázquez-Torres worked as a Security Guard in the Department of Public Works.

381. Defendants refused to renew Vázquez-Torres' term appointment after its expiration because of his political affiliation with the NPP.

382. Party affiliation is not an appropriate requirement for Vázquez-Torres' position. At all times relevant and material hereto Vázquez-Torres was a public employee whose position was not a public policy-making position, or one that required him to perform public policy functions. Vázquez-Torres 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.

383. Vázquez-Torres engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. Vázquez-Torres' principal duties at the time of his dismissal were low-level functions as a security guard in the Department of Public Works of the Municipality of Las Marías.

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

385. Moreover, Defendants also knew or assumed that Vázquez-Torres had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

386. During the political campaign of 2012, Vázquez-Torres had a bumper sticker affixed on his vehicle and a flag in front of his home supporting the reelection of Soto-Santiago.

387. During the 2012 political campaign, Vázquez-Torres participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

389. Defendants dismissed Vázquez-Torres from his job without evaluating his job performance and efficiency.

390. At no time prior to his dismissal did the Defendants discipline Vázquez-Torres or issue a reprimand related to the performance of his duties.

391. Defendants hired someone to substitute for Vázquez-Torres after his dismissal. That person is a member of the PDP.

392. The reason for Vázquez-Torres' dismissal 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.

393. As a result of this dismissal, Defendants have deprived Vázquez-Torres, of the income and benefits by which he sustained herself and his family; have subjected him to personal pain and suffering; and have punished him for the exercise of his civil rights by dismissing him – 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 Damaris Méndez-Figueroa**

394. Plaintiff Damaris Méndez-Figueroa (“Méndez-Figueroa”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

395. Méndez-Figueroa started working for the Municipality of Las Marías in April 2000. At the time of her dismissal, Méndez-Figueroa worked as a Coordinator in the Municipality's Child Care Program.

396. Defendants refused to renew Méndez-Figueroa's term appointment after its expiration because of her political affiliation with the NPP.

397. Party affiliation is not an appropriate requirement for Méndez-Figueroa's position. At all times relevant and material hereto Méndez-Figueroa was a public employee whose position was not a public-policy-making position, or one that required her to perform public-policy functions. Méndez-Figueroa 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.

398. Méndez-Figueroa engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. The principal duties of Méndez-Figueroa at the time of her dismissal were low-level clerical duties.

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

400. Moreover, Defendants also knew or assumed that Méndez-Figueroa had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

401. Méndez-Figueroa served as an NPP electoral polling officer in the General Elections of 2012.

402. During the political campaign of 2012, she had a banner of the NPP and a flag supporting the reelection of Soto-Santiago prominently displayed in front of her home.

403. During that time, Méndez-Figueroa also had a bumper sticker affixed on her vehicle supporting the reelection of Soto-Santiago.

404. During the 2012 political campaign, Méndez-Figueroa participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

406. Defendants dismissed Méndez-Figueroa from her job without evaluating her job performance and efficiency.

407. At no time prior to her dismissal did the Defendants discipline Méndez-Figueroa or issue a reprimand related to the performance of her duties.

408. Defendants hired someone to substitute for Méndez-Figueroa after her dismissal. That person is a member of the PDP.

409. The reason for Méndez-Figueroa's dismissal 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.

410. As a result of this dismissal, Defendants have deprived Méndez-Figueroa 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 by dismissing her – 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 Dahiana Sánchez-Pérez**

411. Plaintiff Dahiana Sánchez-Pérez (“Sánchez-Pérez”) is of legal age, a resident of Las Marías, Puerto Rico and a citizen of the United States of America.

412. Sánchez-Pérez started working for the Municipality of Las Marías in September 2001. At the time of her dismissal, Sánchez-Pérez worked as a Housing Inspector in the Municipality’s Child Care Program.

413. Defendants refused to renew Sánchez-Pérez’ term appointment after its expiration because of her political affiliation with the NPP.

414. Party affiliation is not an appropriate requirement for Sánchez-Pérez’ position. At all times relevant and material hereto Sánchez-Pérez was a public employee whose position was not a public policy-making position, or one that required her to perform public policy functions. Sánchez-Pérez 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.

415. Sánchez-Pérez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation. The principal duties of Sánchez-Pérez at the time of her dismissal were low-level functions related to her job as a Housing Inspector.

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

417. Moreover, Defendants also knew or assumed that Sánchez-Pérez had voted for Soto-Santiago, the NPP, and for other NPP candidates during the 2012 elections.

418. Sánchez-Pérez served as an NPP electoral polling officer in the General Elections of 2012 and in previous General Elections and Primaries.

419. During the political campaign of 2012, Sánchez-Pérez participated in political activities in support of the NPP and Soto-Santiago including, among others, motorcades and events associated with the closing of Soto-Santiago's political campaign.

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

421. Defendants dismissed Sánchez-Pérez from her job without evaluating her job performance and efficiency.

422. At no time prior to her dismissal did the Defendants discipline Sánchez-Pérez or issue a reprimand related to the performance of her duties.

423. Defendants hired someone to substitute for Sánchez-Pérez after her dismissal. That person is a member of the PDP.

424. The reason for Sánchez-Pérez' dismissal 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.

425. As a result of this dismissal, Defendants have deprived Sánchez-Pérez 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 by dismissing her – 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)**

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

427. 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.

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

429. 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.

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

431. 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.

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

## **II.**

### **VIOLATIONS TO CONSTITUTION AND LAWS OF THE COMMONWEALTH OF PUERTO RICO**

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

434. 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.

435. 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 \$33,000,000.00, comprised of the following amounts:
  - a. An amount in excess of \$1,000,000.00 for each plaintiff, for a total of \$22,000,000.00, 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 \$11,000,000.00, 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. 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.
5. All applicable interests, including pre- and post- judgment interest.
6. That the Court retain jurisdiction over this action in order to ensure compliance with any decree issued by this Court;
7. Any such other and further relief as the Court may deem just and proper.

8. A jury trial is demanded.

Respectfully submitted, this 25<sup>th</sup> day of November, 2013.

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