

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

JANICE TORRES-TORRES;
EDUARDO BETANCOURT-OTERO;
MIGDALIA SILVA-ACEVEDO;
MARJORIE OCASIO-SANTIAGO;
JAMILETTE RAMÍREZ-SÁNCHEZ;
FREDDY RAMOS-SOTO;
NAISHA CINTRÓN-SANTIAGO;
JOSÉ ROHENA-SOSA;
KEVIN GONZÁLEZ-ÁLVAREZ;
ÁNGEL MALDONADO-ALICEA;
JOSÉ OYOLA-MÁRQUEZ;
CARLOS DE JESÚS-ARZOLA;
LUIS RIVERA-RIVERA; and,
GLADYS ALBERTI-TORRES;

Plaintiffs,

v.

JAIME PERELLÓ-BORRÁS, in his personal capacity and in his official capacity as SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF PUERTO RICO; EDUARDO BHATIA-GAUTIER, in his personal capacity and in his official capacity as PRESIDENT OF THE SENATE OF THE COMMONWEALTH OF PUERTO RICO; JAVIER VÁZQUEZ-COLLAZO in his personal capacity and in his official capacity as SUPERINTENDENT OF THE CAPITOL BUILDING; ROSENDO VELA-BIRRIEL, in his personal capacity and in his official capacity as DEPUTY SUPERINTENDENT IN CHARGE OF OPERATIONS; ÁLVARO VÁZQUEZ-RAMOS, in his personal capacity and in his official capacity as DEPUTY SUPERINTENDENT IN CHARGE OF ADMINISTRATION; MIGUEL A. ARANA-COLÓN in his personal capacity and in his official capacity as HUMAN RESOURCES DIRECTOR AT THE OFFICE OF THE SUPERINTENDENT OF THE CAPITOL BUILDING; JANE DOE; and JOHN DOE,

Defendants.

Civil Action No: _____

COMPLAINT

CIVIL RIGHTS

JURY TRIAL DEMANDED

DAMAGES

DECLARATORY RELIEF

INJUNCTIVE RELIEF

COMPLAINT

TO THE HONORABLE COURT:

Plaintiffs JANICE TORRES-TORRES, EDUARDO BETANCOURT-OTERO, MIGDALIA SILVA-ACEVEDO, MARJORIE OCASIO-SANTIAGO, JAMILETTE RAMÍREZ-SÁNCHEZ, FREDDY RAMOS-SOTO, NAISHA CINTRÓN-SANTIAGO, JOSÉ ROHENA-SOSA, KEVIN GONZÁLEZ-ÁLVAREZ, ÁNGEL MALDONADO-ALICEA, JOSÉ OYOLA-MÁRQUEZ, CARLOS DE JESÚS-ARZOLA, LUIS RIVERA-RIVERA, and GLADYS ALBERTI-TORRES hereby file this Complaint for economic, compensatory and punitive damages, and for declaratory, injunctive and equitable relief, against JAIME PERELLÓ-BORRÁS, in his personal capacity and in his official capacity as SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF PUERTO RICO; EDUARDO BHATIA-GAUTIER, in his personal capacity and in his official capacity as PRESIDENT OF THE SENATE OF THE COMMONWEALTH OF PUERTO RICO; JAVIER VÁZQUEZ-COLLAZO in his personal capacity and in his official capacity as SUPERINTENDENT OF THE CAPITOL BUILDING; ROSENDO VELA-BIRRIEL, in his personal capacity and in his official capacity as DEPUTY SUPERINTENDENT IN CHARGE OF OPERATIONS; ÁLVARO VÁZQUEZ-RAMOS, in his personal capacity and in his official capacity as DEPUTY SUPERINTENDENT IN CHARGE OF ADMINISTRATION; MIGUEL A. ARANA-COLÓN in his personal capacity and in his official capacity as HUMAN RESOURCES DIRECTOR AT THE OFFICE OF THE SUPERINTENDENT OF THE CAPITOL BUILDING; JANE DOE; and JOHN DOE.

INTRODUCTION

1. This case is yet another example of the widespread pattern of political discrimination that plagued the Puerto Rico Legislature in the aftermath of the November 2012 General Election. During the first months after the PDP gained control of the legislature as a result of the November 2012 general elections. Defendants, all PDP affiliated individuals planned, directed, ordered, condoned, allowed, authorized, and/or executed, individually and jointly, copious adverse employment actions against low-level Senate, House and other Capitol Building employees, because they were affiliated (or perceived as being affiliated) with a political party other than the Popular Democratic Party (“PDP”) and/or actively supported a candidate affiliated to a political party other than the PDP.

2. The fourteen (14) Plaintiffs to this action are all former low-level employees of the Office of the Superintendent that fell victims to Defendants’ vicious, insensible, abusive and discriminatory practices. All of these Plaintiffs worked in positions for which political affiliation is not an appropriate requirement, did not have a single complaint as to their work performance, and Plaintiffs’ positions were necessary and essential for the proper functioning of the Puerto Rico Legislature. Plaintiffs also depended on such positions to sustain their relatives and carry out their daily lives—some had even worked at the Office of the Superintendent for nearly two (2) decades. However, Defendants could care less, and preferred that PDP-affiliated individuals occupied such positions, even though these new employees had never performed the duties and that their actions were unconstitutional and illegal. As a result, Defendants deprived these Plaintiffs of a substantial portion of the funds with which they sustained their families and carried out their daily lives simply because, as Defendants perceived, they favored, supported and/or were affiliated with an opposing political party, or a particular candidate affiliated to an opposing political party, particularly the New Progressive Party (“NPP”) and NPP candidates.

3. Such actions are truly shocking to the conscience. As Defendants carried them out while being fully aware, yet intentionally disregarding and playing ostrich to clear and consistent longstanding case law from the Supreme Court of Puerto Rico this Honorable Court, and the United States Court of Appeals for the First Circuit repeatedly proscribing politically-motivated adverse employment actions against government employees that occupy positions for which political affiliation is not an appropriate requirement because of their political affiliation and beliefs.

JURISDICTION

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343, as Plaintiffs' claims arise under the First Amendment to the United States Constitution and are being brought pursuant to 42 U.S.C. § 1983. This Court also has supplemental jurisdiction over all claims arising under the laws and Constitution of Puerto Rico herein asserted pursuant to 28 U.S.C. § 1367.

5. 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 these claims occurred in Puerto Rico.

6. Jury Trial is demanded.

THE PARTIES

Plaintiffs

7. Plaintiff JANICE TORRES-TORRES ("Torres-Torres") had worked at the Office of the Superintendent for over five (5) years – since September 2007 – when the Defendants terminated her on March 15, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Torres-Torres worked at the Human Resources Department of the Office of the Superintendent as an Administrative

Assistant, where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Torres-Torres is a citizen of the United States and currently resides in Ponce, Puerto Rico.

8. Plaintiff EDUARDO BETANCOURT-OTERO (“Betancourt-Otero”) had worked at the Office of the Superintendent for over ten (10) years – since July 2002 – when the Defendants terminated him on January 4, 2013 for exercising his First Amendment Rights and engaging in activity protected by the First Amendment. At the time of his termination, Betancourt-Otero worked at the Transportation Office of the Office of the Superintendent as a Transportation Services Supervisor, where he performed routine functions. Party affiliation is not an appropriate requirement for his position. Betancourt-Otero is a citizen of the United States and currently resides in Bayamón, Puerto Rico.

9. Plaintiff MIGDALIA SILVA-ACEVEDO (“Silva-Acevedo”) had worked at the Office of the Superintendent for almost twenty (20) years – since September 1993 – when the Defendants terminated her on March 15, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Silva-Acevedo worked at the Purchase Office of the Office of the Superintendent in a position as Managerial Affairs Assistant (“*Asistente de Asuntos Gerenciales*”) with duties as a Purchase Agent, where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Silva-Acevedo is a citizen of the United States and currently resides in Bayamón, Puerto Rico.

10. Plaintiff MARJORIE OCASIO-SANTIAGO (“Ocasio-Santiago”) had worked at the Office of the Superintendent for over two (2) years – since October 2010 – when the Defendants terminated her on March 15, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Ocasio-Santiago

worked at the Purchase Office of the Office of the Superintendent in a position as Office Services Assistant (“*Auxiliar de Servicios de Oficina*”) with duties as a Purchase Agent, where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Ocasio-Santiago is a citizen of the United States and currently resides in Ponce, Puerto Rico.

11. Plaintiff JAMILETTE RAMÍREZ-SÁNCHEZ (“Ramírez-Sánchez”) had worked at the Office of the Superintendent for over five (5) years – since August 2007 – when the Defendants terminated her on March 15, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Ramírez-Sánchez worked at the Finance Department of the Office of the Superintendent in a position of Purchase Agent (“*Comprador*”), performing duties as Pre-Intervention Officer where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Ramírez-Sánchez is a citizen of the United States and currently resides in San Lorenzo, Puerto Rico.

12. Plaintiff FREDDY RAMOS-SOTO (“Ramos-Soto”) had worked at the Office of the Superintendent for three (3) years – since February 2010 – when the Defendants terminated him on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Ramos-Soto worked at the Finance Department of the Office of the Superintendent in a position as Office Services Assistant (“*Auxiliar de Servicios de Oficina*”) with duties as a Pre-intervention Officer, where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Ramos-Soto is a citizen of the United States and currently resides in Ponce, Puerto Rico.

13. Plaintiff NAISHA CINTRÓN-SANTIAGO (“Cintrón-Santiago”) had worked at the Office of the Superintendent for close to eight (8) years – since April 2005 – when the Defendants terminated her on March 15, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Cintrón-Santiago worked at the Administrative Services Office of the Office of the Superintendent as an Administrative Assistant, where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Cintrón-Santiago is a citizen of the United States and currently resides in Fajardo, Puerto Rico.

14. Plaintiff JOSÉ ROHENA-SOSA (“Rohena-Sosa”) had worked at the Office of the Superintendent for over seven (7) years – since May 2005 – when the Defendants terminated him on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Rohena-Sosa worked at the Internal Security Office of the Office of the Superintendent as an Internal Security Supervisor, where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Rohena-Sosa is a citizen of the United States and currently resides in San Juan, Puerto Rico.

15. Plaintiff KEVIN GONZÁLEZ-ÁLVAREZ (“González-Álvarez”) had worked at the Office of the Superintendent for over three (3) years – since October 2009 – when the Defendants terminated him on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, González-Álvarez worked at the Internal Security Office of the Office of the Superintendent as a Watchman (“*Celador*”), where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. González-Álvarez is a citizen of the United States and currently resides in Trujillo Alto, Puerto Rico.

16. Plaintiff ÁNGEL MALDONADO-ALICEA (“Maldonado-Alicea”) had worked at the Office of the Superintendent for close to two (2) years – since April 2011 – when he was terminated by the Defendants on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Maldonado-Alicea worked at the Internal Security Office of the Office of the Superintendent as a Watchman (“*Celador*”), where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Maldonado-Alicea is a citizen of the United States and currently resides in Bayamón, Puerto Rico.

17. Plaintiff JOSÉ OYOLA-MÁRQUEZ (“Oyola-Márquez”) had worked at the Office of the Superintendent for about five (5) years – since 2008 – when the Defendants terminated him on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Oyola-Márquez worked at the Internal Security Office of the Office of the Superintendent as a Watchman (“*Celador*”), where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Oyola-Márquez is a citizen of the United States and currently resides in Carolina, Puerto Rico.

18. Plaintiff CARLOS DE JESÚS-ARZOLA (“De Jesús-Arzola”) had worked at the Office of the Superintendent for over six (6) months – since August 2012 – when the Defendants terminated him on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, De Jesús-Arzola worked at the Construction Projects Department of the Office of the Superintendent as an Engineering Assistant (“*Auxiliar de Ingeniería*”), where he performed routine functions. Party affiliation is not an appropriate requirement for such position. De Jesús-Arzola is a citizen of the United States and currently resides in Guayanilla, Puerto Rico.

19. Plaintiff LUIS RIVERA-RIVERA (“Rivera-Rivera”) had worked at the Office of the Superintendent for over two (2) years – since July 2010 – when the Defendants terminated him on March 15, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Rivera-Rivera worked at the Construction Projects Department of the Office of the Superintendent as an Administrative Assistant with duties as Electrician Assistant (*“Auxiliar de Electricista”*), where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Rivera-Rivera is a citizen of the United States and currently resides in Corozal, Puerto Rico.

20. Plaintiff GLADYS ALBERTI-TORRES (“Alberti-Torres”) had worked at the Office of the Superintendent for over six (6) years – since July 2006 – when the Defendants terminated her on March 19, 2013 for exercising her First Amendment Rights and engaging in activity protected by the First Amendment. At the time of her termination, Alberti-Torres worked at the Project Management Office of the Office of the Superintendent as an Administrative Assistant, where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for her position. Alberti-Torres is a citizen of the United States and currently resides in Trujillo Alto, Puerto Rico.

Defendants

21. JAIME PERELLÓ-BORRÁS (“Perelló-Borrás”) is the newly elected Speaker (or President) of the House of Representatives of the Commonwealth of Puerto Rico (“House of Representatives”).

- a. As a result of the November 6, 2012 General Election, the PDP gained a majority of the seats in the House of Representatives.
- b. Immediately after the election, Perelló-Borrás became the frontrunner for the position of Speaker of the House of Representative, and was the only Representative nominated to occupy the position. On or about November 14, 2012, Governor Elect Alejandro García Padilla announced that the PDP caucus in the House of Representatives elected Perelló-Borrás to become the next Speaker of the House of Representatives.
- c. Perelló-Borrás was a Representative for the PDP from January 2nd 2009, until December 31, 2012, under the PDP insignia. As a result of the November 6, 2012 General Election, he was re-elected to the House of Representatives under the PDP insignia.
- d. Perelló-Borrás was more recently sworn in as a Representative on January 2, 2013.
- e. On January 14, 2013, Perelló-Borrás formally became the Speaker of the House of Representatives.
- f. As Speaker of the House Perelló-Borrás is the highest-ranking officer and nominating authority of the House and, by law along with the President of the Senate, of the Office of the Superintendent of the Capitol Building (which hosts both the buildings and offices composing the entire Legislative Branch of the Commonwealth of Puerto Rico).
- g. Perelló-Borrás was actively involved in the transition of both the House and the current Office of the Superintendent.

- h. At all times relevant and material to this action, Perelló-Borrás has been a well-known member of the PDP that has occupied various positions under PDP administrations, including, among others: Special Aide to former PDP Mayor of Carolina, José Aponte de la Torres from 2001 to 2007; adviser in Municipal Affairs to former PDP Governor Aníbal Acevedo-Vilá from 2007 to 2008, and Representative from 2009 to 2012 and reelected for the 2013-2016 term.
 - i. At all times relevant and material to this action Perelló-Borrás has acted under color of state law.
 - j. Perelló-Borrás is sued in this action in his personal capacity, and in his official capacity as Speaker of the House of Representatives and as highest-ranking officer of the Office of the Superintendent.
22. EDUARDO BHATIA-GAUTIER (“Bhatia-Gautier”) is the newly elected President of the Senate.
- a. As a result of the November 6, 2012 General Election, the PDP gained a majority of the seats in the Senate.
 - b. Bhatia-Gautier had been the PDP Senate candidate that received the most electoral votes of any PDP Senate candidate during the general election.
 - c. Following the November 2012 General Election, Bhatia-Gautier immediately became the frontrunner for the position of President of the Senate. On or about November 14, 2012, Governor Elect Alejandro García Padilla announced that the PDP caucus in the Senate elected Bhatia-Gautier to become the next President of the Senate.
 - d. Bhatia-Gautier was sworn in as a Senator on January 2, 2013.
 - e. On January 14, 2013, Bhatia-Gautier formally became the President of the Senate.

- f. Bhatia-Gautier had also been a Senator for the PDP from January 2nd 2009, until December 31, 2013. Hence, as a result of the November 6, 2012 General Election, he was re-elected to the Senate under the PDP insignia.
 - g. Bhatia-Gautier is a well-known member of the PDP who has occupied various high ranking positions under PDP administrations, including, among others: Senator from 1997-2000, 2009-2012, and reelected for the as Senator 2013-2016 term; Executive Director of the Puerto Rico Federal Affairs Administration from 2005-2008; and the PDP's candidate for Mayor of San Juan during the 2000 and 2004 elections (losing to former San Juan Mayor Jorge Santini on both occasions).
 - h. He has also held and currently holds numerous high-ranking positions within the PDP itself.
 - i. Bhatia-Gautier is the highest-ranking officer and nominating authority of the Senate and, by law along with the Speaker of the House, of the Office of the Superintendent of the Capitol Building.
 - j. Bhatia-Gautier, together with the other co-Defendants, and all of their respective agents and employees of their full political trust, were involved in the transition of the current Office of the Superintendent from the Senate to the House.
 - k. At all times relevant and material to this action Bhatia-Gautier has acted under color of state law.
 - l. Bhatia-Gautier is sued in this action in his personal capacity, and in his official capacity as President of the Senate.
23. JAVIER VÁZQUEZ-COLLAZO ("Vázquez-Collazo") is the Superintendent of the Capitol Building ("Superintendent").

- a. As required by law and regulation, Vázquez-Collazo was appointed to such position by consensus between the Speaker of the House of Representatives – co-Defendant Perelló-Borrás – and the President of Senate – co-Defendant Bhatia Gautier.
 - b. Vázquez-Collazo enjoys the full trust—including political trust—of and is loyal to Perelló-Borrás, Bhatia Gautier and the PDP.
 - c. Upon information and belief, it was Perelló-Borrás who recommended, nominated, and designated Vázquez-Collazo to such position.
 - d. Vázquez-Collazo is a well-known, loyal and active member of the PDP who has participated and collaborated with the party in regards to numerous activities and events, including activities and events involving employees of the Office of the Superintendent.
 - e. At all times relevant and material hereto, Vázquez-Collazo was acting under color of state law.
 - f. Vázquez-Collazo is sued in this action in his individual capacity, and in his official capacity as the Superintendent of the Capitol Building.
24. ROSENDO VELA-BIRRIEL (“Vela-Birriel”) is the Deputy Superintendent in Charge of Operations of the Office of the Superintendent.
- a. Vela-Birriel was appointed to such position by Vázquez-Collazo.
 - b. Vela-Birriel enjoys the full trust—including full trust—of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.
 - c. Vela-Birriel is a well-known, loyal and active member of the PDP that has participated and collaborated with the party in regards to numerous activities and events, including activities and events involving employees of the Office of the Superintendent.

- d. During the 2001-2004 term, where the PDP also had control of the Puerto Rico Legislature, Vela-Birriel performed duties as Deputy Superintendent at the Office of the Superintendent, where he met and learned the political affiliations of some of the employees that were terminated from employment on or after January, 2013, including Plaintiffs.
 - e. At all times relevant and material hereto, Vela-Birriel was acting under color of state law.
 - f. Vela-Birriel is sued in this action in his individual capacity, and in his official capacity as Deputy Superintendent in Charge of Operations of the Office of the Superintendent.
25. ÁLVARO VÁZQUEZ-RAMOS (“Vázquez-Ramos”) is the Deputy Superintendent in Charge of Administration of the Office of the Superintendent.
- a. Vázquez-Ramos was appointed to such position by Vázquez-Collazo.
 - b. Vázquez-Ramos enjoys the full trust of and is loyal to both co-Defendants Perelló-Borrás, Vázquez-Collazo, and Vela-Birriel, as well as to the PDP.
 - c. Vázquez-Ramos is a well-known, loyal and active member of the PDP who has participated and collaborated with the party in regards to numerous activities and events, including activities and events involving employees of the Office of the Superintendent.
 - d. At all times relevant and material hereto, Vázquez-Ramos was acting under color of state law.
 - e. Vázquez-Ramos is sued in this action in his individual capacity, and in his official capacity as Deputy Superintendent in Charge of Administration of the Office of the Superintendent.

26. MIGUEL A. ARANA-COLÓN (“Arana-Colón”) is the Human Resources Director of the Office of the Superintendent.

- a. Arana-Colón was appointed to such position by Vázquez-Collazo.
- b. Arana-Colón enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, Vela-Birriel, and Vázquez-Ramos as well as to the PDP.
- c. Arana-Colón is a well-known, loyal and active member of the PDP who has participated and collaborated with the party in regards to numerous activities and events, including activities and events involving employees of the Office of the Superintendent.
- d. At all times relevant and material hereto, Arana-Colón was acting under color of state law.
- e. Arana-Colón is sued in this action in his individual capacity, and in his official capacity as Human Resources Director of the Office of the Superintendent.

27. JANE DOE is an employee of the Office of the Superintendent and/or the House of Representatives whose name and identity are not presently known, but which directly participated in, authorized or condoned – and/or set in motion a series of events directed to – the termination of individuals for their political beliefs, including plaintiffs. At all times relevant and material hereto, Doe was acting under color of state law.

28. JOHN DOE is an employee of the Office of the Superintendent and/or the House of Representatives whose name and identity are not presently known, but which directly participated in, authorized or condoned – and/or set in motion a series of events directed to – the termination of individuals for their political beliefs, including plaintiffs. At all times relevant and material hereto, Doe was acting under color of state law.

FACTUAL ALLEGATIONS¹

GENERAL ALLEGATIONS AS TO ALL PLAINTIFFS

Relevant Background

29. The Office of the Superintendent is the office in charge of keeping and maintaining the buildings, offices and structures of the Puerto Rico Legislative Branch, as well peripheral areas, in optimal conditions. It was created to direct and supervise the maintenance, conservation and repairs that take place in the buildings of the Puerto Rico Legislative Branch.

30. Law 4 of 1977, as amended, created the Office of the Superintendent of the Capitol Building. Said law states that the “Office of the Superintendent shall be directed by a person to be appointed by mutual agreement of the President of the Senate of Puerto Rico and the Speaker of the House of Representatives of Puerto Rico.”

31. Under Puerto Rico law, moreover, the “President of the Senate and the Speaker of the House of Representatives of Puerto Rico shall appoint necessary personnel to achieve the purpose of” the Office of the Superintendent of the Capitol Building.

32. Puerto Rico law further vests the Superintendent with the power to “establish the internal organization of the Superintendent's office, and to plan, direct, and supervise its operation.” In short, the office’s day to day administration and operations.

33. On September 28, 2000, a Personnel Regulation was approved at the Office of the Superintendent with the signatures of Charlie Rodríguez Colón, then President of the Senate, and Edison Mislá Aldarondo, then Speaker of the House of Representatives. Said regulation – which has not been amended to this date – states that the President of the Senate and the Speaker of the House of Representatives “will appoint by mutual agreement the Superintendent

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

of the Capitol Building, who in turn will appoint the personnel necessary to operate the Office of the Superintendent of the Capitol Building”.

34. Besides the Office of the Superintendent, the Office of Legislative Services is another office that provides support to the legislative bodies in Puerto Rico—i.e. the House of Representatives and the Senate. It has been a tradition at the Puerto Rico legislature that every four-year term the internal administration and operation of each of these support offices is transferred from one president of a legislative body to the president of the other legislative body.

35. During the 2005-2009 term then NPP-affiliated Speaker of the House Jose Aponte oversaw the administration and operation of the Office of the Superintendent, and during the 2009-2012 term it was NPP-affiliated then-Senate President Thomas Rivera-Schatz. On the other hand, then Speaker of the House, Jenniffer González-Colón oversaw the operations and administration of the Office of Legislative Services during the 2009-2012 term.

36. Thus, between January 2005 and December 2013, Superintendents appointed by NPP administrations administered the Office of the Superintendent.

37. From January 2005 to late 2006, the Superintendent was Ms. Nélica Santiago, and from late 2006 to December 2013, the Superintendent was Mr. Eliezer Velázquez.

38. Plaintiffs all worked in the Office of the Superintendent.

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

40. In that election PDP gubernatorial candidate Alejandro Garcia-Padilla defeated now-former Governor Luis G. Fortuño-Burset, who was running for reelection on the ticket of the NPP. The PDP also won the majority of the seats in the Senate and in the House of

² The November 6, 2012, “General Election” involved elections for all state-wide offices (the Governor, the Resident Commissioner, 11 Senators at large, 16 Senators by district, 11 Representatives at large, 40 Representatives by district), all municipal offices (78 Mayors and 78 Municipal Legislative Assemblies of between 9 and 33 members each) and a plebiscite whereby the people selected amongst acceptable status options.

Representatives; vesting the PDP with control of both legislative bodies and the right to select the bodies' presidents from amongst the PDP delegations.

41. The PDP is thus the political party in power at this time. It controls both the Executive and Legislative Branches.

42. As a result, it also controls the Office of the Superintendent.

43. Pursuant to Article 3, Section 8 of the Puerto Rico Constitution, the newly elected members of the legislative branch were sworn in on January 2nd, 2013.

44. Since immediately after the election, however, defendants nevertheless began exercising their influence as reelected members of the legislature to be appointed to powerful positions, and exercised de facto authority—effectively directing and influencing the affairs of the legislature, including the Office of the Superintendent, within weeks of the election.

45. As a result of the change of administration during the present term – from 2013 to 2016 –the President of the Puerto Rico Senate – Defendant Eduardo Bhatia-Gautier – oversees the day to operations and administration of the Office of Legislative Services, while co-Defendant Perelló-Borrás oversees the operations and administration of Defendant Office of the Superintendent.

46. Consequently, co-Defendant Perelló-Borrás recommended and nominated co-Defendant Vázquez-Collazo for Superintendent. Co-Defendant Bhatia-Gautier agreed, as required by law.

47. In or about mid-late November 2012, a transition committee was established to provide for the transition in the House of Representatives from the NPP to the PDP. In a similar fashion, a Transition Committee was established to provide for the transition at the Office of the Superintendent from the former-NPP-controlled Senate to the now-PDP-controlled House.

48. Because Perelló-Borrás was elected by the PDP caucus to become the new Speaker of the House, he appointed a majority – if not all – of the members of the transition committees for both the House of Representatives and the Office of the Superintendent.

49. On or about November 26, 2012, Perelló-Borrás sent a letter to former Superintendent Eliezer Velázquez informing him that he was designating co-Defendant Vázquez-Collazo and Attorney Luis Rivera Martínez to begin with the transition process of the Office of the Superintendent.

50. These individuals – as well as all the other involved in the transition process on behalf of the incoming administration – were loyal PDP and Perelló-Borrás followers.

51. They executed numerous orders and/or carried out numerous commands on behalf of Perelló-Borrás during the transition process and acted as his agents on numerous occasions.

52. Co-Defendants Perelló-Borrás, Vázquez-Collazo, Vela-Birriel and Vázquez-Ramos were involved in and actively participated during the transition process.

53. In or about early December 2012, all the managers in charge of the different areas of service at the Office of the Superintendent made a presentation to the incoming transition committee regarding the status of their respective areas. Co-Defendants Perelló-Borrás Vázquez-Collazo, Vela-Birriel and Vázquez-Ramos were all present during the presentation.

54. The members of the transition committee and all Defendants requested and/or were given access to and personally verified all records of the Office of the Superintendent, including personnel lists and employee information. They have also had these lists in their possession at all times relevant and material to this action.

55. They were given access, as per their request, to a list of all employees that specifically included the dates on which each employee began working at the Office of the Superintendent.

56. Co-Defendants, and in particular Perelló-Borrás and Bhatia-Gautier, as high-ranking PDP officials, have unrestricted access to PDP information, personnel, resources, and documents within the possession custody and/or control of the PDP and/or its officers, employees, personnel and/or agents. In particular, they have access to electoral lists, donation records, volunteer lists, and other information showing PDP-affiliated voters and loyal PDP supporters. They verified (and had, authorized, condoned, or provided their agents and employees of their political trust) with this record for the purpose of engaging in political discrimination and retaliation.

57. At all times relevant and material hereto, co-Defendants' staffs were composed of loyal and active PDP followers with a long history in the PDP. All Defendants appointed to and/or selected these individuals for supervisory positions in the House and in the office of the Superintendent immediately after the change in administration. Some of these individuals had worked in the Puerto Rico Legislature (including the Senate, House and Office of the Superintendent) during previous years.

58. As early as the first week of December 2012, former Superintendent Eliezer Velázquez issued a memo to all the managers and directors informing that as part of the transition process members of the incoming transition committee, including co-Defendant Vázquez-Collazo, would visit the work areas at the Office of the Superintendent to have personal contact with the employees of the agency.

59. Defendants in effect visited the different departments and offices throughout the Office of the Superintendent, including Plaintiffs' work-areas, and saw Plaintiffs performing their work, during occasions relevant and material to this action.

60. During said visits, co-Defendants Vázquez-Collazo, Vela-Birriel and Vázquez-Ramos—under the direction and authorization of the other co-Defendants—talked to the employees in their work areas, and specifically asked them their names, positions, duties and, curiously, the date on or administration under which they had begun working at the Office of the Superintendent. As discussed further below, these conversations had the purpose of acquiring information regarding political affiliations.

61. At all times relevant and material hereto, Plaintiffs were employees of the Office of the Superintendent 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.

62. In fact, on September 24, 2007, former Capitol Superintendent Eliezer Velázquez signed Administrative Order No. 02-FY-07-08, which established that a new Classification Plan would become effective on October 1, 2007. Said Administrative Order also defined the two kinds of personnel status and categories within the new Classification Plan as “regular trust” employees – defined as those employees whose positions did not entail the execution of public policy and for which political affiliation is not an appropriate requirement – and “strict trust” employees – defined as those employees whose functions entail the execution of public policy and for which political affiliation is an appropriate requirement.

63. Copy of the Administrative Order No. 02-FY-07-08, as well as of the classification plan that became effective on October 1, 2007, were handed to Perelló-Borrás, Vázquez-Collazo and the other co-Defendants during the transition process.

64. All Plaintiffs' positions were among those classified as “regular trust” – or just “trust” as opposed to “strict trust” – within the classification plan that became effective on October 1, 2007.

65. Regardless of its label, none of the Plaintiffs performed functions of close propinquity to policy-making employees, nor did such Plaintiffs otherwise had access to politically sensitive information or confidential information related to public policy matters or the legislative process. In short, political affiliation was not an appropriate requirement of Plaintiffs' positions.

66. Furthermore, none of the Plaintiffs had ever received a negative evaluation of his/her work performance at the Office of the Superintendent, whether verbally or in writing.

The Office of the Superintendent, Before and After the November 6, 2012 General Election

67. As noted before, all Plaintiffs had worked at the Office of the Superintendent during the previous NPP administrations and were affiliated to and had been politically active on behalf of a political party other than the PDP, specifically the NPP. Some of these Plaintiffs had even worked at the Office of the Superintendent for nearly two (2) decades and were well known NPP affiliates.

68. The Office of the Superintendent – which is a fairly small working place of about 300 employees divided into smaller departments – had a highly charged political atmosphere in the months leading to the November 2012 election; and atmosphere that became increasingly more politically charged and harassing the months that followed the November 2012 election.

69. This is so because of the very nature of the Legislature—which hosts numerous politicians, and their politically loyal staffers and employees, all of whom are very active in Puerto Rico politics.³

70. Because of the political nature of the Puerto Rico Legislature, political affiliations are commonly known, and easy to perceive and to figure out.

³ To be sure, the Legislature also has so-called “administrative” employees, which—like Plaintiffs—do not work for or have any working-relationship with any particular senator or representative.

71. Defendants (and their agents and employees of their full trust) are well aware of Plaintiff political affiliation and participation to a party other than the PDP and its candidates, in particular the NPP and NPP-affiliated candidates, and/or perceived them as being affiliated to and having participated on behalf of the NPP.

72. All of the Defendants (and their agents and employees of their full trust) also knew, assumed, and/or perceived that the Plaintiffs had voted for the NPP and/or for NPP-affiliated candidates, or for candidates not affiliated to the PDP, during the 2012 election.

73. Besides NPP-affiliated employees, the Office of the Superintendent also hosted numerous PDP-affiliated employees before the November 2012 election, some of which were promoted by Defendants to high-level political-trust positions within months after winning the same.

74. The Office of the Superintendent is a fairly small and highly politicized place of work, where all employees constantly interact on a daily basis, and where politics are commonly discussed and the political affiliations of employees are well known, including by Defendants. All Plaintiffs worked in even smaller work areas at the Office of the Superintendent.

75. Most if not all of the employees of the Office of the Superintendent, including Plaintiffs, were very active in political campaigns, and enthusiastically participated in NPP political activities and events, and those of NPP political candidates.

76. It was common knowledge at the Office of the Superintendent (including by Defendants and employees of their political-trust) that all Plaintiffs avidly supported the NPP or particular NPP-affiliated candidates for and during the 2012 elections and that these Plaintiffs were active during the NPP's electoral campaign.

77. At all times relevant and material to this action, NPP- and PDP- affiliated employees of the Office of the Superintendent and the Legislature in general, including Plaintiffs and Defendants, openly revealed, endorsed or promoted their political affiliations to or in the presence of co-workers and supervisors, including to Defendants themselves; praised their respective party candidates and status preferences; and publicly discussed their attendance to their parties' activities and events. All Defendants (and Defendants' agents and employees of their political trust) had access to this information readily available; and they were personally aware, made aware, and directed others to become aware, of many such facts.

78. Employees of the Office of the Superintendent, including Plaintiffs, Defendants, and PDP-affiliated employees of the Office of the Superintendent and House – such as employees of Defendants' political trust, and PDP-affiliated individuals who ascended to or were appointed to supervisory positions –openly and actively debated amongst themselves their respective political parties' platforms, stances on certain issues, and candidates.

79. Defendants, employees of Defendants' political trust, and PDP-affiliated individuals who were eventually ascended to or were appointed to supervisory positions by Defendants, were active participants during these debates and/or personally witnessed Plaintiffs debate in favor of the NPP, candidates affiliated with the NPP, and/or the positions and ideals of the NPP and NPP-candidates, amongst other comments tending to show their affiliation to political parties other than the PDP (specifically, the NPP), thereby gathering personal knowledge of Plaintiffs political affiliation.

80. As part of their participation in the adverse employment actions at issue herein Defendants directed and/or used Office of the Superintendent employees of their political trust (and other House employees of their political trust) to gather information pertaining to

Plaintiffs' political affiliations and to execute adverse employment actions because of political affiliations and beliefs, including the adverse employment actions asserted herein

81. Moreover, in the days leading up to the General Election, employees of the Office of the Superintendent wore clothing and/or accessories with their respective party colors. Plaintiffs did not express or demonstrated any sympathy whatsoever to the PDP or any PDP candidate in such a manner during the same period. As such, they were perceived as political opponents.

82. The highly-charged political atmosphere in the Plaintiffs' different work areas became increasingly hostile and harassing during the weeks leading up to the November 2012 election, and in the months thereafter, particularly the days before – and the weeks that followed – the appointment of the new administration at the Office of the Superintendent, and the swearing in of Perelló-Borrás as Speaker of the House of Representatives and Bhatia-Gautier as President of the Senate.

83. In the months after the election, including the months of December 2012 and January 2013, PDP-affiliated employees proudly and repeatedly wore the PDP's red and white colors to signal their loyalty to the PDP.

84. Moreover, on January 2nd, 2013 was the swearing-in of the newly elected PDP-affiliated Governor of Puerto Rico, which takes place in the Capitol Building, and of the newly elected PDP-majority of the Senate and the House of Representatives. Although, unsurprisingly, some employees affiliated to the NPP that worked in the administrative areas were told not to come to work, other NPP-affiliated employees that worked in specific areas, such as some Plaintiffs, had to work.

85. On said date, employees affiliated to the PDP could be seen proudly wearing and displaying the red and white colors of the PDP.

86. Plaintiffs did not express or demonstrated any sympathy whatsoever to the PDP or any PDP candidate in any of the aforementioned manners during such period—facts known to all Defendants to this action and to their agents and employees of their political trust.

87. As such, they were perceived as political opponents, and constantly harassed, threatened and mocked, including by Defendants themselves on the basis of their political affiliation and beliefs. Among the threats was the loss of employment, as discussed further below.

88. After the election, PDP-affiliated employees were obviously happy and cheerful, while NPP-affiliated employees – like the Plaintiffs – were not. On such occasions, individuals who were not happy and cheerful – such as the Plaintiffs – were perceived b as affiliated with a party different than the one in power (the PDP), in particular the NPP; including by all Defendants (and their agents and employees of their political trust), who continuously roamed around the Office of the Superintendent, including Plaintiffs’ work areas and saw that Plaintiffs were not celebrating, but rather were discouraged and frustrated by the election results. During such instances these individuals were constantly politically discriminated and harassed.

89. Immediately after the election, PDP-affiliated employees – including Defendants and employees of their political trust – began constantly harassing individuals affiliated with or perceived to be affiliated with political parties other than the PDP. Such conduct remains to this day and which has resulted in a chilling effect and has had a compromising effect on Plaintiffs First Amendment rights and their desires to engage in activities protected by the First Amendment.

90. One of the first actions of the Defendants after taking control of the Office of the Superintendent and the legislature in general was to change the logo of the office, as well as the employees’ identification card to bear red and white colors—the colors of the PDP.

91. Defendant Perelló-Borrás even spent thousands of taxpayer funds remodeling his Presidential Office with red and white furniture—even purchasing and decorating a red and white Christmas tree.

92. During numerous occasions PDP-affiliated individuals, including Defendants, their agents and employees of their political trust, were heard making comments in the Office of the Superintendent, and in the Legislature in general, to the effect that the days of employees affiliated to political parties other than the PDP—in particular individuals affiliated to the NPP—including Plaintiffs, had their days numbered. Statements to the effect that the new administration needed space to accommodate “their people” or “persons whom they could trust” would usually follow these comments.

93. For example, after the results of the election were known, a PDP-affiliated secretary every day told one of the Plaintiffs in a demeaning, revengeful and retaliatory way that he and his NPP friends was going to be terminated soon because of their political preferences.

94. In a similar fashion, Edgar Berríos – who was later appointed by the Defendants as Supervisor of the Electricians – would constantly tell one of the Plaintiffs to this action in a demeaning, revengeful and retaliatory manner that her days at the Office of the Superintendent were numbered, as she was leaving soon.

95. In another incident, Oscar Colón, the Deputy Director of Internal Security told one of the Plaintiffs to this case in a demeaning, revengeful and retaliatory manner that he would be terminated soon because his duties could be easily performed, and his position one that can easily be filled, as there was demand for it.

96. In yet another separate incident, co-Defendant Vela-Birriel said in front of one of the Plaintiffs to this case in a demeaning, revengeful and retaliatory manner, that “everything was going to change soon and that they [referring to the NPP-employees, including the Plaintiff] were going to go soon.”

97. In fact, these comments were not unfounded; as even before the change of administration (during the months of November and December, 2012) loyal Perelló-Borrás, Vázquez-Collazo and PDP followers – including individuals that ultimately substituted the Plaintiffs in their positions – were seen roaming around the Office of the Superintendent with employment application documents. It was obvious that these were to be the new employees that would be substituting Plaintiffs.

98. In another separate instance, one of the Plaintiffs in this case asked one of the drivers for a favor without noticing that Fernando Nazario, the new Supervisor of Transportation Services, was there. When she noticed Fernando Nazario’s presence, she asked whether he could authorize what he was requesting and in a sarcastic manner stated: “of course, that’s why we are in power”.

99. As noted before, as soon as the PDP won the election, Defendants, their political-trust employees and employees of the Office of the Superintendent in general – acting pursuant to the instructions and authorization of Defendants – initiated a campaign to verify and/or to gather information tending to show the political affiliation of those employees at the Office of the Superintendent who were not affiliated to the PDP, including Plaintiffs, for the purpose of discriminating and retaliating against them for having opposing political views and beliefs.

100. This was fairly easy to do, as noted before. Defendants and employees of Defendants’ political-trust worked in the Office of the Superintendent and House for years and, for the reasons explained above, knew who was and who was not affiliated to the PDP. Defendants also

directed, authorized and condoned that loyal PDP-followers, including employees of their political trust at the office of the Superintendent and the House, gathered information pertaining to the political views and affiliations of the employees at the Office of the Superintendent, including those of the Plaintiffs, and to provide them to Defendants.

101. Defendants—and/or others upon Defendants instructions, direction, condonation or authorization (whether explicitly, implicitly, tacitly or expressly)—were provided with and used this information to execute the adverse employment actions giving rise to this Complaint. Unsurprisingly, individuals attempting to ascertain the political affiliations of employees at the Office of the Superintendent during the months that followed the 2012 General Election – and who gathered this information – were promoted to political-trust positions after the change in administration of the Office of the Superintendent.

102. Plaintiffs had participated in the entourages of NPP-affiliated candidates and would be seen on TV, heard on the radio, and seen in newspapers or in the candidates' public Facebook and other social media pages. Some Plaintiffs were staunch defenders of the NPP in their non-private Facebook accounts, YouTube and other social media sites that anybody can access.

103. Thus, Defendants and individuals acting pursuant to Defendants' direction, instructions, condonation, authorization (whether directly or indirectly, tacitly or implicitly) verified these sources and accounts—as well as other sources such as PDP, Senate, and Office of the Superintendent records and lists—in order to determine, ascertain and verify the political affiliations of legislature and Office of the Superintendent Employees with the purpose of discriminating against and/or retaliating against employees of the Office of the Superintendent affiliated to a political party other than the PDP, in particular the NPP, including Plaintiffs.

104. Moreover, as also noted above, PDP-affiliated members of the incoming transition committee were provided a list of all employees of the Office of the Superintendent that included the date of their hiring. Historically, when an administration at the Office of the Superintendent has an opportunity to hire new employees, the individuals hired are usually affiliated with and loyal to the political party in power, making political affiliations known to by the date of hiring.

105. As noted before, (with one exception) all Plaintiffs had been hired under NPP administrations, fact known to all Defendants in this case. The only Plaintiff that was hired during a PDP administration, however, was nonetheless perceived by the employees of the Office of the Superintendent, including Defendants, as a PDP follower. Despite that, said Plaintiff publicly supported former Superintendent Eliezer Velázquez's candidacy for a Senate seat under an NPP ticket and participated in his campaign—fact known to all Defendants to this action.

106. For this reason, as also noted before, Defendants and/or individuals acting on their behalf, direction or authorization, would routinely ask Plaintiffs the dates on which they began working in the Office of the Superintendent.

107. Furthermore, on some occasions, Defendants, and/or individuals of Defendants' political trust, and/or other PDP-affiliated employees of the Office of the Superintendent, acting pursuant to Defendants' instructions and/or authorization, asked Plaintiffs when and how they began working at the Office of the Superintendent with the purpose of ascertaining whether they were not PDP followers.

108. This employment list and/or information gathered was provided to, shared with, and reviewed by all Defendants to discriminate against employees of the Office of the Superintendent because of their political affiliations and beliefs.

109. Furthermore, upon information and belief, Defendants personally reviewed the personnel records at the Office of the Superintendent, and compared these to PDP documents that identified PDP-affiliated voters, in order to ascertain the political affiliations of all employees at the Office of the Superintendent, and/or directed, instructed or authorized others (whether directly, indirectly or tacitly) to do this on their behalf, or otherwise gather information related to the political affiliations of all employees of the Office of the Superintendent, and to provide Defendants with this information, for the purpose of discriminating against and/or retaliating against individuals such as Plaintiffs for being affiliated with a political party other than the PDP and/or for being perceived as being affiliated with a political party other than the PDP.

110. The aforementioned employment list and/or information gathered was provided to, shared with, and reviewed by all Defendants to discriminate against employees of the Office of the Superintendent because of their political affiliations and beliefs.

111. In fact, it was of common knowledge in the Legislature that Defendants even compiled a list and created profiles of legislature and Office of the Superintendent employees whom they understood not to be affiliated with the PDP, in particular NPP-affiliated individuals that had participated in NPP campaigns. Individuals known to Plaintiffs saw these lists.

112. Indeed, PDP-affiliated employees of the Office of the Superintendent, including newly appointed PDP-affiliated Supervisors, Defendants themselves, and employees loyal to Defendants and the PDP, constantly made reference to a list of employees to be terminated on the basis of their political beliefs and affiliations during times relevant and material hereto, and specifically stated that the Defendants were creating a list of all employees affiliated to political parties other than the PDP; in particular NPP-affiliated employees or employees who were perceived by the Defendants as being affiliated to or having voted for the NPP or for candidates affiliated with the NPP.

113. Individuals known to Plaintiffs saw these lists.

114. As discussed more in detail below, Defendants, including Perelló-Borrás and Bhatia-Gautier, also directed, promoted, authorized and condoned adverse employment actions (including terminations) against any and all individuals affiliated with or perceived as being affiliated with a political party other than the PDP on a generic basis – i.e. even without knowing the individual(s) name or position – if such individual(s) was (or were) affiliated with or were perceived to be affiliated with a political party other than the PDP and/or supported – or were perceived as having supported an NPP-affiliated candidate.

115. As discussed more in detail below, Perelló-Borrás, Bhatia-Gautier, Vázquez-Collazo and the other co-Defendants also set in motion a series of events or acts with full knowledge that these were to culminate – and intending that such acts culminated – in mass firings of NPP-affiliated employees, or employees affiliated with a political party other than the PDP, because of and in retaliation for their 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, the right not to speak out on and participate in political and public policy matters, and the right of political association.

116. With blatant and reckless disregard to the constitutional rights of humble, hard-working individuals with no complaints as to their work performance, Defendants initiated a campaign to purge and clear the Office of the Superintendent of individuals affiliated to – or perceived to be affiliated to – a political party other than the PDP, in particular of NPP-affiliated individuals, and/or employees who supported – or were perceived as having supported – an NPP-affiliated candidate, solely for these having exercised their First Amendment rights and for having engaged in activities protected by the First Amendment.

117. In the months following Defendants' assumption of power many NPP employees were terminated by the Defendants and/or Defendants refused to renew their contracts. Defendants also substituted them with loyal PDP followers.

118. Such acts should not only be looked upon as individual acts that implicate the Constitution and other provisions asserted herein, but also as part of a widespread pattern and practice that not only permeates the entire legislative branch of the Commonwealth of Puerto Rico. Similar events transpired in the Senate, which have already given rise to other complaints. *See, e.g. Amended Complaint, Rivera Carrasquillo, et al. v. Bhatia-Gautier, et al.*, Civil No. 13-1384, Docket Document No. 6; Complaint, Garcia-Matos, et al. v. Bhatia-Gautier, et al., Civil No. 13-1384 (D. Puerto Rico), Docket Document No. 1. The factual averments in such complaints are respectfully incorporated herein.

Defendants Politically Motivated Discriminatory and Retaliatory Acts

119. As noted above, Pursuant to Article 3, Section 8 of the Puerto Rico Constitution, the newly elected members of the legislative branch were sworn in on January 2nd, 2013.

120. Perelló-Borrás immediately recommended the appointment of co-Defendant Vázquez-Collazo as Superintendent. The President of the Puerto Rico Senate, Eduardo Bhatia-Gautier, favored such recommendation.

121. As such, co-Defendant Vázquez-Collazo – jointly and in close coordination with co-Defendant Perelló-Borrás – is in charge of the internal administration and operation of the Office of the Superintendent. They both organize and direct the activities related to the operation of said agency including, among others, the selection, appointment, classification, promotion, retribution, discipline, layoff, termination, and sanctions of the personnel at the Office of the Superintendent.

122. Co-defendants Vázquez-Collazo and Perelló-Borrás are in charge of all personnel decisions and order, direct, condone and/or approve all personnel decisions, including the adverse employment actions giving rise to this complaint.

123. As noted above, Vázquez-Collazo and Perelló-Borrás were exercising their newly acquired powers and influence since the days after the election.

124. As early as January 4, 2013, politically motivated terminations began taking place in the Office of the Superintendent and House in general, including the termination of one of the Plaintiffs to this case, whose termination letter was given by co-defendants Vázquez-Collazo and Vázquez-Ramos and signed by co-Defendant Vázquez-Collazo.

125. The political motivations behind this termination were so obvious that the day of his termination, his PDP-affiliated substitute was already at the Office of the Superintendent and interacted with him.

126. Moreover, when co-Defendants Vázquez-Collazo and Vázquez-Ramos gave said Plaintiff his termination letter, they told him that he was dismissed because they “have to bring in the people of Perelló-Borrás’ trust ... the people who helped Perelló-Borrás during the campaign.”

127. The Plaintiff told co-Defendants Vázquez-Collazo and Vázquez-Ramos that apparently not even him—whom had begun working under a PDP administration—was safe. Vázquez-Collazo and Vázquez-Ramos responded that he had nevertheless been active during and participated in Eliezer Velázquez’s campaign for Senator under the NPP insignia; and that, as a result, he had to go.

128. Perelló-Borrás formally assumed the position of Speaker of the House of Representatives, and Bhatia-Gautier as President of the Puerto Rico Senate, on January 14, 2013 although, as noted, they were exercising their newly acquired powers and influence as being the incoming presidents of the legislative bodies since the days after the election.

129. Not coincidentally, within weeks of Perelló-Borrás' swearing-in as Speaker of the House of Representatives and Vázquez-Collazo's former appointment as Superintendent, numerous NPP-affiliated employees, or those perceived as being affiliated to a political party other than the PDP, or employees that supported NPP-affiliated candidates – including Plaintiffs – were terminated by Defendants because of their political affiliation, participation and beliefs; their exercise of First Amendment rights; and/or their involvement in activities protected by the First Amendment to the U.S. Constitution.

130. Perelló-Borrás, Vázquez-Collazo and the other co-Defendants participated in, and authorized, directed, condoned and/or executed (directly, indirectly, explicitly and/or tacitly) the terminations of employees of the Office of the Superintendent (and many more employees of the Legislature) affiliated to—or who were perceived by Defendants, their agents, and employees acting pursuant to Defendants' instructions as being be affiliated with—a political party other than the PDP and PDP candidates, in particular the NPP and NPP-affiliated candidates, including the Plaintiffs; because of and in retaliation for such employees' 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, the right not to speak out on and participate in political and public policy matters, and the right of political association and affiliation, among others).

131. Perelló-Borrás, Vázquez-Collazo Bhatia-Gautier, and the other co-Defendants participated in, and authorized, directed, condoned and/or executed (directly, indirectly, explicitly and/or tacitly) the terminations of employees of the Office of the Superintendent (and many more employees of the Legislature) affiliated to—or who were perceived by Defendants, their agents, and employees acting pursuant to Defendants’ instructions as being be affiliated with—a political party other than the PDP and PDP candidates, in particular the NPP and NPP-affiliated candidates, including the Plaintiffs, on a generic and general basis (i.e. without knowing the employee or his position); because of and in retaliation for such employees’ 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, the right not to speak out on and participate in political and public policy matters, and the right of political association and affiliation, among others).

132. Co-Defendants Perrelló-Borras, Bhatia-Gautier, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos and Arana-Colón also knowingly set in motion a series of events with full knowledge that these were to culminate in – and intending that such acts culminated in – mass firings of NPP-affiliated employees, or employees affiliated with a political party other than the PDP, such as Plaintiffs; because of and in retaliation for such employees’ 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, the right not to speak out on and participate in political and public policy matters, and the right of political association and affiliation, among others).

133. In fact, Defendants openly admitted this, without hesitation, even to some the Plaintiffs to this case, and to the press. For example, co-Defendants Vázquez-Collazo and Vázquez Ramos told one of the Plaintiffs in this case that they were terminating his services because they needed to “bring in their people”.

134. On various occasions before—but in particular after—the General Election, and in the days leading up to and following the change in administration, Defendants (including Perelló-Borrás, Vázquez-Collazo, Vázquez Ramos, Vela-Birriel and Arana-Colón) and employees of their political-trust, as well as other PDP-affiliated employees of the Office of the Superintendent—including newly appointed supervisors—stated in a similar and consistent manner, one after the other, that they were going to get rid of “those who were not affiliated to the PDP” and “those belonging to the NPP”.

135. In a similar fashion, NPP-affiliated employees – or employees perceived to be affiliated to a party other than the PDP – such as Plaintiffs, were constantly and repeatedly being told by these individuals that their “days were numbered” and that “they were going to leave soon”.

136. Defendants also repeatedly stated other variations of these words and phrases.

137. After he learned about the termination of some of the Plaintiffs, Fernando Nazario, the new Supervisor of Transportation Services – appointed by Vázquez-Collazo, with the approval of Perelló-Borrás – went to say goodbye to two (2) of the Plaintiffs in this case. There he told the Plaintiffs that the determination to terminate their appointments was not his and that they were just following orders from the Speaker.

138. In fact, some newly appointed PDP-affiliated Supervisors stated on numerous occasions that if it were up to them they would retain individuals affiliated with – or perceived as being affiliated with – political parties other than the PDP (including NPP-affiliated employees)

because these were good employees; but that they nonetheless had to follow instructions “from above.”

139. In another incident, co-Defendant Vela-Birriel told a close relative to one of the Plaintiffs in this case that the reason for the termination was because the Plaintiff had been targeted because of her political participation and activism, and that Perelló-Borrás and Vázquez-Collazo had information as to the political involvement of the NPP employees at the Office of the Superintendent.

140. On one specific occasion in or about mid-December, 2012, an individual known to Plaintiffs was in the hall near the Human Resources Office of the Office of the Superintendent of the Capitol Building, and saw Perelló-Borrás, talking to a group of people. By then, it was well known that Perelló-Borrás was to be the upcoming House President.

141. The individual could hear Perelló-Borrás openly state to the persons he was with that “I am not going to rest until I get rid of all the son of the bitches NPP’ers in the Capitol” (“*no voy a descansar hasta que bote a todos los hijos de puta PNP’s del Capitolio*”).

142. But this is not the only incident that shows Perelló-Borrás’s direct and indirect participation, involvement, intent, motivation and animus in politically motivated adverse employment actions such as the ones at issue her.

143. It was well-known that Perelló-Borrás openly stated on various occasions during times and in places relevant and material to this action that the budget of the House—and, consequently, of the Office of the Superintendent—was “now for us.” He further stated that he was going to “clean house,” that no NPP was going to remain working there, and that he was going to “get rid of all of the NPP’ers” on numerous occasions relevant and material to this action. He made these statements and other variances of the same.

144. On one specific incident relevant and material to this action, Defendant Perelló-Borrás was walking around the Capitol Building. He is suddenly told something and stops; while looking at a well-known NPP-affiliated employee suddenly states something to the effect that “they should pick up and leave ... I am the one in charge here ... not a single NPP is going to stay ... I am going to clean the house.”

145. On another incident an individual affiliated to the NPP that was terminated from a position in the House approaches Perelló-Borrás and tells him that she was just terminated, that she had worked there for 14 years and is a single mother of two children. Defendant Perelló-Borrás responded “how much? Fourteen? We have not gotten rid of anybody with more than ten years.” He then asks for her information and, while pretending to write it down, told her he was going to help her. Nothing happened.

146. Furthermore, countless House Supervisors when handing out termination letters or informing NPP-affiliated individuals that their contracts were not going to be renewed specifically implicated Defendant Perelló-Borrás and stated that those were his wishes and that he needed the positions to accommodate those who had helped him and the PDP in the campaign.

147. That Bhatia-Gautier participated directly and indirectly in politically motivated adverse employments actions is also well known, and not only because Puerto Rico law accordingly provided (*see supra*). In an interview with Mr. Félix J. García-Hidalgo, of the Puerto Rican radio station “WAPA” that was held on January 16, 2013, Bhatia-Gautier publicly declared:

“[...]

MR. FÉLIX J. GARCÍA HIDALGO:

We wanted to ask you what is going on with this situation in the Senate that is being publicly discussed. Indeed, the General Secretary of the New Progressive Party, Pichi Torres Samora,

confirmed that six hundred (600) persons have been terminated and have been provided with termination letters.

MR. EDUARDO BHATIA:

What is the complaint?

MR. FÉLIX J. GARCÍA HIDALGO:

That six hundred (600) persons are being terminated in the Senate.

MR. EDUARDO BHATIA:

Listen, the situation in the Senate is the following: On December thirty-first (31) the past administration concluded. The Sixteenth Legislative Assembly finished its duties and, with it, all employees of the Senate of Puerto Rico, all of them. Employees were retained by the interim President, who [was] the Secretary [of the Senate under] Thomas Rivera Schatz. In some cases [she was] authorized and in other cases she was not[.]

[...]

MR. FÉLIX J. GARCÍA HIDALGO:

But, those persons that were employed by the Senate for over twenty five (25) years, is all of this correct?

MR. EDUARDO BHATIA:

[...] [W]hat I can tell all of you is that the contracts in the Senate, all of them, all of them expired on December thirty-first (31). I am not terminating anyone; **the people of Puerto Rico elected a new team. And that team is bringing in its people, that is all. [...] [W]e are substituting the team.**

[...]

MR. EDUARDO BHATIA:

[...] Why this happens yesterday. It is because the Senate does not have a transition for fifteen (15) days. The contracts of these employees expired on December thirty first (31st), but they were extended to a group, some with **my approval** and others without my approval.”

(Translation ours and emphasis added).

148. The statements reflect and evince Bhatia-Gautier’s political motivations and promulgation of the adverse employments actions against individuals affiliated or perceived as being affiliated to the NPP—as the reporter was specifically questioning Bhatia-Gautier with

regards to the employees terminated in the Senate January 15, 2013 (which includes Plaintiffs to this action)—as well as Bhatia-Gautier’s political animus and intent.

149. Additionally, as was intended by Bhatia-Gautier, the other Defendants, newly appointed supervisors, and other PDP-affiliated legislature employees, and Senators, took Bhatia-Gautier’s statements as a directive and as a green light to execute—and/or as authorizing or generally condoning—political discrimination and retaliation. Plaintiffs were innocent victims of these actions.

150. Given the relationship between Bhatia-Gautier and the Office of the Superintendent mentioned above, as well as the pattern and practice of political discrimination and retaliation that is plaguing the Puerto Rico legislature, it is plausible that Bhatia-Gautier was involved in the terminations at issue either throughout his direct acts, or throughout indirect conduct that amounts to authorization or condonation of political discrimination either specifically or in a generic basis.

151. The foregoing (and other reasonable inferences that may be permissibly drawn from the averments in this complaint) shows that the politically motivated adverse employment actions at issue here were not only the intended result of Defendants’ direct and indirect actions (including generically authorizing, condoning and promoting adverse employment actions against individuals affiliated or perceived as being affiliated to political parties other than the PDP); but also that Defendants also intentionally set in motion a series of events of acts directed to create the appearance of an atmosphere of impunity as to politically motivated dismissal, intending that their employees interpreted such actions and events as a mandate, permit, authorization or order to execute politically motivated adverse employment actions (as it indeed happened). As a result, a pattern and practice of political discrimination and retaliation currently exists in the Puerto Rico Legislature.

152. On numerous occasions, during times relevant and material hereto, the Defendants also made disparaging political remarks against NPP-affiliates, the prior NPP administration and the previous NPP-affiliated administration of the Office of the Superintendent.

153. Furthermore, the discriminatory and retaliatory political motivations behind the adverse employment actions at issue may be also discerned by Defendants' hiring practices.

154. Every plaintiff had worked for years – and on some occasions, decades – at the Office of the Superintendent.

155. However, when Defendants arrived, they terminated Plaintiffs within months – and in some cases within days – after assuming their positions, and without evaluating Plaintiffs' job performance, abilities or duties.

156. Upon information and belief, there had not been a single complaint as to Plaintiffs' performance at the time they were terminated.

157. Defendants terminated Plaintiffs and substituted them, which reflects that their positions were necessary.

158. Unsurprisingly, none of those substitutes had worked at the Office of the Superintendent or, unlike Plaintiffs, performed the assigned functions; and all had been active participants during the 2012 electoral campaign and other campaign(s) on behalf of the PDP and candidates affiliated with the PDP – within days of executing the adverse employment actions at issue herein.

159. In fact, one of the Plaintiffs in this case was off-duty the day the termination letters were handed to the employees. He went the next working day to the Human Resources Office to pick up his letter. He was told that co-Defendant Arana-Colón was the only one who could hand him the letter and that he was in a meeting in the next room. The Plaintiff went to the room, only to

find out that the meeting was an orientation to the new appointees. Indeed, one of the employees asked him if he was “one of the new recruits”.

160. Other Plaintiffs can also attest to the hiring of new employees to perform their duties, as they visited the Office of the Superintendent after their terminations and saw new individuals – who had never worked there before – performing their duties and the duties of other NPP-affiliated employees that were terminated.

161. In other words, Defendants all carried out their repeated promises – and that of the employees of their political-trust, such as newly appointed PDP-affiliated supervisors – of bringing in “Perrelló-Borras’ people.”

162. In sum, co-Defendants Perrelló-Borras, Bhatia-Gautier, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos and Arana-Colón: (1) personally participated (directly and indirectly) in the underlying terminations because of Plaintiffs’ exercise of First Amendment rights and for engaging in activity protected by the First Amendment, including the right to vote and to associate with a political party of their choosing, and/or because they were not affiliated with (or were not perceived to be affiliated with) the PDP (including through supervisory encouragement, condonation or acquiescence or gross negligence amounting to deliberate indifference); (2) directed, authorized and/or condoned the termination of as many NPP-affiliated employees as possible (or otherwise not affiliated with or perceived as not being affiliated with the PDP) in a generic basis, because of their exercise of First Amendment rights; and/or, (3) set forth a series of events with the full knowledge and intent that these events would culminate in political discrimination and retaliation against NPP-affiliated employees and employees affiliated with – or perceived as being affiliated with – a political party other than the PDP.

163. All Defendants not only acted individually to deprive Plaintiffs and other employees of the Office of the Superintendent of their Federal Constitutional rights, but they also acted in a concerted and/or conspiratorial manner to achieve that goal.

SPECIFIC ALLEGATIONS AS TO ALL PLAINTIFFS⁴

Plaintiff Janice Torres-Torres

164. Plaintiff Janice Torres-Torres ("Torres-Torres") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

165. Plaintiff Torres-Torres commenced working at the Office of the Superintendent in September 2007, and at the moment of her dismissal because of her political affiliation on March 15, 2013, worked as an Administrative Assistant.

166. Torres-Torres' job description at the Office of the Superintendent Classification Plan states that her position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

167. At all times relevant and material hereto, Torres-Torres was a public employee whose position was not a public-policy-making position, or one that required her to perform public-policy functions. Torres-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.

168. Torres-Torres engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

⁴ To avoid repetition, all previous allegations referring to Plaintiffs, unless individually specified, are incorporated by reference as if set forth in full herein to apply to each Plaintiff.

169. Torres-Torres' principal duties were clerical in nature and include managing the calendar for her supervisor, take dictation, type drafts of letters, memoranda, reports, proposals, contracts, and similar documents, answer the phone and refers the calls to the employees in her work area, receives the mail and distribute it to the employees in her work area, keep the files in order, drafting of certifications requested by employees, etc.

170. As a result, Party affiliation is not an appropriate requirement for Torres-Torres' position.

171. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Torres-Torres is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Torres-Torres avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Torres-Torres had voted for the NPP.

172. During the 2012 electoral race, Torres-Torres ran and won an elective position as Municipal Legislator in Ponce on an NPP ticket. This is her second term as Municipal Legislator in Ponce representing the NPP.

173. During different times in her life, Torres-Torres has occupied different positions in the structure of the NPP, such as Delegate, President of the NPP Youth Organization, President of the NPP Women's Organization, etc.

174. Like some co-workers and the other Plaintiffs, Torres-Torres was seen by Defendants (and their agents and employees of their political trust) and by other PDP-affiliated employees of the Office of the Superintendent, in photos and videos doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts. She also was seen in previous years in commercials in favor of NPP candidates such as former Governor Pedro Rosselló-González and Carlos Pesquera.

175. Torres-Torres actively debated politics with non-NPP-affiliated employees. There was a particular PDP-affiliated employee with whom she exchanged jokes and memes of political nature through text and email. That employee became very close to co-defendant Vázquez-Ramos during the period after the change in administration.

176. These facts, as well as others provided throughout this complaint relating to or tending to show Torres-Torres' political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

177. Defendants terminated and dismissed Torres-Torres from her job without evaluating her as to her job performance and efficiency.

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

179. Defendants terminated Torres-Torres' employment without warning and without cause, by way of a letter of March 15, 2013. Her termination was effective on the same day.

180. A person that did not work at the Office of the Superintendent substituted for Torres-Torres. Upon information and belief, that person is a member of the PDP.

181. As of this date, defendants have not even paid Torres-Torres her accrued vacations and sick pay.

182. The reason that Torres-Torres' job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

183. As a result of this termination, Defendants have deprived Torres-Torres 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 in the exercise of her civil rights by terminating her employment – all because she is not a member of or affiliated with the PDP, and did not vote for

the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

184. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Torres-Torres' exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

Plaintiff Eduardo Betancourt-Otero

185. Plaintiff Eduardo Betancourt-Otero ("Betancourt-Otero") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

186. Plaintiff Betancourt-Otero commenced working at the Office of the Superintendent in July 2002, and at the moment of his dismissal on January 4, 2013, because of his political support to an NPP-affiliated candidate, worked as a Transportation Services Supervisor.

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

188. In fact, Betancourt-Otero' job description at the Office of the Superintendent Classification Plan states that his position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

189. Betancourt-Otero engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

190. Betancourt-Otero's principal duties were to supervise and coordinate the activities, work and services within the transportation area; to assign the work among the personnel in his work area; to develop the estimates of the amounts and type of material needed to provide maintenance and minor repairs to the cars that receive service in the transportation area; to inspect and evaluate the damages suffered by any given car to undergo repair to determine and authorize the type of service to be provided; to verify the performance of each car before and after the repairs are done to make sure the car is in working condition; to draft reports about the work performed in his area; etc.

191. During the 2012 elections Betancourt-Otero actively supported former Capitol Superintendent Eliezer Velázquez in his race for a Senate seat for the District of Ponce under the NPP insignia.

192. Betancourt-Otero's support for Eliezer Velázquez was very public, appearing in photos and videos doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts. Defendants (and their agents and employees of their political trust) were aware and saw these materials tending to show Betancourt-Otero's political affiliation.

193. Betancourt-Otero actively debated in favor of Eliezer Velázquez with non-NPP-affiliated employees.

194. In light of the above, all Defendants (and their agents and employees of their political trust, as well as employees of the Office of the Superintendent in general) were aware of Betancourt-Otero's support for Eliezer Velázquez campaign during the 2012 elections.

195. Defendants terminated and dismissed Betancourt-Otero from his job without evaluating him as to his job performance and efficiency.

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

197. Defendants terminated Betancourt-Otero's employment without warning and without cause, by way of a letter of January 3, 2013. His termination was effective on January 4, 2013.

198. A person that did not work at the Office of the Superintendent substituted for Betancourt-Otero. Upon information and belief, that person is a member of the PDP.

199. As of this date, defendants have not even paid Betancourt-Otero his accrued vacations and sick pay.

200. The reason that Betancourt-Otero's job was terminated was because the Defendants knew that he supported NPP-candidate Eliezer Velázquez's campaign to become a Senator for Ponce.

201. As a result of this termination, Defendants have deprived Betancourt-Otero 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 in the exercise of his civil rights by terminating his employment, all because even though he is a PDP-follower, he openly and publicly supported an NPP candidate for the Senate in the 2012 elections.

202. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Betancourt-Otero's exercise of her First Amendment rights and his desires to engage in activities protected by the First Amendment.

Plaintiff Migdalia Silva-Acevedo

203. Plaintiff Migdalia Silva-Acevedo ("Silva-Acevedo") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

204. Plaintiff Silva-Acevedo commenced working at the Office of the Superintendent in September 1993, and at the moment of her dismissal because of her political affiliation on March 15, 2013, was appointed as a Managerial Affairs Assistant (*“Asistente en Asuntos Gerenciales”*), performing duties as Purchase Agent.

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

206. In fact, Silva-Acevedo’s job description at the Office of the Superintendent Classification Plan states that her position is part of the “trust” service, as opposed to the “strict trust” service, which means that political affiliation is not a requirement for her position.

207. Silva-Acevedo engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

208. Silva-Acevedo’s principal duties were to receive, control and process purchase orders regarding equipment, materials and supplies sent by other departments in the Office of the Superintendent; review the information in all purchase orders to verify its correctness and compliance with applicable laws and regulations; contact and communicate with suppliers during different steps in the purchasing process; draft and keep registries and reports regarding the activities performed during the purchasing process; follow-up on the status of the purchase orders in process; etc.

209. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Silva-Acevedo is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Silva-Acevedo avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Silva-Acevedo had voted for the NPP.

210. During the 2012 electoral campaign, Silva-Acevedo went to several political activities in favor of former Superintendent Eliezer Velázquez's candidacy to a Senate seat under an NPP ticket.

211. In previous electoral events, Silva-Acevedo worked as polling officer representing the NPP.

212. Like some co-workers and the other Plaintiffs, Silva-Acevedo was seen by Defendants (and their agents and employees of their political trust), and other PDP-affiliated employees of the Office of the Superintendent, in photos and videos doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

213. Silva-Acevedo actively debated politics with non-NPP-affiliated employees—fact known to all Defendants (and their agents and employees of their political trust).

214. These facts, as well as others provided throughout this complaint relating to or tending to show Silva-Acevedo's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and their agents and employees of their political trust).

215. Defendants terminated and dismissed Silva-Acevedo from her job without evaluating her as to her job performance and efficiency. In fact, she met with her supervisor, Ángel Pérez, a few weeks before her termination and he told her that he was very satisfied with her job performance.

216. At no time prior to her dismissal did the Defendants discipline Silva-Acevedo or issue a reprimand related to the performance of her duties.

217. Defendants terminated Silva-Acevedo's employment without warning and without cause, by way of a letter of March 15, 2013. Her termination was effective on the same day.

218. A person that did not work at the Office of the Superintendent substituted for Silva-Acevedo. Upon information and belief, that person is a member of the PDP.

219. As of this date, defendants have not even paid Silva-Acevedo her accrued vacations and sick pay.

220. The reason that Silva-Acevedo's job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

221. As a result of this termination, Defendants have deprived Silva-Acevedo 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 in the exercise of her civil rights by terminating her employment – all because she is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

222. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Silva-Acevedo's exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

Plaintiff Marjorie Ocasio-Santiago

223. Plaintiff Marjorie Ocasio-Santiago ("Ocasio-Santiago") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

224. Plaintiff Ocasio-Santiago commenced working at the Office of the Superintendent in October 2010, and at the moment of her dismissal because of her political affiliation on March 15, 2013, was appointed as an Office Services Assistant (*“Auxiliar de Servicios de Oficina”*) performing duties as Purchase Agent.

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

226. In fact, Ocasio-Santiago’s job description at the Office of the Superintendent Classification Plan states that her position is part of the “trust” service, as opposed to the “strict trust” service, which means that political affiliation is not a requirement for her position.

227. Ocasio-Santiago engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

228. Ocasio-Santiago’s principal duties were to receive, control and process the purchase orders of equipment, materials and supplies sent by other departments; review the information in all purchase orders to verify for its correction and compliance with applicable laws and regulations; contact and communicate with suppliers during different steps in the purchase process; draft and keep registries and reports regarding the activities performed during the purchase process; to follow-up on the status of the purchases in process; etc.

229. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Ocasio-Santiago is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants

themselves) that Ocasio-Santiago avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Ocasio-Santiago had voted for the NPP.

230. During the 2012 electoral campaign, Ocasio-Santiago was a member of former Superintendent Eliezer Velázquez's advance team. She also was an electoral polling officer representing the NPP.

231. Like some co-workers and the other Plaintiffs, Ocasio-Santiago was seen by Defendants (and their agents and employees of their political trust), and other PDP-affiliated employees at the Office of the Superintendent, in photos and videos doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

232. Ocasio-Santiago actively debated politics with non-NPP-affiliated employees.

233. These facts, as well as others provided throughout this complaint relating to or tending to show Ocasio-Santiago's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

234. Defendants terminated and dismissed Ocasio-Santiago from her job without evaluating her as to her job performance and efficiency. In fact, she met with her supervisor, Ángel Pérez, a few weeks before her termination and he told her that he was very satisfied with her job performance.

235. At no time prior to her dismissal did the Defendants discipline Ocasio-Santiago or issue a reprimand related to the performance of her duties.

236. Defendants terminated Ocasio-Santiago's employment without warning and without cause, by way of a letter of March 15, 2013. Her termination was effective on the same day.

237. A person that did not work at the Office of the Superintendent substituted for Ocasio-Santiago. Upon information and belief, that person is a member of the PDP.

238. As of this date, defendants have not even paid Ocasio-Santiago her accrued vacations and sick pay.

239. The reason that Ocasio-Santiago's job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

240. As a result of this termination, Defendants have deprived Ocasio-Santiago of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her in the exercise of her civil rights by terminating her employment – all because she is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

241. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Ocasio-Santiago's exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

Plaintiff Jamilette Ramírez-Sánchez

242. Plaintiff Jamilette Ramírez-Sánchez ("Ramírez-Sánchez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

243. Plaintiff Ramírez-Sánchez commenced working at the Office of the Superintendent in August 2007, and at the moment of her dismissal because of her political affiliation on March 15, 2013, was appointed as Purchase Agent ("*Comprador*"), performing duties as Pre-Intervention Officer.

244. Even before her termination, she was deprived of the duties she used to perform and, by the time of her dismissal, she was basically just answering the phone.

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

246. In fact, Ramírez-Sánchez's job description at the Office of the Superintendent Classification Plan states that her position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

247. Ramírez-Sánchez engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

248. Ramírez-Sánchez's principal duties were to verify that contracts, accompanying documents, and documents submitted for the payment of invoices, among others, were in compliance with applicable laws and regulations; and to get the final authorization before submitting documents for payment.

249. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Ramírez-Sánchez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Ramírez-Sánchez avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Ramírez-Sánchez had voted for the NPP.

250. During the 2012 electoral campaign, Ramírez-Sánchez was part of the NPP Candidate for Mayor of San Lorenzo, Emmanuel Figueroa Arce's advance team. She also was an electoral coordinator for the NPP and ward president for the NPP.

251. Like some co-workers and the other Plaintiffs, Ramírez-Sánchez was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

252. Ramírez-Sánchez actively debated politics with non-NPP-affiliated employees.

253. These facts, as well as others provided throughout this complaint relating to or tending to show Ramírez-Sánchez's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

254. Defendants terminated and dismissed Ramírez-Sánchez from her job without evaluating her as to her job performance and efficiency.

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

256. Defendants terminated Ramírez-Sánchez's employment without warning and without cause, by way of a letter of March 15, 2013. Her termination was effective on the same day.

257. A person that did not work at the Office of the Superintendent substituted for Ramírez-Sánchez. Upon information and belief, that person is a member of the PDP.

258. As of this date, defendants have not even paid Ramírez-Sánchez her accrued vacations and sick pay.

259. The reason that Ramírez-Sánchez's job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

260. As a result of this termination, Defendants have deprived Ramírez-Sánchez 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 in the exercise of her civil rights by terminating her

employment – all because she is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

261. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Ramírez-Sánchez's exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

Plaintiff Freddy Ramos-Soto

262. Plaintiff Freddy Ramos-Soto ("Ramos-Soto") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

263. Plaintiff Ramos-Soto commenced working at the Office of the Superintendent in February 2010, and at the moment of his dismissal because of his political affiliation on March 15, 2013, was appointed as an Office Services Assistant (*"Auxiliar de Servicios de Oficina"*) performing duties as a Pre-intervention Officer.

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

265. In fact, Ramos-Soto's job description at the Office of the Superintendent Classification Plan states that his position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

266. Ramos-Soto engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

267. Ramos-Soto's principal duties were to verify that contracts, accompanying documents, and documents submitted for the payment of invoices, among others, were in compliance with applicable laws and regulations; and to get the final authorization before submitting documents for payment.

268. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Ramos-Soto is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Ramos-Soto avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Ramos-Soto had voted for the NPP.

269. During the 2012 electoral campaign, Ramos-Soto was part of former Superintendent Eliezer Velázquez's advance team. He also worked as polling officer.

270. Like some co-workers and the other Plaintiffs, Ramos-Soto was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

271. These facts, as well as others provided throughout this complaint relating to or tending to show Ramos-Soto's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

272. Defendants terminated and dismissed Ramos-Soto from his job without evaluating him as to his job performance and efficiency.

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

274. Defendants terminated Ramos-Soto's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

275. A person that did not work at the Office of the Superintendent substituted for Ramos-Soto. Upon information and belief, that person is a member of the PDP.

276. As of this date, defendants have not even paid Ramos-Soto his accrued vacations and sick pay.

277. The reason that Ramos-Soto's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

278. As a result of this termination, Defendants have deprived Ramos-Soto 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 in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

279. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Ramos-Soto's exercise of his First Amendment rights and his desires to engage in activities protected by the First Amendment.

Plaintiff Naisha Cintrón-Santiago

280. Plaintiff Naisha Cintrón-Santiago ("Cintrón-Santiago") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

281. Plaintiff Cintrón-Santiago commenced working at the Office of the Superintendent in April 2005, and at the moment of her dismissal because of her political affiliation on March 15, 2013, worked as an Administrative Assistant.

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

283. In fact, Cintrón-Santiago's job description at the Office of the Superintendent Classification Plan states that her position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

284. Cintrón-Santiago engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

285. Cintrón-Santiago's principal duties were clerical in nature and include managing the calendar for her supervisor; taking dictation, typing drafts of letters, memoranda, reports, proposals, contracts, and similar documents; answering the phone and refers the calls to the employees in her work area; receiving the mail and distributing it to the employees in her work area; keeping and maintaining files in order, etc.

286. Despite the above, after the change in administration she was deprived of her duties and was rarely assigned any duties to perform.

287. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Cintrón-Santiago is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants

themselves) that Cintrón-Santiago avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Cintrón-Santiago had voted for the NPP.

288. During the 2012 electoral campaign, Cintrón-Santiago attended political activities favoring the NPP, such as meetings and motorcades.

289. Like some co-workers and the other Plaintiffs, Cintrón-Santiago was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

290. Cintrón-Santiago actively debated politics with non-NPP-affiliated employees.

291. These facts, as well as others provided throughout this complaint relating to or tending to show Cintrón-Santiago's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

292. Defendants terminated and dismissed Cintrón-Santiago from her job without evaluating her as to her job performance and efficiency.

293. At no time prior to her dismissal did the Defendants discipline Cintrón-Santiago or issue a reprimand related to the performance of her duties.

294. Defendants terminated Cintrón-Santiago's employment without warning and without cause, by way of a letter of March 15, 2013. Her termination was effective on the same day.

295. A person that did not work at the Office of the Superintendent substituted for Cintrón-Santiago. Upon information and belief, that person is a member of the PDP.

296. As of this date, defendants have not even paid Cintrón-Santiago her accrued vacations and sick pay.

297. The reason that Cintrón-Santiago's job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

298. As a result of this termination, Defendants have deprived Cintrón-Santiago of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her in the exercise of her civil rights by terminating her employment – all because she is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

299. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Cintrón-Santiago's exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

Plaintiff José Rohena-Sosa

300. Plaintiff José Rohena-Sosa ("Rohena-Sosa") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

301. Plaintiff Rohena-Sosa commenced working at the Office of the Superintendent in May 2005, and at the moment of his dismissal because of his political affiliation on March 15, 2013, worked as an Internal Security Supervisor.

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

303. Rohena-Sosa engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

304. Rohena-Sosa's principal duties were: to supervise, coordinate and develop a wide range of activities regarding the administration of programs for the management of disasters and emergencies at the Office of the Superintendent; to collaborate – along with other resources of the Office of the Superintendent – in duties relating to shelters, communications, training, search and rescue, and other situations when security personnel is activated; to design and develop training modules and educational programs to be offered to the personnel and other groups regarding emergency and disaster management; to collaborate and coordinate with other officials and employees of the Office of the Superintendent in the development and implementation of systems and procedures regarding emergency and disaster management; to coordinate the resources and facilities assigned to him in support during security, emergency and disaster situations that may arise at the Office of the Superintendent; to establish the security measures in case of emergency; to draft periodic reports regarding his duties; to coordinate the security as requested by the legislative bodies during activities in the Capitol Building and its surroundings; to follow-up on the attendance of the employees under his supervision; to program schedule changes according to the need of service; etc.

305. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Rohena-Sosa is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Rohena-Sosa avidly supported the NPP during the 2012 elections and was

active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Rohena-Sosa had voted for the NPP.

306. During the 2012 electoral campaign, Rohena-Sosa worked as polling officer. He also attended several political activities favoring the NPP, such as meetings and motorcades.

307. Like some co-workers and the other Plaintiffs, Rohena-Sosa was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

308. Rohena-Sosa actively debated politics with non-NPP-affiliated employees.

309. These facts, as well as others provided throughout this complaint relating to or tending to show Rohena-Sosa's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

310. Defendants terminated and dismissed Rohena-Sosa from his job without evaluating him as to his job performance and efficiency.

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

312. Defendants terminated Rohena-Sosa's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

313. A person that did not work at the Office of the Superintendent substituted for Rohena-Sosa. Upon information and belief, that person is a member of the PDP.

314. As of this date, defendants have not even paid Rohena-Sosa his accrued vacations and sick pay.

315. The reason that Rohena-Sosa's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

316. As a result of this termination, Defendants have deprived Rohena-Sosa 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 in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

317. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Rohena-Sosa's exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

Plaintiff Kevin González-Álvarez

318. Plaintiff Kevin González-Álvarez ("González-Álvarez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

319. Plaintiff González-Álvarez commenced working at the Office of the Superintendent in October 2009, and at the moment of his dismissal because of his political affiliation on March 15, 2013, worked as a Watchman or Guardsman ("*Celador*").

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

321. In fact, González-Álvarez's job description at the Office of the Superintendent Classification Plan states that his position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

322. González-Álvarez engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

323. González-Álvarez's principal duties were to watch the areas, buildings, equipment and property of the Office of the Superintendent to preserve these keep these safe; to notify immediately any irregularity that may happen during his shift; to maintain order in the areas of public access; to keep watch over possible violations of the rules and regulations regarding conduct in the areas under his watch; to custody the access keys to the different areas under his watch; to open and close the areas under his watch in accordance with the working schedules; to answer the questions visitors may pose about the location of areas in the Capitol Building; to prepare reports regarding irregularities during his shift; to collaborate with the State Police Department in the investigation of complaints, accidents or any other irregularity that may happen; to intervene when disturbances occur within the Capitol Building; monitor the facilities of the Capitol Building through the cameras and other electronic means; etc.

324. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that González-Álvarez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that González-Álvarez avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that González-Álvarez had voted for the NPP.

325. During the 2012 electoral campaign, González-Álvarez attended political activities favoring the NPP.

326. González-Álvarez actively debated politics with non-NPP-affiliated employees.

327. These facts, as well as others provided throughout this complaint relating to or tending to show González-Álvarez's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

328. Defendants terminated and dismissed González-Álvarez from his job without evaluating him as to his job performance and efficiency.

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

330. Defendants terminated González-Álvarez's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

331. A person that did not work at the Office of the Superintendent substituted for González-Álvarez. Upon information and belief, that person is a member of the PDP.

332. As of this date, defendants have not even paid González-Álvarez his accrued vacations and sick pay.

333. The reason that González-Álvarez's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

334. As a result of this termination, Defendants have deprived González-Álvarez 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 in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by

Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

335. Defendants' actions have resulted in a chilling effect and have had a compromising effect on González-Álvarez's exercise of his First Amendment rights and his desires to engage in activities protected by the First Amendment.

Plaintiff Ángel Maldonado-Alicea

336. Plaintiff Ángel Maldonado-Alicea ("Maldonado-Alicea") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

337. Plaintiff Maldonado-Alicea commenced working at the Office of the Superintendent in April 2011, and at the moment of his dismissal because of his political affiliation on March 15, 2013, worked as a Watchman or Guardsman ("*Celador*").

338. Party affiliation is not an appropriate requirement for Maldonado-Alicea's position. At all times relevant and material hereto, Maldonado-Alicea was a public employee whose position was not a public-policy-making position, or one that required him to perform public-policy functions. Maldonado-Alicea 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. In fact, Maldonado-Alicea's job description at the Office of the Superintendent Classification Plan states that his position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

340. Maldonado-Alicea engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

341. Maldonado-Alicea's principal duties were to watch the areas, buildings, equipment and property of the Office of the Superintendent to preserve these keep these safe; to notify immediately any irregularity that may happen during his shift; to maintain order in the areas of public access; to keep watch over possible violations of the rules and regulations regarding conduct in the areas under his watch; to custody the access keys to the different areas under his watch; to open and close the areas under his watch in accordance with the working schedules; to answer the questions visitors may pose about the location of areas in the Capitol Building; to prepare reports regarding irregularities during his shift; to collaborate with the State Police Department in the investigation of complaints, accidents or any other irregularity that may happen; to intervene when disturbances occur within the Capitol Building; monitor the facilities of the Capitol Building through the cameras and other electronic means; etc.

342. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Maldonado-Alicea is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Maldonado-Alicea avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants (and their agents and employees of their political trust) also knew or assumed that Maldonado-Alicea had voted for the NPP.

343. During the 2012 electoral campaign, Maldonado-Alicea attended political activities favoring the NPP

344. These facts, as well as others provided throughout this complaint relating to or tending to show Maldonado-Alicea's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

345. Defendants terminated and dismissed Maldonado-Alicea from his job without evaluating him as to his job performance and efficiency.

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

347. Defendants terminated Maldonado-Alicea's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

348. A person that did not work at the Office of the Superintendent substituted for Maldonado-Alicea. Upon information and belief, that person is a member of the PDP.

349. As of this date, defendants have not even paid Maldonado-Alicea his accrued vacations and sick pay.

350. The reason that Maldonado-Alicea's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

351. As a result of this termination, Defendants have deprived Maldonado-Alicea 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 in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

352. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Maldonado-Alicea's exercise of his First Amendment rights and his desires to engage in activities protected by the First Amendment.

Plaintiff José Oyola-Márquez

353. Plaintiff José Oyola-Márquez ("Oyola-Márquez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

354. Plaintiff Oyola-Márquez commenced working at the Office of the Superintendent in or around 2008, and at the moment of his dismissal because of his political affiliation on March 15, 2013, worked as a Watchman or Guardian ("*Celador*").

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

356. In fact, Oyola-Márquez's job description at the Office of the Superintendent Classification Plan states that his position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

357. Oyola-Márquez engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

358. Oyola-Márquez's principal duties were to watch the areas, buildings, equipment and property of the Office of the Superintendent to preserve these keep these safe; to notify immediately any irregularity that may happen during his shift; to maintain order in the areas of public access; to keep watch over possible violations of the rules and regulations regarding conduct in the areas under his watch; to custody the access keys to the different areas under his watch; to open and close the areas under his watch in accordance with the working schedules; to answer the questions visitors may pose about the location of areas in the Capitol Building; to

prepare reports regarding irregularities during his shift; to collaborate with the State Police Department in the investigation of complaints, accidents or any other irregularity that may happen; to intervene when disturbances occur within the Capitol Building; monitor the facilities of the Capitol Building through the cameras and other electronic means; etc.

359. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Oyola-Márquez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves and by their agents and employees of their political trust) that Oyola-Márquez avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, all of these individuals also knew or assumed that Oyola-Márquez had voted for the NPP.

360. Oyola-Márquez has worked closely with several high-profile NPP candidates and functionaries during the recent years. During the primary race to select the candidate for Governor in the NPP, he was one of the drivers of Former Governor Pedro Rosselló-González and was part of his security team. During the 2012 electoral campaign, he [performed the same duties for Former President of the Senate, Thomas Rivera-Schatz.

361. Like some co-workers and the other Plaintiffs, Oyola-Márquez was seen by Defendants, and by other PDP-affiliated employees of the Office of the Superintendent, in photos and videos doing political work during the 2012 electoral campaign.

362. Oyola-Márquez actively debated politics with non-NPP-affiliated employees.

363. These facts, as well as others provided throughout this complaint relating to or tending to show Oyola-Márquez's political affiliation, preferences involvement and activism, were known to all Defendants in this case.

364. Defendants terminated and dismissed Oyola-Márquez from his job without evaluating him as to his job performance and efficiency.

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

366. Defendants terminated Oyola-Márquez's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

367. A person that did not work at the Office of the Superintendent substituted for Oyola-Márquez. Upon information and belief, that person is a member of the PDP.

368. As of this date, defendants have not even paid Oyola-Márquez his accrued vacations and sick pay.

369. The reason that Oyola-Márquez's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

370. As a result of this termination, Defendants have deprived Oyola-Márquez 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 in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

Plaintiff Carlos De Jesús-Arzola

371. Plaintiff Carlos De Jesús-Arzola ("De Jesús-Arzola") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

372. Plaintiff De Jesús-Arzola commenced working at the Office of the Superintendent in August 2012, and at the moment of his dismissal because of his political affiliation on March 15, 2013, worked as an Engineering Assistant (“*Auxiliar de Ingeniería*”).

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

374. De Jesús-Arzola engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

375. De Jesús-Arzola’s principal duties were: to participate in performing research and field investigations regarding the construction and maintenance work in the buildings of the Legislative Branch, as well as attending small projects involving technical services such as electricity, refrigeration and plumbing; to participate in the site inspections of construction projects and repairs of existing facilities to make sure they comply with all applicable rules and regulations; to collaborate in the preparation of permit application; to perform cost analysis of any change order; to participate in the preparation and review of project blueprints; to prepare cost estimates; to coordinate and attend to meetings with contractors, architects and engineers regarding to ongoing projects; etc.

376. For the reasons set forth in this Complaint, all Defendants (and their agents and employees of their political trust, and employees of the Office of the Superintendent in general) were aware that De Jesús-Arzola is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that De Jesús-Arzola avidly

supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that De Jesús-Arzola had voted for the NPP.

377. During the 2012 electoral race, De Jesús-Arzola ran for an elective position as Municipal Legislator in Guayanilla under the NPP ticket. He also has worked as a polling officer.

378. Like some co-workers and the other Plaintiffs, De Jesús-Arzola was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

379. De Jesús-Arzola actively debated politics with non-NPP-affiliated employees.

380. These facts, as well as others provided throughout this complaint relating to or tending to show De Jesús-Arzola's political affiliation, preferences involvement and activism; were known to all Defendants in this case (and by their agents and employees of their political trust).

381. Defendants terminated and dismissed De Jesús-Arzola from his job without evaluating him as to his job performance and efficiency.

382. At no time prior to his dismissal did the Defendants discipline De Jesús-Arzola or issue a reprimand related to the performance of his duties.

383. Defendants terminated De Jesús-Arzola's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

384. A person that did not work at the Office of the Superintendent substituted for De Jesús-Arzola. Upon information and belief, that person is a member of the PDP.

385. As of this date, defendants have not even paid De Jesús-Arzola his accrued vacations and sick pay.

386. The reason that De Jesús-Arzola's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

387. As a result of this termination, Defendants have deprived De Jesús-Arzola 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 in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

388. Defendants' actions have resulted in a chilling effect and have had a compromising effect on De Jesús-Arzola's exercise of his First Amendment rights and his desires to engage in activities protected by the First Amendment.

Plaintiff Luis Rivera-Rivera

389. Plaintiff Luis Rivera-Rivera ("Rivera-Rivera ") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

390. Plaintiff Rivera-Rivera commenced working at the Office of the Superintendent in July 2010, and at the moment of his dismissal because of his political affiliation on March 15, 2013, was appointed as an Administrative Assistant, performing duties as Electrician Assistant.

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

392. In fact, Rivera-Rivera's job description at the Office of the Superintendent Classification Plan states that his position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

393. Rivera-Rivera engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

394. Rivera-Rivera's principal duties were to assist electricians during the installation and repair of electrical cables, wiring, equipment and other setups for distribution and control of electricity in the Capitol Building; to measure, cut, assemble, and install conduits for electrical wiring using a wide range of tools and materials; to help and assist the electrician in developing tests for voltage, electrical continuity and other similar tests using equipment for electricity measuring; to carry and transport materials and tools necessary to perform the electrical work; etc.

395. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Rivera-Rivera is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Rivera-Rivera avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Rivera-Rivera had voted for the NPP.

396. During the 2012 electoral campaign, Rivera-Rivera drove one of the buses used during the reelection campaign of former Governor Luis Fortuño-Burset. As such, he attended multiple activities such as motorcades, meetings, etc.

397. Like some co-workers and the other Plaintiffs, Rivera-Rivera was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

398. Rivera-Rivera actively debated politics with non-NPP-affiliated employees.

399. These facts, as well as others provided throughout this complaint relating to or tending to show Rivera-Rivera's political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

400. Defendants terminated and dismissed Rivera-Rivera from his job without evaluating him as to his job performance and efficiency.

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

402. Defendants terminated Rivera-Rivera's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day.

403. A person that did not work at the Office of the Superintendent substituted for Rivera-Rivera. Upon information and belief, that person is a member of the PDP.

404. As of this date, defendants have not even paid Rivera-Rivera his accrued vacations and sick pay.

405. The reason that Rivera-Rivera's job was terminated was because the Defendants knew that he belonged to – or otherwise perceived him to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

406. As a result of this termination, Defendants have deprived Rivera-Rivera of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him in the exercise of his civil rights by terminating his

employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

407. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Rivera-Rivera's exercise of his First Amendment rights and his desires to engage in activities protected by the First Amendment.

Plaintiff Gladys Alberti-Torres

408. Plaintiff Gladys Alberti-Torres ("Alberti-Torres") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

409. Plaintiff Alberti-Torres commenced working at the Office of the Superintendent in July 2006, and at the moment of her dismissal because of her political affiliation on March 19, 2013, worked as an Administrative Assistant.

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

411. In fact, Alberti-Torres' job description at the Office of the Superintendent Classification Plan states that her position is part of the "trust" service, as opposed to the "strict trust" service, which means that political affiliation is not a requirement for her position.

412. Alberti-Torres engaged in functions of a routine nature that required manual competence and efficient performance, not political affiliation.

413. Alberti-Torres' principal duties were clerical in nature and include managing the calendar for her supervisor, take dictation, type drafts of letters, memoranda, reports, proposals, contracts, and similar documents, answer the phone and refers the calls to the employees in her work area, receives the mail and distribute it to the employees in her work area, keep the files in order, etc.

414. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Alberti-Torres is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Alberti-Torres avidly supported the NPP during the 2012 elections and was active during the NPP's electoral campaign for the 2012 elections. Moreover, Defendants also knew or assumed that Alberti-Torres had voted for the NPP.

415. During the 2012 electoral campaign, Alberti-Torres went to activities favoring former Superintendent Eliezer Velázquez's race for a Senate seat.

416. Like some co-workers and the other Plaintiffs, Alberti-Torres was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in photos and videos, doing political work during the 2012 electoral campaign, including those posted on non-private Facebook accounts.

417. These facts, as well as others provided throughout this complaint relating to or tending to show Alberti-Torres' political affiliation, preferences involvement and activism, were known to all Defendants in this case (and by their agents and employees of their political trust).

418. Defendants terminated and dismissed Alberti-Torres from her job without evaluating her as to her job performance and efficiency.

419. At no time prior to her dismissal did the Defendants discipline Alberti-Torres or issue a reprimand related to the performance of her duties.

420. Defendants terminated Alberti-Torres' employment without warning and without cause, by way of a letter of March 19, 2013. Her termination was effective on the same day.

421. A person that did not work at the Office of the Superintendent substituted for Alberti-Torres. Upon information and belief, that person is a member of the PDP.

422. As of this date, defendants have not even paid Alberti-Torres her accrued vacations and sick pay.

423. The reason that Alberti-Torres' job was terminated was because the Defendants knew that she belonged to – or otherwise perceived her to be a member of and/or affiliated with – a political party other than the PDP, particularly the NPP.

424. As a result of this termination, Defendants have deprived Alberti-Torres 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 in the exercise of her civil rights by terminating her employment – all because she is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

425. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Alberti-Torres' exercise of her First Amendment rights and her desires to engage in activities protected by the First Amendment.

CAUSES OF ACTION

I.

FIRST AMENDMENT VIOLATIONS

(POLITICAL DISCRIMINATION AND RETALIATION)

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

427. The First Amendment of the United States Constitution guarantees the right to freedom of speech, freedom of expression, the right to assemble and to petition the Government for redress, and the right to vote and to affiliate with a political party of one's choosing.

428. It is well established that government bodies or officials are forbidden by the First Amendment from taking adverse action against public employees on the basis of political affiliation, unless political affiliation is an appropriate requirement of the employment. Similarly the First Amendment protects public employees from suffering adverse employment consequences in retaliation for engaging in political activity unless political affiliation is an appropriate requirement of the employment.

429. Moreover, dismissals, demotions, denials of promotions, transfers and rehires constitute actionable adverse employment actions protected by the First Amendment.

430. Political activity, political affiliation, political beliefs, the right of political association 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 their political affiliation or beliefs, and/or for engaging in political activity and/or based on the Defendants' perception of their political affiliation of beliefs, Defendants deprived Plaintiffs of their First Amendment Rights.

II.

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

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

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

434. Defendants' actions also constitute violations of Puerto Rico's Public Service Personnel laws; Law No. 131 of May 13, 1943, P.R. Laws Ann., Tit. 1, § 13-19; and Articles 1802 and 1803 of the Civil Code, § 5141-5142 of Title 31.

PRAYER FOR RELIEF

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

1. That this Court determine and declare that the actions by all Defendants were in violation of the Constitution and laws of the United States and of Puerto Rico;
2. Compensatory damages and punitive damages in excess of \$21,000,000.00, which request for compensation is made up of the following amounts:
 - a. An amount in excess of \$1,000,000.00 for each plaintiff, for a total of \$14,000,000.00 in compensatory damages for the harm done to the plaintiffs due to the actions taken against them;
 - b. Punitive damages in excess of \$500,000.00 for each plaintiff, for a total of \$7,000,000.00, due to the malicious and wanton nature of the violations of the Plaintiffs' constitutional rights by Defendants alleged herein.

3. Equitable relief in the form of a preliminary and 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 the Plaintiffs' 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 interest, 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. A Jury Trial is demanded.
8. Any such other and further relief as the Court may deem just and proper.

Respectfully submitted, July 18, 2013.

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