

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

LIZBET ROBLES-RODRIGUEZ;  
JUAN SANTIAGO-GONZÁLEZ;  
NANGELY DE JESÚS-MORALES;  
ASNEL FERNÁNDEZ-MARTÍNEZ;  
WAI LO LOK-SANTIAGO;  
CARLOS J. MALAVÉ-MAYOL;  
LUIS MALDONADO-COTTO;  
NANCY MORALES-RIVERA;  
MIGUEL A. HERNÁNDEZ-MONTANEZ;  
AURA B. RIVERA-MEDINA;  
JOSÉ A. RIVERA-OCASIO;  
WILFREDO SOTO-ARCE;  
VILMARIE TEXIDOR-SÁNCHEZ; and  
JUANA E. SEPÚLVEDA-VALENTÍN,

*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: 13-1862

**COMPLAINT**

CIVIL RIGHTS

JURY TRIAL DEMANDED

DAMAGES

DECLARATORY RELIEF

INJUNCTIVE RELIEF

**COMPLAINT**

TO THE HONORABLE COURT:

Plaintiffs LIZBET ROBLES-RODRIGUEZ, JUAN SANTIAGO-GONZÁLEZ, NANGELY DE JESÚS-MORALES, ASNEL FERNÁNDEZ-MARTÍNEZ, WAI LO LOK-SANTIAGO, CARLOS J. MALAVÉ-MAYOL, LUIS MALDONADO-COTTO, NANCY MORALES-RIVERA, MIGUEL A. HERNÁNDEZ-MONTANEZ, AURA B. RIVERA-MEDINA, JOSÉ A. RIVERA-OCASIO, WILFREDO SOTO-ARCE, VILMARIE TEXIDOR-SÁNCHEZ, and JUANA E. SEPÚLVEDA-VALENTÍN 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 Popular Democratic Party (herein “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 PDP and/or actively supported a candidate affiliated to a political party other than the PDP, particularly the New Progressive Party (herein “NPP”).

2. The fourteen (14) Plaintiffs to this action are all former low-level employees of the Office of the Superintendent of the Capitol Building (herein “Office of the Superintendent”) that fell victim 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 their 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 a decade.

3. However, Defendants could care less, and preferred that PDP-affiliated individuals occupy such positions, even though these new employees did not worked at the Office of the Superintendent by December 2012 and 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 NPP and NPP candidates.

4. Such actions are truly shocking to the conscience. Defendants carried out the dismissals while being fully aware of, yet intentionally disregarding and playing ostrich to, clear and consistent longstanding case law from the Supreme Court of Puerto Rico and 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**

5. 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.

6. 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.

7. 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.

8. Jury Trial is demanded.

## **THE PARTIES**

### **Plaintiffs**

9. Plaintiff LIZBET ROBLES-RODRÍGUEZ (“Robles-Rodríguez”) worked at the Office of the Superintendent for approximately six (6) months – since September 2012 – 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, Robles-Rodríguez worked at the Internal Security Office of the Office of the Superintendent as a Watchman, where she performed duties akin to a security guard. Party affiliation is not an appropriate requirement for such a position. Robles-Rodríguez is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Carolina, Puerto Rico.

10. Plaintiff JUAN P. SANTIAGO-GONZÁLEZ (“Santiago-González”) worked at the Office of the Superintendent for four and a half (4 ½) years – since July 2008 – when the Defendants terminated him on January 25th, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Santiago-González worked at the Facility Conservation Office of the Office of the Superintendent in a position as Facility Conservation and Repair Technician (“*Técnico de Conservación y Reparación de Facilidades*”) with his main duties involving, among other things, plumbing work. Party affiliation is not an appropriate requirement for such a position. Santiago-González is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Bayamón, Puerto Rico.

11. Plaintiff NANGELY DE JESÚS-MORALES (“De Jesús-Morales”) worked at the Office of the Superintendent for almost two (2) years – since May 2011 – when the Defendants terminated her on March 18, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, De Jesús -Morales

worked at the Office of Inventory Processing in a position as an Auxiliary of Office Services (“*Auxiliar de Servicios de Oficina*”) with duties that mainly involved taking inventory of office and maintenance supplies. Party affiliation is not an appropriate requirement for such position. De Jesús -Morales is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Cataño, Puerto Rico.

12. Plaintiff ASNEL FERNÁNDEZ-MARTÍNEZ (“Fernández-Martínez”) worked in the Office of the Superintendent for almost six (6) years – since May 2007 – 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, Fernández-Martínez worked at the Emergency Management Department of the Office of the Superintendent in a position of Supervisor, performing duties involving equipment and property security. Party affiliation is not an appropriate requirement for such a position. Fernández-Martínez is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Bayamón, Puerto Rico.

13. Plaintiff WAI LOK LO-SANTIAGO (“Lo-Santiago”) worked at the Office of the Superintendent for almost six (6) years – since July 2007 – when the Defendants terminated him on March 1<sup>st</sup>, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Lo-Santiago worked at the Finance Department of the Office of the Superintendent in the position of Investigator and Drafter (“*Investigador y Redactor*”), where he performed research and drafting of grant proposals. Party affiliation is not an appropriate requirement for such position. Lo-Santiago is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Yabucoa, Puerto Rico.

14. Plaintiff CARLOS J. MALAVÉ-MAYOL (“Malavé-Mayol”) worked at the Office of the Superintendent for almost two (2) years – since April 2011 – 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, Malavé-Mayol worked at the Project Management Office of the Office of the Superintendent as an Engineer, where he used his background as an engineer to, among other things, coordinate construction projects within the capitol. Party affiliation is not an appropriate requirement for such position. Malavé-Mayol is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Ponce, Puerto Rico.

15. Plaintiff LUIS MALDONADO-COTTO (“Maldonado-Cotto”) worked at the Office of the Superintendent for over almost eight (8) years – since July 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, Maldonado-Cotto worked at the Legislative Assembly of the Office of the Superintendent as a Coordinator of Energy and Conservation Projects, performing primarily maintenance and landscaping duties. Party affiliation is not an appropriate requirement for such position. Maldonado-Cotto is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in San Juan, Puerto Rico.

16. Plaintiff NANCY MORALES-RIVERA (“Morales-Rivera”) worked at the Office of the Superintendent for close to four (4) years – since July 2009 – when she was terminated by the Defendants on March 18, 2013 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Morales-Rivera worked at the Protocols and Activities Office of the Office of the Superintendent as a Coordinator of Activities, with duties mainly involving the scheduling of different activities,

among others. Party affiliation is not an appropriate requirement for such position. Morales-Rivera is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Cataño, Puerto Rico.

17. Plaintiff MIGUEL A. HERNÁNDEZ-MONTAÑEZ (“Hernández-Montañez”) worked at the Office of the Superintendent for six (6) years – since September 2007 – when the Defendants terminated him on August 12, 2013 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Hernández-Montañez worked at the Office of the Superintendent as a Coordinator of the Mechanic Shop (“*Coordinador de Taller de Mecánica*”), performing primarily auto maintenance duties. Party affiliation is not an appropriate requirement for such position. Hernández-Montañez is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in San Juan, Puerto Rico.

18. Plaintiff AURA B. RIVERA-MEDINA (“Rivera-Medina”) worked at the Office of the Superintendent for six (6) years and seven (7) months – since August 2006 – 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, Rivera-Medina worked at the General Services Office of the Office of the Superintendent as a General Affairs Assistant, where she performed clerical and administrative duties. Party affiliation is not an appropriate requirement for such position. Rivera-Medina is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Caguas, Puerto Rico.

19. Plaintiff JOSÉ A. RIVERA-OCASIO (“Rivera-Ocasio”) worked at the Office of the Superintendent for approximately one (1) year– since February 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, Rivera-Rivera worked

at the Internal Security and Emergency Management Office of the Office of the Superintendent as a Watchman performing low-level guard duties. Party affiliation is not an appropriate requirement for such position. Rivera-Medina is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Carolina, Puerto Rico.

20. Plaintiff WILFREDO SOTO-ARCE (“Soto-Arce”) worked at the Office of the Superintendent for almost four (4) years – since July 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, Soto-Arce worked at the Facilities Administration Office of the Office of the Superintendent as a Facility Administrator, where he performed maintenance and repair functions. Party affiliation is not an appropriate requirement for his position. Soto-Arce is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Bayamón, Puerto Rico.

21. Plaintiff VILMARIE TEXIDOR-SÁNCHEZ (“Texidor-Sánchez”) worked at the Office of the Superintendent for approximately eight (8) years– since August 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, Texidor-Sánchez worked at the Protocol Office of the Office of the Superintendent as an Administrative Assistant, where she performed clerical and secretarial duties. Party affiliation is not an appropriate requirement for such position. Texidor-Sánchez is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in San Juan, Puerto Rico.

22. Plaintiff JUANA E. SEPÚLVEDA-VALENTÍN (“Sepúlveda-Valentín”) worked at the Office of the Superintendent for almost two (2) years– since July 1st, 2011 – 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,

Sepúlveda-Valentín worked at the Finance Department of the Office of the Superintendent as an Administrative Assistant, where she performed duties as an office clerk. Party affiliation is not an appropriate requirement for such position. Sepúlveda-Valentín is a citizen of the United States, is affiliated and/or a supporter to the NPP, and currently resides in Cataño, Puerto Rico.

**Defendants**

23. Defendant JAIME PERELLÓ-BORRÁS (“Perelló-Borrás”) is the newly elected Speaker 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 Representatives, 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 2<sup>nd</sup> 2009, until December 31, 2012, under the PDP insignia. In the November 6, 2012 General Election, he was re-elected to the House of Representatives under the PDP insignia.
- d. Perelló-Borrás was once more 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.
24. Defendant EDUARDO BHATIA-GAUTIER (“Bhatia-Gautier”) is the newly elected President of the Senate of the Commonwealth of Puerto Rico (“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 2<sup>nd</sup> 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.
25. Defendant 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.
26. Defendant 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.

27. Defendant 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.

28. Defendant 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.

29. Defendant JANE DOE is an employee of the Office of the Superintendent and/or the House of Representatives and/or the Senate 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.

30. JOHN DOE is an employee of the Office of the Superintendent and/or the House of Representatives and/or the Senate 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 ALLEGATIONS**<sup>1</sup>

#### **GENERAL ALLEGATIONS AS TO ALL PLAINTIFFS**

##### **Relevant Background**

31. The Office of the Superintendent is the office in charge of keeping and maintaining the buildings, offices and structures of the Capitol Building, as well as the peripheral areas, in optimal conditions. It was created to direct and supervise the maintenance, conservation and repairs that take place in the buildings that comprise the Capitol Building District.

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

32. 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.”

33. 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.

34. 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.

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

36. 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.

37. 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, NPP representative Jenniffer González-Colón, oversaw the operations and administration of the Office of Legislative Services during the 2009-2012 term.

38. Thus, between January 2005 and December 2012, Superintendents appointed by NPP administrations administered the Office of the Superintendent.

39. From January 2005 to late 2006, the Superintendent was Ms. Nélidea Santiago, and from late 2006 to December 2012, the Superintendent was Mr. Eliezer Velázquez.

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

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

42. In that election, PDP gubernatorial candidate Alejandro Garcia-Padilla defeated now-former Governor Luis G. Fortuño-Burset, who was running for reelection on the NPP ticket. The PDP also won the majority of the seats in the Senate and the House of Representatives; vesting the PDP with control of both legislative bodies and the right to select the bodies' presidents from amongst the PDP delegations.

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

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

45. 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.

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<sup>2</sup> The November 6, 2012, "General Election" involved elections for all state-wide offices (the Governor, the Resident Commissioner, 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.

46. Since immediately after the election, however, defendants began exercising their influence 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.

47. As a result of the change of administration during the present term – from 2013 to 2016 –the President of the Puerto Rico Senate – co-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 the Office of the Superintendent.

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

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

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

55. 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.

56. 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.

57. All Defendants 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.

58. All plaintiffs in this complaint began working in the Office of the Superintendent while it was under the administration of an NPP Superintendent.

59. 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 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.

60. 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 of Representative, the Senate 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.

61. 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.

62. 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.

63. 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.

64. After the election, co-defendant Vela-Birriel was also seen conducting meetings of only PDP-affiliated personnel in the cafeteria.

65. 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.

66. 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.

67. 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.

68. 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. That is to say that, pursuant to Administrative Order No. 02-FY-07-08, none of the Plaintiffs had a position for which political affiliation was a factor that to be considered for continued employment.

69. Regardless of the position's classification, none of the Plaintiffs performed functions of close propinquity to policy-making employees, did not perform policy-making functions, nor did such Plaintiffs otherwise have 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.

70. Furthermore, none of the Plaintiffs ever received a negative evaluation of his/her work performance at the Office of the Superintendent nor ever received a written reprimand.

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

71. As noted before, all Plaintiffs worked at the Office of the Superintendent during the previous NPP administrations and were affiliated to and were 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 a decade and were well known NPP affiliates.

72. 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; an atmosphere that became increasingly more politically charged and even evolved into harassment in the months that followed the November 2012 election.

73. 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.<sup>3</sup>

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<sup>3</sup> 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.

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

75. Defendants (and their agents and employees of their full trust) are well aware of Plaintiffs' 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 in the 2012 electoral campaigns on behalf of the NPP.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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.

81. 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 which was readily available; and they were personally aware, made aware, and directed others to become aware, of many such facts.

82. Employees of the Office of the Superintendent, including Plaintiffs, Defendants, and PDP-affiliated employees of the Office of the Superintendent, the House of Representatives and the Senate – 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.

83. 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.

84. 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 employees of their political trust from the House of Representatives and the Senate) 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

85. 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 demonstrate 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.

86. 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.

87. Before the election, one of the Plaintiffs in this case made a bet with a PDP employee of the Office of the Superintendent regarding the outcome of the election. The terms of the bet established that the winner of the bet would publicly shave the head of the loser. The bet became public knowledge, and in the weeks leading up to Election Day, many employees of the Office of the Superintendent commented as to the bet.

88. The day after the Election, the betting employees set up a chair in the middle of a highly visible and transited courtyard outside the Office of the Superintendent, where the winning employee began to shave the head of the losing plaintiff. Most, if not all, of the employees of the Office of the Superintendent witnessed the event, with many of them calling out their support to their respective party members.

89. Several plaintiffs were present during the event and called out their support for the plaintiff that lost the bet.

90. At least one of the defendants, co-defendant Vela-Birriel, was present during the event and witnessed the other plaintiffs calling out their support to the plaintiff that lost the bet.

91. 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.

92. Moreover, on January 2nd, 2013 was the swearing-in of the newly elected PDP-affiliated Governor of Puerto Rico, which took 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 security – including some Plaintiffs – had to work.

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

94. 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.

95. 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.

96. 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 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.

97. 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 has resulted in a chilling effect and had a compromising effect on Plaintiffs’ First Amendment rights and their desires to engage in activities protected by the First Amendment.

98. 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.

99. Upon information and belief, several PDP-affiliated employees occupying positions similar to those occupied by Plaintiffs received salary increases. No NPP-affiliated employees received a raise in salary.

100. 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.

101. Defendants also authorized the use of funds to paint several offices within the Office of the Superintendent the color red; the official color of the PDP party.

102. 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 — were 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.

103. For example, after the results of the election were known, a PDP-affiliated employee would often tell one of the Plaintiffs in a demeaning, vengeful, and retaliatory way that he and his NPP friends were going to be terminated soon because of their political preferences.

104. After the election, one of the Plaintiffs would receive phone calls asking her why she wasn’t cleaning toilets (her job did not involve maintenance duties), or playing jingles for the PDP.

105. Several PDP employees would approach the Plaintiffs to ask what they were going to do now since they were going to be fired.

106. In yet another separate incident, witnesses heard co-Defendant Vela-Birriel say in a demeaning, vengeful, 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.”

107. Co-defendant Vela-Birriel was also seen kicking the door to one of the Plaintiffs’ offices in a highly aggressive manner, even though the door was unlocked.

108. Co-defendant Vela-Birriel was also seen breaking down doors to offices of NPP affiliated employees, and asked that their locks be changed because he didn’t trust them.

109. One of the Plaintiffs whose duties involved caring for the Xerox copy machines was asked to place password protection on said machines. Only PDP affiliated employees were to be provided with passwords.

110. Several Plaintiffs were also asked to move out of their offices after the Elections, with some Plaintiffs being left without an assigned workspace for several months until they were finally terminated. Employees that were known to be affiliated with the PDP were given their desks while they were left to work in random spaces, if available.

111. Many Plaintiffs also experienced being deprived of their job functions after the election, and endured politically charged verbal harassment, teasing, and mocking.

112. 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.

113. In another separate instance, a witness 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".

114. 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.

115. 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.

116. The existence and compilation of these lists was confirmed by PDP employees to some of the Plaintiffs.

117. 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.

118. 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 that anybody can access.

119. 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.

120. 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.

121. 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.

122. As noted before, all Plaintiffs had been hired under NPP administrations, fact known to all Defendants in this case.

123. 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.

124. 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.

125. 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.

126. 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.

127. 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.

128. 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.

129. 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. Individuals known to Plaintiffs saw these lists.

130. 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.

131. 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.

132. 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.

133. 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 replaced them with loyal PDP followers.

134. 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 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. 13-1296, Docket Document No. 6; Complaint, Garcia-Matos, et al. v. Bhatia-Gautier, et al., Civil No. 13-1384, Docket Document No. 1; Rodríguez-Colón, et.al. v. Bhatia-Gautier, et.al., Civil No. 13-1812; Medina-Vilariño v. Perelló-Borrás, et.al., Civil No. 13-1820; and Torres-Torres, et.al. v. Perelló-Borrás, et.al., Civil No. 13-1560. The factual averments in such complaints are respectfully incorporated herein.

**Defendants Politically Motivated Discriminatory and Retaliatory Acts**

135. 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.

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

137. As such, co-Defendant Vázquez-Collazo – jointly and in close coordination with co-Defendants Perelló-Borrás and Bhatia-Gautier – is in charge of the internal administration and operation of the Office of the Superintendent. They 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.

138. Co-defendants Vázquez-Collazo, Perelló-Borrás and Bhatia-Gautier 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.

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

140. As early as January 2013, politically motivated terminations began taking place in the Office of the Superintendent, the House of Representatives and the Senate in general, including the termination of one of the Plaintiffs in this case--particularly the plaintiff who lost the bet regarding the outcome of the election and had his head publicly shaved in front of his co-workers and at least one of the defendants--whose termination letter was given by co-defendant Arana-Colón.

141. The political motivations behind this termination were so obvious that he was quickly replaced by a PDP-affiliated substitute.

142. Moreover, other NPP-affiliated employees were terminated by co-Defendants Vázquez-Collazo and Vázquez-Ramos, and told one of them in particular 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.”

143. 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.

144. Not coincidentally, within weeks of Perelló-Borrás' swearing-in as Speaker of the House of Representatives and Vázquez-Collazo's 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.

145. 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).

146. 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).

147. 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).

148. In fact, Defendants openly admitted this, without hesitation, to several witnesses and the press. For example, co-Defendants Vázquez-Collazo and Vázquez Ramos told another NPP affiliated employee that they were terminating his services because they needed to “bring in their people”.

149. On a different occasion co-Defendant Vela-Birriel was overheard stating to another person “don't worry. In a couple of months we can clean out the NPPers”.

150. 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 Perrelló-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”.

151. 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”.

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

153. 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) NPP-affiliated employees. There he told them that the determination to terminate their appointments was not his and that they were just following orders from the Speaker.

154. 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.”

155. 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.

156. 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 those sons of bitches NPP’ers in the Capitol” (“no voy a descansar hasta que bote a todos los hijos de puta PNP’s del Capitolio”).

157. 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 here.

158. Some of the Plaintiffs were escorted out of the building after they were terminated by members of the Guard assigned to the House of Representatives, and personnel from this guard were present in many of the terminations. Thus, the Speaker of the House – their superior – was aware of these terminations.

159. 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.

160. 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.”

161. On another incident an individual affiliated to the NPP that was terminated from a position in the House of Representatives approached Perelló-Borrás and told 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 asked for her information and, while pretending to write it down, told her he was going to help her. Nothing happened.

162. Furthermore, countless Supervisors from the House of Representatives 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.

163. 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, when asked about the termination of employees in the Legislature 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).

164. 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.

165. 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.

166. 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.

167. 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.

168. 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.

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

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

171. Upon information and belief, there had not been a single complaint as to Plaintiffs' ability to perform their work at the time they were terminated.

172. Defendants terminated Plaintiffs and replaced them, which reflects that their positions were necessary.

173. These substitutes did not worked at the Office of the Superintendent or, unlike Plaintiffs, performed the assigned functions by December 2012; 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.

174. In fact, one NPP-affiliated employee 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”.

175. 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 not worked there before – performing their duties and the duties of other NPP-affiliated employees that were terminated.

176. 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.”

177. 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.

178. 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 PLAINTIFFS<sup>4</sup>**

**Plaintiff Lizbet Robles-Rodríguez**

179. Plaintiff Lizbet Robles-Rodríguez ("Robles-Rodríguez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

180. Robles-Rodríguez commenced working at the Office of the Superintendent in September 2012, and at the moment of her dismissal because of her political affiliation on March 15, 2013, worked as a Watchman.

181. In a letter sent by Defendants in February 2013, Robles-Rodríguez was told that her job position was of "trust".

182. However, her 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 – as stated earlier – means that political affiliation was not a requirement for her position.

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

184. Robles-Rodríguez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation.

185. Robles-Rodríguez' principal duties involved the guarding of equipment and points of access to the Capital Building as well as greeting and answering questions from visitors to the Capital Building.

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<sup>4</sup> 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.

186. As a result, party affiliation is not an appropriate requirement for Robles-Rodríguez' position.

187. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Robles-Rodríguez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Robles-Rodríguez 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 Robles-Rodríguez had voted for the NPP.

188. Prior to the Primary Elections, Robles-Rodríguez worked in the office of well-known NPP Senator Kimmy Raschke.

189. During the primaries campaign, Robles-Rodríguez also worked in the advance team of former Senator Kimmy Raschke. This required her to engage in public campaigning for the former NPP Senator.

190. Robles-Rodríguez also conversed with co-workers--including those affiliated with the PDP--about politics, and debated political issues with non-NPP-affiliated employees.

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

192. After the 2012 Electoral Race, plaintiff's work environment became tense and politically charged.

193. On several occasions after the 2012 Electoral Race, when Robles-Rodríguez asked PDP-affiliated employees to present identifications at the Capitol Building's entrance – as

was the norm – they would tell Robles-Rodríguez not to worry because soon it would be her that would be barred from the building.

194. The Internal Security Office was also moved from location. However, only PDP supervisors and some PDP-affiliated employees were provided key cards with access to the new office.

195. Robles-Rodríguez was also denied food tickets that employees were entitled to when they worked extra hours.

196. Defendants terminated and dismissed Robles-Rodríguez from her job without evaluating her as to her job performance and efficiency.

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

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

199. After she was fired, Robles-Rodríguez approached co-defendant Arana-Colón herself. He told her that she should continue insisting on getting her job back, because positions were available.

200. When Robles-Rodríguez approached co-defendant Vela-Birriel after her termination to plead her case, he told her that he only looked after his own.

201. Robles-Rodríguez also went to the office of co-defendant Vázquez-Collazo to ask for her job back. She was told by an attorney working for Vázquez-Collazo that even if they gave her a job, it could not be as a Watchman for legal reasons. She also stated that Robles-Rodríguez had secured a job in the Office of the Superintendent during the previous administration only because she was affiliated with the NPP.

202. Instead of giving Robles-Rodríguez her job back, the Office of the Superintendent replaced Robles-Rodríguez by hiring new watchmen. She was replaced by a member of the PDP.

203. As of this date, defendants have not even paid Robles-Rodríguez her accrued vacations and sick pay.

204. The reason that Robles-Rodríguez' 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.

205. In the alternative, Defendants terminated her because they knew that she was not an active supporter of the PDP.

206. As a result of this termination, Defendants have deprived Robles-Rodríguez of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her 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; and/or Defendants knew of her political affiliation with the NPP..

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

**Plaintiff Juan P. Santiago-González**

208. Plaintiff Juan P. Santiago-González ("Santiago-González") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

209. Plaintiff Santiago-González began working at the Office of the Superintendent in July of 2008, and was performing duties as a Conservation and Facility Repair Technician when he was dismissed on January 25, 2013, because of his political affiliation with the NPP and his support of NPP candidates.

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

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

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

213. Santiago-González's principal duties were to fix plumbing problems in the Capitol's facilities.

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

215. During the 2012 electoral campaign, Santiago-González was given an administrative detail (“*destaque*”) to work in the State Electoral Commission as a representative of the PNP party.

216. The administrative detail was requested by an NPP House Representative and the President of the State Electoral Commission, and was granted by the Office of the Superintendent. A copy of such authorization should be in Santiago-González’ personnel file.

217. Given the political fervor surrounding elections in Puerto Rico, working in the State Electoral Commission during a general election ensures that a high number of both the rank and file of each political party will become aware of each representative’s political affiliation.

218. Persons working at the State Electoral Commission – including Santiago-González – had to wear a label identifying the party they were representing.

219. PDP-affiliated employees of the Office of the Superintendent saw Santiago-González working at the State Electoral Commission while wearing a label identifying his affiliation.

220. Two of Santiago-González’ supervisors – Including a supervisor known to be affiliated with the PDP – warned him that he could be fired for working at the State Electoral Commission if the PDP ultimately won the elections.

221. Prior to the elections, Santiago-González overheard PDP supporters working at the Office of the Superintendent discussing the upcoming elections, and made a bet with one of them that former NPP Governor Luis Fortuño would be re-elected.

222. The terms of the bet were that the losing person would have his head shaved in public by the winner of the bet.

223. When Governor Fortuño lost the election, Santiago-González sat in the middle of a public courtyard located between buildings of the Office of the Superintendence – which was visible from many angles and offices – surrounded by the majority of his co-workers and other spectators, while his head was shaved by the winning PDP-affiliated employee.

224. During the event, employees of the Office of the Superintendence called out their support for the betting employee affiliated with the political party of their preference.

225. Several of the Plaintiffs were present during the event, and called out their support for Santiago-González.

226. At least one of the defendants, co-defendant Vela-Birriel, was also present while the PDP-affiliated employee shaved Santiago-González' head.

227. Like some co-workers and the other Plaintiffs, Santiago-González was also 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 or issuing political commentary during the 2012 electoral campaign, including in those posted on public Facebook accounts.

228. Santiago-González himself had a public Facebook account where he was friends with some of his PDP affiliated co-workers, and posted statuses regarding his political affiliation.

229. Santiago-González also actively debated politics with non-NPP-affiliated employees—a fact known to all Defendants (and their agents and employees of their political trust).

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

231. After the 2012 General Elections, the atmosphere in the Office of the Superintendent became tense and politically charged.

232. Among other things, PDP-affiliated employees would tell Santiago-González that he had few checks left to collect at the Office of the Superintendent, implying that he would soon be fired.

233. On March 15, 2013, Santiago-González was given a letter of termination without warning and without cause. The letter was effective immediately.

234. The letter stated that he was fired because his position was of trust.

235. Defendants terminated and dismissed Santiago-González from his job without evaluating his job performance and efficiency as a plumber and handyman.

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

237. A person that did not work at the Office of the Superintendent replaced Santiago-González. That person is a member of the PDP.

238. The reason that Santiago-González'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.

239. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

240. As a result of this termination, Defendants have deprived Santiago-González of the income and benefits by which he sustained herself and his family; have subjected him to personal pain and suffering; and have punished him 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; and/or Defendants knew of his political affiliation with the NPP.

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

**Plaintiff Nangely De Jesús Morales**

242. Plaintiff Nangely De Jesús-Morales ("De Jesús-Morales") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

243. Plaintiff De Jesús-Morales began working at the Office of the Superintendent in May 2011, and worked as an Auxiliary of Office Services ("*Auxiliar de Servicios de Oficina*") when she was terminated on March 18, 2013, because of her political affiliation to the NPP. Party affiliation is not an appropriate requirement for De Jesús-Morales' position. At all times relevant and material hereto, De Jesús-Morales was a public employee whose position was not a public-policy-making position, or one that required her to perform public-policy functions. De Jesús-Morales did not perform functions of close propinquity to policy-making employees, or otherwise have access to politically sensitive information or confidential information related to public policy matters.

244. In fact, De Jesús-Morales' job description at the Office of the Superintendent Classification Plan states that her position is one of regular, not strict, trust. This means that political affiliation was not an appropriate consideration for her position.

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

246. De Jesús-Morales' principal duties were to maintain an inventory of office supplies and equipment, as well as other office work. etc.

247. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that De Jesús-Morales 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-Morales 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-Morales had voted for the NPP.

248. During the 2012 electoral campaign, De Jesús-Morales was an active member of the advance team of the Office of Superintendent's former Superintendent in his bid for a senate seat as a representative for the NPP. In said capacity, she attended political events, helped with his campaign, and vocally supported his candidacy.

249. De Jesús-Morales also wore politically themed bracelets and hair bands which expressed her affiliation with the NPP to work.

250. Like some co-workers and the other Plaintiffs, De Jesús-Morales 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 posted on her public Facebook account – where she had PDP-affiliated co-workers as friends – and actively expressed her political beliefs in that forum.

251. De Jesús-Morales also debated politics with non-NPP-affiliated employees at the Office of the Superintendent.

252. During an incident where one of the Plaintiffs had his head shaved by PDP-affiliated employee after he lost a bet regarding the outcome of the 2012 General Elections – an

event witnessed by at least one defendant – De Jesús-Morales publicly called out her support for the NPP party.

253. These facts, as well as others provided throughout this complaint relating to or tending to show De Jesús-Morales' 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 De Jesús-Morales from her job without evaluating her performance or efficiency.

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

256. Defendants terminated De Jesús-Morales employment without warning and without cause, by way of a letter she received on March 18th, 2013 while on sick leave. Her termination was immediately effective.

257. A person that did not work at the Office of the Superintendent replaced De Jesús-Morales. That person is a member of the PDP.

258. The reason that De Jesús-Morales' 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.

259. In the alternative, Defendants terminated her because they knew that she was not an active supporter of the PDP.

260. As a result of this termination, Defendants have deprived De Jesús-Morales 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; and/or Defendants knew of her political affiliation with the NPP.

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

**Plaintiff Asnel Fernández-Martínez**

262. Plaintiff Asnel Fernández-Martínez ("Fernández-Martínez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

263. Plaintiff Fernández-Martínez commenced working at the Office of the Superintendent in May of 2007, and worked as a Supervisor in the Emergency Management Department when he was terminated on March 15, 2013 because of his political affiliation.

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

265. In fact, Fernández-Martínez' 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 his position.

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

267. Fernández-Martínez's principal duties were to coordinate the operations of the different offices to ensure their day-to-day security.

268. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Fernández-Martínez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Fernández-Martínez 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 Fernández-Martínez had voted for the NPP.

269. During the 2012 electoral campaign (as well as previous campaigns), Fernández-Martínez worked in the campaign of NPP-Senator Migdalia Padilla.

270. Senator Padilla is Fernández-Martínez' mother-in-law, a fact known to his co-workers and the Defendants as is was a matter of general knowledge in the Office of the Superintendent.

271. Like some co-workers and the other Plaintiffs, Fernández-Martínez 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 public Facebook accounts.

272. Fernández-Martínez also engaged in political debates with co-workers that were not affiliated with the NPP.

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

274. After the 2012 General Elections, Fernández-Martínez' shift was changed, and he was the only person with a rotating shift.

275. Fernández-Martínez' computer was also taken away, and never replaced.

276. Defendants terminated Fernández-Martínez' employment without warning and without cause, by way of a letter of March 15, 2013 signed by Vázquez-Collazo and delivered by Arana-Colón. His termination was effective on the same day.

277. Defendants terminated and dismissed Fernández-Martínez from his job without evaluating his job performance or efficiency.

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

279. A person that did not work at the Office of the Superintendent replaced Fernández-Martínez. That person is a member of the PDP.

280. The reason that Fernández-Martínez' 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.

281. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

282. As a result of this termination, Defendants have deprived Fernández-Martínez of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him 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, and/or is a known supporter of the NPP.

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

**Plaintiff Wai Lok Lo-Santiago**

284. Plaintiff Wai Lok Lo-Santiago ("Lo-Santiago") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

285. Plaintiff Lo-Santiago commenced working at the Office of the Superintendent in July 2009, and worked as an Investigator and Drafter ("*Investigador y Redactor*") when he was terminated on March 15, 2013 because of his political affiliation.

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

287. In fact, Lo-Santiago'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.

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

289. Lo-Santiago's principal duties were to search for available grants that could be used to improve physical conditions of the Capitol's facilities, its running programs, or which would allow new programs to be implemented, and to write proposals for said grants.

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

291. During the 2012 electoral campaign, Lo-Santiago was the Director of Campaign for well-known former NPP-Senator Marita Santiago. This fact was common knowledge within the Office of the Superintendent and by Defendants.

292. Lo-Santiago is also the son of former NPP-Senator Marita Santiago. This fact was also common knowledge within the Office of the Superintendent and by Defendants.

293. Like some co-workers and the other Plaintiffs, Lo-Santiago was seen by Defendants and other PDP-affiliated employees of the Office of the Superintendent in pictures doing political work during the 2012 electoral campaign, including those posted on public Facebook accounts.

294. These facts, as well as others provided throughout this complaint relating to or tending to show Lo-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).

295. Defendants terminated and dismissed Lo-Santiago from his job without evaluating him as to his job performance and efficiency.

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

297. Defendants terminated Lo-Santiago's employment without warning and without cause when co-defendant Arana-Colón called Lo-Santiago to his office on March 15, 2013 and had him escorted out of the building. His termination was effective on the same day.

298. A person that did not work at the Office of the Superintendent replaced Lo-Santiago. That person is a member of the PDP.

299. The reason that Lo-Santiago'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.

300. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

301. As a result of this termination, Defendants have deprived Lo-Santiago 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; and/or is a known supporter of the NPP.

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

**Plaintiff Carlos J. Malavé-Mayol**

303. Plaintiff Carlos Malavé-Mayol ("Malavé-Mayol") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

304. Plaintiff Malavé-Mayol commenced working at the Office of the Superintendent in April 2011, and worked as an Engineer when he was terminated on March 15, 2013 because of his political affiliation on.

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

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

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

308. Malavé-Mayol's principal duties were, among other things, to evaluate the technical aspects of proposals submitted by different persons to perform construction projects and other jobs in the Office of the Superintendent, coordinate construction, restoration, or repair jobs with different contractors, supervise proper construction and engineering, and inspect works after they were completed.

309. After the change in administration, however, he was deprived of his duties and was rarely assigned any work to perform.

310. Malavé-Mayol's office was taken away in January, shortly after the election. For the next two months, Malavé-Mayol was left to roam the halls without an office, taking

advantage of any available space to perform whatever work he could. Even though there were empty desks in some offices, Malavé-Mayol was not offered one.

311. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Malavé-Mayol is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Malavé-Mayol 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 Malavé-Mayol had voted for the NPP.

312. During the 2012 electoral campaign, Malavé-Mayol discussed politics with his co-workers, including those not affiliated with the NPP.

313. On different occasions, other employees of the Office of the Superintendent not affiliated with the NPP asked him directly which political party he was affiliated with. Malavé-Mayol answered truthfully, exposing his affiliation to the NPP.

314. These facts, as well as others provided throughout this complaint relating to or tending to show Malavé-Mayol'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).

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

316. Defendants terminated and dismissed Malavé-Mayol from his job without evaluating his job performance and efficiency.

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

318. A person that did not work at the Office of the Superintendent substituted for Malavé-Mayol. That person is a member of the PDP.

319. The reason that Malavé-Mayol'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.

320. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

321. As a result of this termination, Defendants deprived Malavé-Mayol 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, and/or is known to be affiliated with the NPP.

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

**Plaintiff Luis Maldonado-Cotto**

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

324. Plaintiff Maldonado-Cotto commenced working at the Office of the Superintendent in September 2005, and worked as a Conservation and Energy Project Coordinator when he was terminated on March 15, 2013 because of his political affiliation.

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

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

327. Maldonado-Cotto's principal duties were to coordinate landscaping and maintenance projects, provide instructions and direction in landscaping-related projects, and ensure the conservation and maintenance of offices in the Capitol Building and the Office of the Superintendent.

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

329. During the 2012 electoral campaign, Maldonado-Cotto served as an officer of the State Electoral Commission as a Coordinator of NPP Representatives. This fact was well known in the Office of the Superintendent insofar as he occupied a high profile position where both the rank and file of non-NPP parties became aware of his political affiliation. Moreover, some of his PDP-affiliated co-workers also worked at the State Electoral Commission during the election

period and saw him carrying out his functions. Workers at the State Electoral Commission were identified with labels depicting the parties they represent.

330. Maldonado-Cotto was also a member of the NPP youth, and occupied the position of NPP Unit President, which made him the main representative of the NPP-affiliated voters in his assigned region.

331. Like some co-workers and the other Plaintiffs, Maldonado-Cotto was also 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 public Facebook accounts. To be sure, Maldonado-Cotto had a public Facebook account where he posted photos of himself in political activities. He was friends with some PDP-affiliated co-workers on this Facebook account.

332. Maldonado-Cotto also actively debated politics with non-NPP-affiliated co-workers.

333. In addition to the above, Maldonado-Cotto held--and still holds--a position as a member of the Board of Agronomy. He was appointed to said position by ex-NPP-Governor Fortuno, and was confirmed in said position by the Senate.

334. These facts, as well as others provided throughout this complaint relating to or tending to show Maldonado-Cotto'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).

335. After the 2012 Election, Maldonado-Cotto was systematically stripped of his previous duties in the Office of the Superintendent.

336. Maldonado-Cotto's computer was also taken away, and his office was reassigned to a PDP-affiliated employee. Maldonado-Cotto was offered a tiny electrical closet as an office, which he refused, opting instead to perform his work in whatever available space he could find.

337. On one occasion, while Maldonado-Cotto was seeking instructions, two of Maldonado-Cotto's supervisors – both affiliated with the PDP – informed him that co-defendant Vela-Birriel stated that if he wanted work that he should work with a pick-axe and shovel. His position did not entail performing such duties.

338. Maldonado-Cotto also tried to arrange meetings with supervisors without success.

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

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

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

342. Maldonado-Cotto was replaced by a member of the PDP.

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

344. The reason that Maldonado-Cotto'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.

345. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

346. As a result of this termination, Defendants have deprived Maldonado-Cotto 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; and/or because he is a known supporter of the NPP.

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

**Plaintiff Nancy Morales-Rivera**

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

349. Plaintiff Morales-Rivera commenced working at the Office of the Superintendent in July 2009, and worked as an Activity Coordinator when she was terminated on March 18, 2013 because of her political affiliation.

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

351. In fact, Morales-Rivera'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.

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

353. Morales-Rivera's principal duties were to coordinate the scheduling of activities in the Capitol Building, including senate and congressional events, graduations, etc.

354. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Morales-Rivera is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Morales-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 Morales-Rivera had voted for the NPP.

355. During the 2012 electoral campaign, Morales-Rivera served as an assistant to former Superintendent Eliezer Velázquez' race for a Senate seat by helping him with field operations.

356. She also engaged in friendly political debates with her co-workers at the Office of the Superintendent.

357. Like some co-workers and the other Plaintiffs, Morales-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. She also made political commentaries in her personal Facebook account.

358. These facts, as well as others provided throughout this complaint relating to or tending to show Morales-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).

359. After the 2012 General Election, PDP-affiliated co-workers began to call Morales-Rivera at her desk to tease and make fun of her as a result of the NPP losing the elections. She would also receive phone calls from unidentified persons playing a song with the lyrics "out they go" ("*pa' fuera es que van*").

360. After the election, Morales-Rivera was also deprived of her duties. To be sure, Morales-Rivera was tasked with scheduling events at the Capitol Building. However, after the election, letters requesting the use of Capitol Building facilities for events stopped being forwarded to her. When Morales-Rivera inquired why she was not being allowed to perform her work, Co-defendant Alvaro-Vázquez' secretary informed her that she was not forwarding the letters to Morales-Rivera because she was ordered not to.

361. After complaining several times – including to co-defendant Vela-Birriel – that she was being unfairly deprived of her duties, she began to receive letters requesting Capitol Building facilities again.

362. Shortly thereafter, however, on March 18th, 2013, Morales-Rivera was terminated without warning and without cause. The termination was effective the same day.

363. Defendants terminated and dismissed Morales-Rivera from her job without evaluating her job performance and efficiency.

364. At no time prior to her dismissal did the Defendants disciplined Morales-Rivera or issued a reprimand related to the performance of her duties.

365. At the time of her dismissal, Morales-Rivera had been on leave granted by the State Insurance Fund due to a fall she suffered in the Capitol Building four days before her termination.

366. Morales-Rivera was replaced by a member of the PDP.

367. The reason that Morales-Rivera'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.

368. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

369. As a result of this termination, Defendants have deprived Morales-Rivera of the income and benefits by which she sustained herself and her family; have subjected her to personal pain and suffering; and have punished her 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; and or being a known supporter of the NPP.

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

**Plaintiff Miguel A. Hernández-Montañez**

371. Plaintiff Miguel A. Hernández-Montañez ("Hernández-Montañez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

372. Plaintiff Hernández-Montañez commenced working at the Office of the Superintendent in September of 2007, and worked as a Coordinator of the Mechanic Shop

(“*Coordinador de Taller de Mecánica*”) in the Office of Transportation when he was terminated on August 12, 2013 because of his political affiliation.

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

375. Hernández-Montañez engaged in functions of a routine nature that required competence and efficient performance, not political affiliation.

376. Hernández-Montañez’ principal duties were to provide maintenance and repair automobiles.

377. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Hernández-Montañez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Hernández-Montañez 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 Hernández-Montañez voted for the NPP.

378. During the 2012 electoral campaign, Hernández-Montañez attended political events favoring the NPP, worked putting up campaign posters for well-known NPP-Senator Rivera Schatz and NPP-Senator Héctor Martínez.

379. Hernández-Montañez also actively discussed politics with non-NPP-affiliated employees, and even made a bet with PDP co-workers regarding the outcome of the election. Many other co-workers found out about the bet and would bring it up in conversation.

380. These facts, as well as others provided throughout this complaint relating to or tending to show Hernández-Montañez' 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. In the aftermath of the election, Hernández-Montañez' supervisor, who was known to be affiliated with the NPP, was terminated. Said supervisor was replaced by a person affiliated with the PDP.

382. Other co-workers began to spread rumors that Hernández-Montañez would also be fired because of his political affiliation.

383. Defendants terminated and dismissed Hernández-Montañez from his job without evaluating him as to his job performance and efficiency.

384. Defendants terminated Hernández-Montañez' employment without warning and without cause, by way of a letter dated August 12, 2013. His termination was effective on the same day.

385. A person that did not work at the Office of the Superintendent replaced Hernández-Montañez. That person is a member of the PDP.

386. The reason that Hernández-Montañez' 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. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

388. As a result of this termination, Defendants have deprived Hernández-Montañez 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; and/or because he is a known member of the NPP.

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

**Plaintiff Aura B. Rivera-Medina**

390. Plaintiff Aura B. Rivera-Medina ("Rivera-Medina ") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

391. Plaintiff Rivera-Medina commenced working at the Office of the Superintendent in August 2006, and worked as an Assistant of Managerial Affairs when she was terminated on March 15, 2013 because of her political affiliation.

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

393. In fact, Rivera-Medina'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.

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

395. Rivera-Medina's principal duties were to serve as liaison between employees and Human Resources personnel by managing the assistance log and assistance files, managed the administrative portion of requests for employee licenses such as sick and vacation leave, drafted reports regarding absenteeism, processed trainings and oriented employees regarding Human Resources matters, etc.

396. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Rivera-Medina is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Rivera-Medina 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-Medina had voted for the NPP.

397. It was also common knowledge in the Office of the Superintendent that Rivera-Medina's brother was one of the principal consultants for former NPP-President of the Senate and Secretary of State Kenneth McClintock, and had been Director of the Office of Legislative Services.

398. On different occasions after the 2012 General Elections, Co-Defendants Vázquez-Ramos and Arana-Colón, among other employees of the Office of the Superintendent, asked Rivera-Medina what year she begun working in the Office of the Superintendent – which was August 2006, under an NPP administration of the Office – and who had hired her (former NPP-Superintendent Eliezer Velázquez).

399. Co-Defendant Vázquez-Ramos also told Rivera-Medina that he wanted to “fire all those NPP fuckers” (“*botar a todos esos PNPs cabrones*”), and asked her whether the Office of the Superintendent’s Personnel Regulations contained information regarding employee terminations.

400. Rivera-Medina’s duties were systematically stripped from her, and she was deprived of her job functions.

401. An associate manager of the General Services Department affiliated with the PDP also asked her the political affiliation of other employees working in her office.

402. These facts, as well as others provided throughout this complaint relating to or tending to show Rivera-Medina’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).

403. Defendants terminated Rivera-Medina’s employment without warning and without cause, by way of a letter of March 15, 2013. Her termination was effective on the same day.

404. Defendants terminated and dismissed Rivera-Medina from her job without evaluating her job performance and efficiency.

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

406. As of this date, defendants have not even paid Rivera-Medina her accrued vacations and sick pay.

407. The reason that Rivera-Medina'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.

408. In the alternative, Defendants terminated her because they knew that she was not an active supporter of the PDP.

409. As a result of this termination, Defendants have deprived Rivera-Medina 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; and or being a known supporter of the NPP.

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

**Plaintiff José A. Rivera-Ocasio**

411. Plaintiff José A. Rivera-Ocasio ("Rivera-Ocasio") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

412. Plaintiff Rivera-Ocasio commenced working at the Office of the Superintendent in February 2012, and worked as a Watchman when he was terminated on March 15, 2013 because of his political affiliation.

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

414. In fact, Rivera-Ocasio'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.

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

416. Rivera-Ocasio'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.

417. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Rivera-Ocasio 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 Rivera-Ocasio 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 Rivera-Ocasio had voted for the NPP.

418. Rivera-Ocasio's father was the Deputy Sergeant at Arms for the House of Representative, and a staunch political activist for the NPP party. This was common knowledge within the Office of the Superintendent.

419. Rivera-Ocasio also actively participated in the 2012 electoral race by attending meetings, rallies, and conventions in support of the NPP party.

420. Rivera-Ocasio discussed politics with co-workers where he expressed his affiliation with the NPP.

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

422. Immediately after Election Day, office personnel working at the Senate began to celebrate in front of Rivera-Ocasio that NPP personnel would be fired.

423. Defendants terminated and dismissed Rivera-Ocasio from his job without evaluating his job performance or efficiency.

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

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

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

427. The reason that Rivera-Ocasio'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.

428. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

429. As a result of this termination, Defendants have deprived Rivera-Ocasio 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; and/or because he is a known supporter of the NPP.

**Plaintiff Wilfredo Soto-Arce**

430. Plaintiff Wilfredo Soto-Arce ("Soto-Arce") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

431. Plaintiff Soto-Arce commenced working at the Office of the Superintendent in July 2009, and worked as a Facility Administrator when he was terminated on March 15, 2013 because of his political affiliation.

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

433. In fact, Soto-Arce'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.

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

435. Soto-Arce's principal duties were to make building and office repairs.

436. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Soto-Arce is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Soto-Arce 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 Soto-Arce voted for the NPP.

437. During the 2012 electoral campaign, Soto-Arce acted as Director of Field Operations in NPP-Senator Rivera-Schatz' re-election campaign. This was a highly visible position in the campaign of a very well-known NPP-Senator.

438. During the 2012 electoral campaign, Soto-Arce attended political activities favoring the NPP, and publicly expressed himself in favor of the NPP.

439. Soto-Arce also appeared in pictures taken on the campaign trail with Senator Schatz, which were made public in social media.

440. These facts, as well as others provided throughout this complaint relating to or tending to show Soto-Arce'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).

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

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

443. Defendants terminated Soto-Arce's employment without warning and without cause, by way of a letter of March 15, 2013. His termination was effective on the same day. He was escorted out of the building by security personnel.

444. A person that did not work at the Office of the Superintendent substituted Soto-Arce. That person is a member of the PDP.

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

446. The reason that Soto-Arce'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.

447. In the alternative, Defendants terminated him because they knew that he was not an active supporter of the PDP.

448. As a result of this termination, Defendants have deprived Soto-Arce 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; and/or because he was a known supporter of the NPP.

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

**Plaintiff Vilmarie Texidor-Sánchez**

450. Plaintiff Vilmarie Texidor-Sánchez ("Texidor-Sánchez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

451. Plaintiff Texidor-Sánchez commenced working at the Office of the Superintendent in August of 2005 and worked as an Administrative Assistant when she was terminated on March 15, 2013 because of her political affiliation.

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

453. In fact, Texidor-Sánchez' 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.

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

455. Texidor-Sánchez' principal duties were to coordinate events as well as the employees needed to provide support to both the House of Representatives and the Senate, and served as custodian of the Capitol's art collection.

456. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Texidor-Sánchez is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Texidor-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 Texidor-Sánchez voted for the NPP.

457. Like some co-workers and the other Plaintiffs, Texidor-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 public Facebook accounts.

458. Texidor-Sánchez also worked in the advance team of former NPP Superintendent of the Office of the Superintendent in his bid for a Senate seat on the NPP ticket. Before that, she worked in the Senate for NPP-Senator Carlos Díaz, as well as for former NPP-Governor Pedro Roselló.

459. Several of her PDP affiliated co-workers at the Office of the Superintendent remembered her from her days in the Senate.

460. Texidor-Sánchez also engaged in friendly political discussions with non-NPP co-workers.

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

462. Immediately after the new administration came into power in January 2013, Texidor-Sánchez' office was taken away. A PDP-affiliated employee was assigned to her former office.

463. Texidor-Sánchez was relocated to a cramped space with three other people.

464. Soon thereafter, Texidor-Sánchez and another NPP-affiliated employee of the Office of Protocol were terminated.

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

466. Defendants terminated and dismissed Texidor-Sánchez from her job without evaluating her job performance and efficiency.

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

468. A member of the PDP party replaced Texidor-Sánchez.

469. The reason that Texidor-Sánchez' 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.

470. In the alternative, Defendants terminated her because they knew that she was not an active supporter of the PDP.

471. As a result of this termination, Defendants have deprived Texidor-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; and or being a known supporter of the NPP.

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

**Plaintiff Juana E. Sepúlveda-Valentín**

473. Plaintiff Juana E. Sepúlveda-Valentín ("Sepúlveda-Valentín") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

474. Plaintiff Sepúlveda-Valentín began working at the Office of the Superintendent in July 2011 and worked as an Administration Assistant when she was terminated on March 15, 2013, because of her political affiliation to the NPP.

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

public-policy functions. Sepúlveda-Valentín 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.

476. In fact, Sepúlveda-Valentín's job description at the Office of the Superintendent Classification Plan states that her position is one of regular trust, and not strict trust. This means that political affiliation is not an appropriate consideration for her position.

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

478. Sepúlveda-Valentín's principal duties were to ensure the proper functioning of Xerox machines located in the Office of the Superintendent, maintain the Xerox machines stocked with paper and toner, arrange repairs for broken machines, as well as issue meal tickets for employees working overtime, and manage other employee paperwork such as W2 Forms and pay stubs.

479. For the reasons set forth in this Complaint, all Defendants (and employees of the Office of the Superintendent in general) were aware that Sepúlveda-Valentín is an active member of the NPP. It was of common knowledge at the Office of the Superintendent (and by Defendants themselves) that Sepúlveda-Valentín 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 Sepúlveda-Valentín had voted for the NPP.

480. During the 2012 electoral campaign, Sepúlveda-Valentín worked in the former NPP Superintendent Eliezer Velázquez' bid for a senatorial seat on the NPP ticket. This was common knowledge in the Office of the Superintendent.

481. Except for periods where she resided in the United States, Sepúlveda-Valentín was involved with the NPP party in some way, shape, or form since the year 1970, including participating in political events.

482. Sepúlveda-Valentín also actively debated politics with non-NPP-affiliated employees at the Office of the Superintendent.

483. On one occasion, PDP-affiliated personnel from the Office of Human Resources asked her where she came from, meaning who recommended her for her position. She truthfully answered that NPP-affiliated Junior González, a well-known consultant to NPP-Speaker of the House, Jennifer González, recommended her, and Eliezer Velázquez hired her.

484. These facts, as well as others provided throughout this complaint relating to or tending to show Sepúlveda-Valentín'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).

485. After the 2012 General Elections, Sepúlveda-Valentín's duties began to be redistributed among PDP-affiliated personnel.

486. Some PDP affiliated employees of the Office of the Superintendent also began to tell her that luckily some NPP employees would be able to qualify for social security when they were fired – meaning her, as Sepúlveda-Valentín was the only person in her office that would qualify.

487. Another PDP-affiliated employee would repeatedly tell her “don't worry, this will be over soon”, meaning Sepúlveda-Valentín's employment.

488. In addition, personnel from the Office of Human Resources stopped providing her with information necessary for her to carry out her job functions.

489. Defendants terminated and dismissed Sepúlveda-Valentín from her job without evaluating her performance or efficiency.

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

491. Defendants terminated Sepúlveda-Valentín's employment without warning and without cause, on March 15, 2013, effective immediately.

492. A person affiliated with the PDP that did not previously work at the Office of the Superintendent replaced Sepúlveda-Valentín.

493. The reason that Sepúlveda-Valentín'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.

494. In the alternative, Defendants terminated her because they knew that she was not an active supporter of the PDP.

495. As a result of this termination, Defendants have deprived Sepúlveda-Valentín 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; and/or Defendants knew of her political affiliation with the NPP.

496. Defendants' actions have resulted in a chilling effect and have had a compromising effect on Sepúlveda-Valentín's 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)**

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

498. 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.

499. 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.

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

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

502. 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**

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

504. 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.

505. Defendants' actions also constitute violations of 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.

c. 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.

3. 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.

4. All applicable interest, including pre- and post- judgment interest.

5. That the Court retain jurisdiction over this action in order to ensure compliance with any decree issued by this Court.

6. A Jury Trial is demanded.

7. Any such other and further relief as the Court may deem just and proper.

Respectfully submitted, this 19<sup>th</sup> day of November, 2013.

Attorneys for Plaintiffs

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