

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

LUZ S. MALDONADO-MARTÍNEZ,
JOSÉ L. ARROYO-ORTIZ,
IVÁN TORRES-SÁNCHEZ, and
CARLOS CRUZ-DÍAZ

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; 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; RENÉ VALLE-UMPIERRE, in his personal capacity and in his official capacity as DIRECTOR OF DECORATION AND FACILITIES ADMINISTRATION; JOSÉ SAPIA, in his personal and official capacity as DIRECTOR OF GENERAL SERVICES; JULIO MOJICA, in his personal capacity and in his official capacity as DIRECTOR OF FACILITIES CONSERVATION AND TECHNICAL SERVICES; JANE DOE; and JOHN DOE,

Defendants.

Civil Action No: 15-2738

COMPLAINT

CIVIL RIGHTS

DAMAGES

DECLARATORY RELIEF

INJUNCTIVE RELIEF

JURY TRIAL

COMPLAINT

TO THE HONORABLE COURT:

Plaintiffs LUZ S. MALDONADO-MARTÍNEZ, JOSÉ L. ARROYO-ORTIZ, IVÁN TORRES-SÁNCHEZ, and CARLOS CRUZ-DÍAZ (the “Plaintiffs”) 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; 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; RENÉ VALLE-UMPIERRE, in his personal capacity and in his official capacity as DIRECTOR OF DECORATION AND FACILITIES ADMINISTRATION; JOSÉ SAPIA, in his personal and official capacity as DIRECTOR OF GENERAL SERVICES; JULIO MOJICA, in his personal capacity and in his official capacity as DIRECTOR of FACILITIES CONSERVATION AND TECHNICAL SERVICES; JANE DOE; and JOHN DOE.

INTRODUCTION

1. This is a civil action filed by four (4) former low-level trust employees of the Office of the Superintendent of Puerto Rico of the Capitol Building (“Office of the Superintendent”) seeking redress for blatant, politically motivated adverse employment actions taken against them in violation of federal and local law.

2. The Plaintiffs are all affiliated with the New Progressive Party (the “NPP”). Plaintiffs allege that after the change in political administration of the Office of the Superintendent, when the NPP administration switched to the Popular Democratic Party (the “PDP”) as a result of the General Elections of 2012, Defendants subjected Plaintiffs to politically motivated harassment and deprivation of work functions. Eventually, Defendants fired Plaintiffs, and refused to rehire them because of their affiliation with the NPP.

3. Plaintiffs also allege that Defendants replaced them with individuals loyal to the new PDP administration. As shown below, Plaintiffs are the victims of patronage dismissals with no regard to Plaintiffs’ work performance or evaluations. In so acting, Defendants ignored decades-old law establishing that government employees who are not in policy-making positions of confidence are protected from dismissal based on their political affiliation.

4. Plaintiffs accordingly allege violations under the First Amendment of the United States Constitution, as well as under the laws and Constitution of the Commonwealth of Puerto Rico, in particular, Sections 1, 2, 4 and 6 of Article II of the Constitution of Puerto Rico, and Articles 1802 and 1803 of the Civil Code §§5141 and 5142 of Title 31 of the Puerto Rico Laws Annotated.

JURISDICTION

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. 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.

6. 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.

7. Jury trial is demanded.

THE PARTIES

Plaintiffs

8. **Plaintiff Luz S. Maldonado-Martínez (“Maldonado-Martínez”)** had worked at the Office of the Superintendent for approximately six (6) years – since July 1, 2009 – when she was terminated by the Defendants on February 12, 2015 for exercising her First Amendment rights and engaging in activity protected by the First Amendment. At the time of her termination, Maldonado-Martínez worked as an Administrative Assistant at the Department of Administration of Facilities and Decoration of the Office of the Superintendent, where she performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Maldonado-Martínez is a citizen of the United States and currently resides in Ponce, Puerto Rico.

9. **Plaintiff José L. Arroyo-Ortiz (“Arroyo-Ortiz”)** had worked at the Office of the Superintendent for approximately eleven (11) years – since November 17, 2003 – when Arroyo-Ortiz was terminated by the Defendants on November 14, 2014 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Arroyo-Ortiz worked as a Lettering Supervisor at the Department of General Services of the Office of the Superintendent, where he performed manual and routine functions. Party affiliation is not an appropriate requirement for such position. Arroyo-Ortiz is a citizen of the United States and currently resides in Carolina, Puerto Rico.

10. **Plaintiff Iván Torres-Sánchez (“Torres-Sánchez”)** had worked at the Office of the Superintendent for approximately twenty-two (22) years – since July 1, 1993 – when Torres-

Sánchez was terminated by the Defendants on February 12, 2015 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Torres-Sánchez worked as a Property Official at the Department of General Services of the Office of the Superintendent, where he performed clerical and routine functions. Party affiliation is not an appropriate requirement for such position. Torres-Sánchez is a citizen of the United States and currently resides in San Juan, Puerto Rico.

11. **Plaintiff Carlos Cruz-Díaz (“Cruz-Díaz”)** had worked at the Office of the Superintendent for approximately ten (10) years – since 2005– when Cruz-Díaz was terminated by the Defendants on February 12, 2015 for exercising his First Amendment rights and engaging in activity protected by the First Amendment. At the time of his termination, Cruz-Díaz worked as a Facilities and Repair Technician at the Office of the Superintendent, where he performed manual and routine functions. Party affiliation is not an appropriate requirement for such position. Cruz-Díaz is a citizen of the United States and currently resides in Maunabo, Puerto Rico.

Defendants

12. **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. Perelló-Borrás was a Representative for the Popular Democratic Party (“PDP”) from January 2nd 2009, until December 31, 2013. As a result of the November 6, 2012 General Election, he was re-elected to the House of Representatives under the PDP insignia.
- b. As a result of the November 6, 2012 General Election, the PDP gained a majority of the seats in the House of Representatives.

- c. Perelló-Borrás was the only Representative nominated to occupy the position of Speaker of the House of Representatives.
 - d. Perelló-Borrás was 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. Perelló-Borrás is 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.
 - g. As per tradition in the Legislative Assembly, the President of the Senate and the Speaker of the House of Representatives oversee over the operation of one of the support agencies, that is, one supervises the operations of the Office of Legislative Services and the other over the operations of the Office of the Superintendent. During the current 2013-2016 term, Perelló-Borrás oversees the operations of the Office of the Superintendent.
 - h. Perelló-Borrás is sued in this action in his personal capacity, and in his official capacity as Speaker of the House of Representatives, since he oversees the operations of the Office of the Superintendent during the current 2013-2016 term.
 - i. At all times relevant and material hereto, Perelló-Borrás was acting under color of state law.
13. JAVIER VÁZQUEZ-COLLAZO (“Vázquez-Collazo”) is the Superintendent of the Capitol Building (“Superintendent”).

As required by law, Vázquez-Collazo was appointed to such position by consensus between the Speaker of the House of Representatives and the President of Senate.

- j. It was Perelló-Borrás who recommended Vázquez-Collazo to occupy such position.
 - k. Vázquez-Collazo enjoys the full trust of and is loyal to Perelló-Borrás and the PDP.
 - l. Vázquez-Collazo is a well-known and loyal member of the PDP.
 - m. Vázquez-Collazo is sued in this action in his individual capacity, and in his official capacity as the Superintendent of the Capitol Building.
 - n. At all times relevant and material hereto, Vázquez-Collazo was acting under color of state law.
14. ROSENDO VELA-BIRRIEL (“Vela-Birriel”) is the Deputy Superintendent in Charge of Operations of the Office of the Superintendent.
- o. Vela-Birriel was appointed to such position by Vázquez-Collazo.
 - p. Vela-Birriel enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.
 - q. Vela-Birriel is a well-known and loyal member of the PDP.
 - r. During the 2001-2004 term, Vela-Birriel performed duties as Deputy Superintendent at the Office of the Superintendent, where he met some of the Plaintiffs.
 - s. 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.
 - t. At all times relevant and material hereto, Vela-Birriel was acting under color of state law.
15. ÁLVARO VÁZQUEZ-RAMOS (“Vázquez-Ramos”) is the Deputy Superintendent in Charge of Administration of the Office of the Superintendent.

- u. Vázquez-Ramos was appointed to such position by Vázquez-Collazo.
 - v. Vázquez-Ramos enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.
 - w. Vázquez-Ramos is a well-known and loyal member of the PDP.
 - x. 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.
 - y. At all times relevant and material hereto, Vázquez-Ramos was acting under color of state law.
16. MIGUEL A. ARANA-COLÓN (“Arana-Colón”) is the Human Resources Director of the Office of the Superintendent.
- z. Arana-Colón was appointed to such position by Vázquez-Collazo.
 - aa. Arana-Colón enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.
 - bb. Arana-Colón is a well-known and loyal member of the PDP.
 - cc. 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.
 - dd. At all times relevant and material hereto, Arana-Colón was acting under color of state law.
17. RENÉ VALLE-UMPIERRE (“Valle-Umpierre”) is the Director of Decoration and Facilities Administration of the Office of the Superintendent.
- ee. Valle-Umpierre was appointed to such position by Vázquez-Collazo.

- ff. Valle-Umpierre enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.
 - gg. Valle-Umpierre was an employee of the Office of the Superintendent for many years prior to Defendant Vázquez-Collazo commencing as Superintendent.
 - hh. Valle-Umpierre is a well-known and loyal member of the PDP.
 - ii. Valle-Umpierre is sued in this action in his individual capacity, and in his official capacity as Director of Decoration and Facilities Administration of the Office of the Superintendent.
 - jj. At all times relevant and material hereto, Valle-Umpierre was acting under color of state law.
18. JOSÉ SAPIA (“Sapia”) is the Director of General Services of the Office of the Superintendent.
- kk. Sapia was appointed to such position by Vázquez-Collazo.
 - ll. Sapia enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.
 - mm. Sapia is a well-known and loyal member of the PDP.
 - nn. Sapia is sued in this action in his individual capacity, and in his official capacity as Director of General Services of the Office of the Superintendent.
 - oo. At all times relevant and material hereto, Sapia was acting under color of state law.
19. JULIO MOJICA (“Mojica”) is the Director of Facilities Conservation and Technical Services.

pp. Mojica was appointed to such position by Vázquez-Collazo.

qq. Mojica enjoys the full trust of and is loyal to both co-Defendant Perelló-Borrás and co-Defendant Vázquez-Collazo, as well as to the PDP.

rr. Upon information and belief, Mojica is the brother in-law of co-Defendant Perelló-Borrás.

ss. Mojica is a well-known and loyal member of the PDP.

tt. Mojica is sued in this action in his individual capacity, and in his official capacity as Director of Facilities Conservation and Technical Services.

uu. At all times relevant and material hereto, Mojica was acting under color of state law.

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

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

FACTUAL ALLEGATIONS¹

GENERAL ALLEGATIONS AS TO ALL PLAINTIFFS

The Office of the Superintendent

22. The Office of the Superintendent is the office in charge of keeping the structures within the Capitol and the peripheral areas in optimal conditions. It was created to direct and supervise the maintenance, conservation and repairs that take place in the Capitol Buildings.

23. Besides the Office of the Superintendent, the Office of Legislative Services is another office that provides support to the legislative bodies in Puerto Rico; the House of Representatives and the Senate.

24. It has been a tradition at the Legislative Assembly that every four-year term the president of each legislative body oversees the operation of one of the support offices.

25. During the 2009-2012 term, Thomas Rivera-Schatz of the NPP – former President of the Puerto Rico Senate – oversaw the operations of the Office of the Superintendent, while Jenniffer González-Colón of the NPP – former Speaker of the House of Representatives – oversaw the operations of the Office of Legislative Services.

26. Moreover, 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.”

27. Further, said Law vests upon the Superintendent the power to “establish the internal organization of the Superintendent's office, and to plan, direct, and supervise its operation.”

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

28. It is also established by law that 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.

29. 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”.

30. The NPP controlled the executive branch during the 2009-2012 term.

31. The NPP also controlled the legislative branch since January 2nd, 2005 until December 31, 2012.

32. As such, the Office of the Superintendent has been administered by Superintendents appointed by NPP administrations since 2005. From January 2005 to late 2006, the Superintendent was Nélide Santiago. From late 2006 until December 2013, the Superintendent was Eliezer Velázquez of the NPP.

33. The present term – from 2013 to 2016 - Eduardo Bhatia-Gautier of the PDP oversees the operations of the Office of Legislative Services, while co-Defendant Perelló-Borrás of the PDP oversees the operations of the Office of the Superintendent.

The Plaintiffs and their positions

34. The Plaintiffs, all of whom had worked at the Office of the Superintendent during previous terms, have been affiliated to the NPP at all times relevant and material to this action.

35. Plaintiffs Maldonado-Martínez, Torres-Sánchez and Cruz-Díaz commenced working at the Office of the Superintendent under an NPP administration, whereas Plaintiff Arroyo-Ortiz during a PDP administration.

36. Plaintiffs had been working for years at the Office of the Superintendent.

37. At all times relevant and material hereto, Plaintiffs were all public employees whose positions did not involve crafting, developing, or implementing public policy. Plaintiffs' positions were neither public-policy-making positions, nor positions that required the Plaintiffs to perform public-policy functions.

38. 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 “strict trust” employees – defined as those employees whose functions entail the execution of public policy.

39. Plaintiffs' positions are 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.

40. None of the Plaintiffs performed functions of close propinquity to policy-making employees, nor did such Plaintiffs otherwise had access to politically sensitive information or confidential information related to public policy matters or the legislative process.

41. In short, political affiliation is not an appropriate requirement of Plaintiffs' positions.

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

The General Election of 2012;
Defendants assume control of the Office of the Superintendent

43. On November 6, 2012, a contentious General Election² was held in Puerto Rico.
44. As a result of that General Election, PDP gubernatorial candidate Alejandro Garcia-Padilla defeated now-former Governor Luis G. Fortuño-Burset, who was running for reelection under the NPP ticket. The PDP also won the majority of the seats in the Senate and in the House of Representatives; vesting the PDP with control of both legislative bodies and the right to select their respective presidents from amongst the PDP delegations.
45. The PDP is thus the political party in power at this time. It controls both the Executive and Legislative Branches.
46. 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.
47. Perelló-Borrás formally assumed the position as Speaker of the House of Representatives on January 14, 2013, as did Eduardo Bhatia-Gautier as President of the Puerto Rico Senate.
48. As Speaker of the House Perelló-Borrás is the highest-ranking officer and nominating authority of the House and of the Office of the Superintendent of the Capitol Building.
49. Perelló-Borrás immediately recommended the appointment of co-Defendant Vázquez-Collazo as Superintendent. Such recommendation was favored by the President of the Puerto Rico Senate, Eduardo Bhatia-Gautier.
50. Co-Defendant Vázquez-Collazo's appointment as Superintendent of the Capitol Building became effective on January 2, 2013.

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

51. Defendant Vázquez-Collazo then appointed Co-Defendants Rosendo Vela-Birriel, Álvaro Vázquez-Ramos and Miguel A. Arana-Colón to the positions Deputy Superintendent in Charge of Operations, Deputy Superintendent in Charge of Administration and Human Resources Director of the Office of the Superintendent, respectively.

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

53. Defendant Perelló-Borrás requested information and participated in personnel matters, including decisions involving the substitutions and eliminations of managerial positions at the Office of the Superintendent. Moreover, Defendant Perelló-Borrás also approved co-Defendant Vázquez-Collazo's decisions to choose new personnel for these managerial positions – who, not coincidentally, are all affiliated with the PDP.

Co-Defendants Valle-Umpierre, Sapia and Mojica

54. Soon after being appointed Superintendent, Defendant Vázquez-Collazo appointed Co-Defendants Valle-Umpierre, Sapia and Mojica to the positions of Director of Decoration and Facilities Administration, Director of General Services and Director of Facilities Conservation and Technical Services, respectively.

55. Upon information and belief, Co-Defendant Mojica is the brother in law of Co-Defendant Perelló-Borrás, and made that fact known to Plaintiffs on several occasions.

56. On the other hand, Co-Defendant Valle-Umpierre was an employee of the Office of the Superintendent for many years prior to Defendant Vázquez-Collazo's appointment as Superintendent.

57. Prior to his appointment as Director of Decoration and Facilities Administration at the Office of the Superintendent, Co-Defendant Valle-Umpierre was an administrator of one of the buildings in the Office of the Superintendent.

58. Prior to his appointment as Superintendent, Defendant Vázquez-Collazo knew Co-Defendant Valle-Umpierre from the political campaign of Defendant Perelló-Borrás in 2012. Defendant Vázquez-Collazo coincided with Co-Defendant Valle-Umpierre in Perelló-Borrás' political activities.

59. Co-Defendant Valle-Umpierre was personally acquainted with all of the Plaintiffs long before January of 2013, and was very much aware of Plaintiffs' political affiliation with the NPP, as acknowledged by Co-Defendant Valle-Umpierre during conversations with Plaintiffs.

The Transition Committee

60. On 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.

61. Co-Defendants Perelló-Borrás, Vázquez-Collazo, Vela-Birriel and Vázquez-Ramos were involved in and actively participated during the transition process at the Office of the Superintendent.

62. At all times relevant and material hereto, co-Defendants' – including Perelló-Borrás' and Vázquez-Collazo's – staffs were composed of loyal and active PDP followers with a long history in the PDP.

63. Because Perelló-Borrás was the only candidate nominated for the position of Speaker of the House, he appointed a majority – if not all – of the members of the transition committee at both, the House of Representatives and the Office of the Superintendent.

64. On or about November 26, 2012, Perelló-Borrás sent a letter to former Superintendent Eliezer Velázquez informing him that co-Defendant Vázquez-Collazo and Attorney Luis Rivera Martínez were designated by him to start the transition process in matters regarding to the Office of the Superintendent.

65. 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.

66. They executed numerous orders and/or carried out numerous commands on Perelló-Borrás' behalf during the transition process.

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

68. In 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 present during the whole presentation.

69. The members of the transition committee and all Defendants were given access to and personally verified all records of the Office of the Superintendent, including personnel lists and employee information.

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

71. Co-Defendants, and in particular Perelló-Borrás as a high-ranking PDP official, 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.

72. 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.

73. 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 daily operations of the agency.

74. During times relevant and material hereto, Defendants visited the different departments and offices throughout the Office of the Superintendent including Plaintiffs' work-areas, and saw Plaintiffs performing their work.

75. During said visits, co-Defendants Vázquez-Collazo, Vela-Birriel and Vázquez-Ramos talked to the employees in their work areas, asking them their names and positions, and when they started working at the Office of the Superintendent.

76. Members of the incoming Transition Committee also visited Plaintiffs' work areas. During these visits, members of the incoming Transition Committee and/or Defendants asked who Plaintiffs were, what their functions were, and when they began working in the Office of the Superintendent of the Capitol Building.

**The highly politically charged working environment
at the Office of the Superintendent before and after the General Elections of 2012**

77. At all times relevant and material hereto, the Office of the Superintendent – which is a fairly small working place with about 300 employees in total – had a highly charged political atmosphere. Most of the employees of the Office of the Superintendent, if not all, were very active in political campaigns, and enthusiastically participated in political activities, with regards to their respective political parties.

78. 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.

79. Furthermore, at all times relevant and material hereto, employees at the Office of the Superintendent who were not associated with the PDP – like Plaintiffs – or who did not want to engage in politics were perceived by PDP activists and affiliates, including the Defendants, as being avid supporters of a political party other than the PDP, particularly the NPP, and thus opposing the PDP and its policies.

80. All of the Defendants also knew, assumed, and/or perceived that the Plaintiffs had voted for the NPP and/or for NPP-affiliated candidates during the 2012 elections.

81. At all times relevant and material to this action, NPP- and PDP- affiliated employees of the Office of the Superintendent, including the Plaintiffs and the Defendants, openly revealed their political affiliations to co-workers and supervisors; praised their respective political parties, party candidates and status preferences; and publicly discussed their attendance to their political party's activities. Also present during many of these political discussions and

exchanges were Plaintiffs' supervisors, Co-Defendants Valle-Umpierre, Mojica and/or Sapia - all of whom shared Defendants' political affiliation with the PDP.

82. At all times relevant and material to this action, employees of the Office of the Superintendent, including Plaintiffs and PDP-affiliated employees of the Office of the Superintendent – 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 political parties' platforms, and the stances of their political parties and their parties' respective candidates on certain issues.

83. Employees of Defendants' political trust, and PDP-affiliated individuals who eventually ascended to or were appointed to supervisory positions by Defendants, and employees of their political trust were active participants during these debates and/or personally witnessed Plaintiffs debate in favor of the NPP and/or in favor of candidates affiliated with the NPP and/or in favor of issues and policy proposals which were articulated by or supported by the NPP and candidates affiliated with the NPP.

84. Plaintiffs would frequently discuss politics with their fellow co-workers, including employees and/or supervisors affiliated with the PDP. In fact, some of the Defendants discussed politics with Plaintiffs, and openly acknowledged Plaintiffs' political affiliation with the NPP during these conversations.

85. This already highly-charged political atmosphere in the Plaintiffs' different work areas became increasingly hostile 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.

86. 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.

87. 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. 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.

88. On the date of the swearing-in of the newly elected PDP-affiliated Governor of Puerto Rico, which takes place in the Capitol Building, and of the newly-elected PDP-majority of the Senate and the House of Representatives, the employees affiliated to the NPP that worked in the administrative areas were told not to come to work. Other NPP employees that worked in areas such as internal security worked that day and they saw employees affiliated to the PDP there, proudly wearing and displaying the red and white colors of the PDP.

89. All Defendants, employees of Defendants' political trust, and PDP-affiliated individuals who eventually ascended to or were appointed to supervisory positions by Defendants, and employees of their political trust saw the Plaintiffs not wearing PDP colors at times relevant and material to this action.

90. Those who did not wear the colors of the PDP during such occasions were associated with a political party other than the PDP by the Defendants, and by other employees of the Office of the Superintendent. Unsurprisingly, such individuals, including Plaintiffs, eventually became targets of political discrimination and retaliation.

91. In fact, as soon as the Defendants took control of the Office of the Superintendent, one of their first official actions was to change the logo of the office, as well as the employees' identification card to bear red and white colors.

92. After the election, PDP-affiliated employees were obviously happy and cheerful, while NPP-affiliated employees – such as the Plaintiffs – were not. On such occasions, individuals who were not happy and cheerful – such as the Plaintiffs – were perceived by PDP-affiliated employees, including by all Defendants, as being affiliated with a party different than the one in power (the PDP); including by all Defendants, 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.

93. Moreover, on numerous occasions, during times relevant and material hereto, the Defendants made disparaging remarks against the prior NPP administration and the previous NPP administration of the Office of the Superintendent in Plaintiffs' presence.

94. Upon information and belief, Defendants and their trust employees (acting pursuant to Defendants' instructions) verified these sources and accounts in order to determine political affiliations 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.

95. 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 the other employees of the Office of the Superintendent.

96. As 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. This list was shared with and reviewed by all Defendants to discriminate against employees of the Office of the Superintendent because of their political affiliations and beliefs.

97. As noted before, almost all Plaintiffs had been hired by NPP administrations, fact known to all Defendants in this case.

98. 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.

99. This was fairly easy to do, as employees of Defendants' political-trust had worked at the Office of the Superintendent for years and, for the reasons explained above, knew who was and who was not affiliated to the PDP.

100. For instance, Defendant Vela-Birriel performed duties as Deputy Superintendent at the Office of the Superintendent during the 2001-2004 term. It was during this period that Defendant Vela-Birriel first met Plaintiffs Arroyo-Ortiz and Torres-Sánchez, who also worked as employees of the Office of the Superintendent during the time Defendant Vela-Birriel served as Deputy Superintendent.

101. On several occasions during conversations with Plaintiffs Cruz-Diaz and Torres-Sánchez, Defendant Vela-Birriel openly acknowledged their political affiliation with the NPP, including the fact that Plaintiffs had campaigned for politicians of the NPP.

102. Moreover, Co-Defendants Valle-Umpierre, Sapia and Mojica also frequently engaged in political discussions with Plaintiffs. During these conversations, Defendants and Plaintiffs

expressed their political preferences and ideologies. On several occasions, Defendants Valle-Umpierre, Sapia and Mojica acknowledged Plaintiffs' political affiliation with the NPP.

103. Moreover, as noted before, Co-Defendant Valle-Umpierre was personally acquainted with all of the Plaintiffs long before January of 2013, and was very much aware of Plaintiffs' political affiliation with the NPP, as acknowledged by Co-Defendant Valle-Umpierre during conversations with Plaintiffs.

104. Co-Defendants Valle-Umpierre, Sapia and Mojica provided the other Defendants with Plaintiffs' political affiliations.

105. 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, also 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.

106. Defendants even compiled a list of employees whom they understood not to be affiliated with the PDP.

107. Moreover, 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.

108. Defendants and their agents, including Co-Defendant Valle-Umpierre, Sapia and/or Mojica participated in compiling such a list and singling out the NPP employees targeted for dismissal, including Plaintiffs.

109. Defendants also used other loyal PDP-followers to gather information pertaining to the political views and affiliations of the employees at the Office of the Superintendent, including those of the Plaintiffs, as the foregoing averments also reflect. 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 and/or were consulted by – and provided this information to – Defendants before executing the adverse employment actions giving rise to this Complaint.

110. 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.

111. As discussed more in detail below, Defendants 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 – 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.

112. Perelló-Borrás, Vázquez-Collazo and the other co-Defendants also acted to set in motion a series of events 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.

113. 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.

The large-scale dismissal of NPP employees in March of 2013

114. After the November 2012 General Election it was common to hear statements throughout the Office of the Superintendent (including by Defendants themselves and by employees of their political trust) that the new administration of the Office of the Superintendent was going to get rid of all employees that were not loyal – or were perceived as not being loyal – to the PDP, in particular those employees who were loyal – or who were

perceived to be loyal – to a party other than the PDP, particularly the NPP or a candidate not affiliated to the PDP.

115. In the months following Defendants’ assumption of power at the Office of the Superintendent, NPP-affiliated employees, and individuals perceived to be affiliated with a political party other than the PDP, were terminated by the Defendants.

116. Starting in January of 2013, Plaintiffs learned through various sources within the Office of the Superintendent, including from PDP-affiliated employees who eventually became Plaintiffs’ supervisors, that several NPP-affiliated employees would soon be fired by the new PDP-affiliated administration of the Office of the Superintendent.

117. 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, their political-trust employees, and 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”.

118. 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 soon”.

119. On March 15, 2013, Defendants dismissed over two (2) dozen NPP-affiliated employees of the Office of the Superintendent.

120. Many of the employees who had been fired in March of 2013 eventually sued Defendants Vázquez-Collazo, Vela-Birriel, Arana-Colón and Vázquez-Ramos in the U.S. District Court of Puerto Rico for political discrimination, and were served prior to the dismissals

at issue in this case with at least two civil Complaints alleging political discrimination under the First Amendment.

**Plaintiffs are subjected to politically motivated harassment
and deprivation of work functions**

121. Although spared of the initial firings starting in March of 2013, Plaintiffs were steadily and systematically deprived of their duties and functions up until the time Plaintiffs were eventually dismissed.

122. Plaintiffs were then instructed by Defendants and/or Plaintiffs' PDP-affiliated supervisors to train newly hired PDP-affiliated individuals in the functions and duties that Plaintiffs performed.

123. Defendants and Plaintiffs' PDP-affiliated supervisors gave Plaintiffs' former duties and functions to new employees hired by the administration and who were loyal to the new PDP administration.

124. Defendants and Plaintiffs' PDP-affiliated supervisors also actively prevented Plaintiffs from having access to equipment, supplies and materials necessary to perform their duties, whereas known PDP-affiliated employees were not subjected to the same treatment.

125. Moreover, Plaintiffs' supervisors and employees of Defendants' political trust, took several politically motivated discriminatory actions against Plaintiffs and would harass and mistreat NPP-affiliated municipal workers, including the Plaintiffs.

126. Defendants were notified and were well aware of the politically motivated comments, deprivation of work functions, harassment and mistreatment taken against the Plaintiffs and other employees affiliated with the NPP.

127. Despite being notified of the harassment and mistreatment, Defendants took no corrective action. In furtherance of the politically discriminatory scheme and consistent with their desire to

discriminate and retaliate against the Plaintiffs and other employees affiliated with the NPP, Defendants stood idly by and took no action to stop such comments or discipline the PDP affiliated employees and/or supervisors who undertook politically motivated deprivation of work functions, harassment and mistreatment against the Plaintiffs despite being well aware of such conduct.

128. Rather, Defendants allowed them to continue, promoted these, condoned them and/or authorized them with the purpose of discriminating and/or retaliating against employees – such as Plaintiffs – because of their political affiliation, participation and beliefs with regards to a political party other than the PDP.

129. The discriminatory and retaliatory actions mentioned above – i.e. the ongoing harassment, deprivation of duties and discrimination; and Defendants refusal to afford Plaintiffs with the abovementioned rights, privileges and entitlements – was because of the Plaintiffs’ political affiliation, their exercise of First Amendment rights, and their engagement in activities protected by the First Amendment – including the right to vote, the right to speak out on and participate in political and public policy matters and/or in political campaigns on behalf of individual candidates who share their political beliefs or affiliations, and the right of political association.

Plaintiffs are eventually dismissed on account of their political affiliation with the NPP

130. On November 14, 2015, Defendants dismissed Plaintiff Arroyo-Ortiz by means of a letter of even date signed by Defendant Vázquez-Collazo, which Defendant Arana-Colón personally handed to Plaintiff.

131. On February 12, 2015, Defendants dismissed Plaintiffs Maldonado-Martínez, Torres-Sánchez, and Cruz-Díaz by means of a letter of even date signed by Defendant Vázquez-Collazo, which Defendant Arana-Colón personally handed to all these Plaintiffs.

132. When Plaintiffs demanded an explanation as to why they were being dismissed, Defendant Arana-Colón either failed to provide an explanation; simply stated that it was out of his hands; that he did everything he could and/or that the instructions to dismiss them had come “from above”.

133. Co-Defendants Perrelló-Borras, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos, Arana-Colón, Valle-Umpierre, Sapia and Mojica personally directed, condoned, and/or approved the decision to terminate Plaintiffs and other Office of the Superintendent employees affiliated with (or perceived as being affiliated with) a political party other than the PDP, in particular those affiliated with (or perceived as being affiliated with) the NPP because they knew that they had – or perceived that they had – exercised their First Amendment rights and engaged in activity protected by the First Amendment with regards to a political party other than the PDP, in particular the NPP.

134. Co-Defendants Perrelló-Borras, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos, Arana-Colón, Valle-Umpierre, Sapia and Mojica also authorized, condoned, approved and/or directed (explicitly, indirectly and/or tacitly), the terminations of employees of the Office of the Superintendent affiliated with – or perceived as being affiliated with – a political party other than the PDP, particularly NPP-affiliated employees, including Plaintiffs, on a generic basis (i.e. without even knowing the employees or the position) because of and in retaliation for such employees’ 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.

135. Co-Defendants Perrelló-Borras, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos, Arana-Colón, Valle-Umpierre, Sapia and Mojica also acted to set in motion a series of events with full

knowledge that these were to culminate in – and intending that such acts culminated in – the firings of NPP-affiliated employees, or employees affiliated with a political party other than the PDP, because of and in retaliation for such employees’ 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.

Plaintiffs are replaced with individuals affiliated with the PDP

136. The discriminatory and retaliatory political motivations behind the adverse employment actions at issue may be also discerned by Defendants’ hiring practices.

137. Defendants terminated Plaintiffs in order to substitute them with loyal PDP-affiliated individuals – many of whom 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.

138. Upon information and belief, none of those individuals who substituted the Plaintiffs had worked at the Office of the Superintendent and they had no prior experience at the Office of the Superintendent performing Plaintiffs’ functions.

139. Defendants Perrelló-Borras, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos, Arana-Colón, Valle-Umpierre, Sapia and Mojica were not only personally involved in the politically-motivated adverse employment actions giving rise to the Complaint, but also in the politically-motivated hiring of the PDP-affiliated substitutes by, *inter alia*, selecting them, hiring them, signing their appointments, training them, and/or assigning them Plaintiff’s former positions, duties and functions.

140. In sum, Defendants Perrelló-Borras, Vázquez-Collazo, Vela-Birriel, Vázquez-Ramos, Arana-Colón, Valle-Umpierre, Sapia and Mojica: (1) personally participated 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), 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.

141. 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 PLAINTIFFS³

Plaintiff Luz S. Maldonado-Martínez (“Maldonado-Martínez”)

142. Plaintiff Luz S. Maldonado-Martínez ("Maldonado-Martínez") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

³ 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.

143. Plaintiff Maldonado-Martínez commenced working at the Office of the Superintendent in July 1, 2009, and at the moment of her dismissal because of her political affiliation on February 12, 2015, Plaintiff worked as an Administrative Assistant.

144. Maldonado-Martínez's job description in the Office of the Superintendent's Classification Plan states that her position is part of the "trust" service, as opposed to the "strict trust" service.

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

146. Maldonado-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.

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

148. Maldonado-Martínez's principal duties as an administrative assistant were taking dictation, generate and answer phone calls, send and distribute correspondence, and other clerical functions.

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

150. Maldonado-Martínez is affiliated with the NPP, and participated in the political activities of former Superintendent of the Capitol, Mr. Eliezer Velázquez-Quiles.

151. Co-Defendant Valle-Umpierre was personally acquainted with Maldonado-Martínez and knew Maldonado-Martínez's political affiliation with the NPP long before Defendant Vázquez-Collazo was appointed Superintendent.

152. Soon after the mass firings of NPP employees in March of 2013, Mr. Valle-Umpierre told Plaintiff Maldonado-Martínez that he spoke with Defendants and convinced them to spare her from being fired despite the fact she was affiliated with the NPP.

153. However, Co-Defendant Valle-Umpierre systematically deprived Plaintiff Maldonado-Martínez of her duties and functions, and also frequently transferred her to different offices within the Office of the Superintendent, some of which were in deplorable conditions.

154. Co-Defendant Valle-Umpierre also deprived Maldonado-Martínez of materials and equipment necessary to perform her functions, until she was eventually left with hardly any tasks or functions whatsoever.

155. Until her dismissal on February 12, 2015, Maldonado-Martínez was also frequently the target of disparaging political remarks, harassment and mistreatment by PDP-affiliated employees and supervisors who worked alongside Plaintiff.

156. Plaintiff Maldonado-Martínez notified Defendant Arana-Colón of the political harassment, mistreatment, remarks, deprivation of work functions and other discriminatory actions against her by PDP-affiliated employees, including Co-Defendant Valle-Umpierre.

157. However, Defendant Arana-Colón took no corrective action. Instead, he cynically told Plaintiff Maldonado-Martínez in more than one occasion that he will do nothing and that she should speak with Co-Defendant Valle-Umpierre about it.

158. These facts, as well as others provided throughout this complaint relating to or tending to show Maldonado-Martínez political affiliation, preferences involvement and activism, were known to all Defendants.

159. Defendants terminated and dismissed Maldonado-Martínez from her job without evaluating Maldonado-Martínez as to her job performance and efficiency.

160. At no time prior to Plaintiff's dismissal did the Defendants discipline Maldonado-Martínez or issue a reprimand related to the performance of her duties.

161. Defendants terminated Maldonado-Martínez's employment without warning and without cause, by way of a letter dated February 12, 2015 signed by Defendant Vázquez-Collazo. Maldonado-Martínez's termination was effective on the same day.

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

163. The reason that Maldonado-Martínez'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.

164. As a result of Plaintiff's termination, Defendants have deprived 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.

Plaintiff José L. Arroyo-Ortiz ("Arroyo-Ortiz")

165. Plaintiff José L. Arroyo-Ortiz ("Arroyo-Ortiz ") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

166. Plaintiff Arroyo-Ortiz commenced working at the Office of the Superintendent on November 17, 2003, and at the moment of his dismissal because of his political affiliation on November 14, 2014, Plaintiff worked as a Lettering Supervisor.

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

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

169. Arroyo-Ortiz's principal duties were technical in nature and included, among others, the design, installation, maintenance and repair of signs in the Capitol.

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

171. Arroyo-Ortiz participated in political campaigns for NPP candidates and politicians in 2012, including Senator Thomas Rivera-Schatz, Representative Eric Correa and Senator Lorna Soto.

172. Arroyo-Ortiz also served as an electoral polling officer of the NPP in general elections and primaries.

173. Between January of 2013 and November 14, 2014, Arroyo-Ortiz worked under the supervision of Co-Defendants Sapia and Mojica.

174. During this time, Co-Defendants Sapia and Mojica and other individuals of Defendants' political trust subjected Arroyo-Ortiz to severe, politically-motivated harassment and mistreatment.

175. The politically motivated harassment and mistreatment started when, in 2013, Co-Defendant Valle informed Sapia and Mojica that Plaintiff Arroyo-Ortiz had campaigned for politicians of the NPP in 2012, including Representative Eric Correa and Senator Thomas Rivera-Schatz.

176. From then on, Co-Defendants Valle, Sapia and Mojica would frequently refer to Arroyo-Ortiz as an "infiltrator" and a "spy" of the NPP in the presence of Arroyo-Ortiz and employees of the Office of the Superintendent.

177. Co-Defendants Sapia and Mojica systematically deprived Arroyo-Ortiz of his duties and functions as Lettering Supervisor.

178. Co-Defendants Sapia and Mojica also systematically deprived Arroyo-Ortiz of materials as Lettering Supervisor, including prohibiting Arroyo-Ortiz from entering Plaintiff's workshop, removing his computer and prohibiting Arroyo-Ortiz from gaining access to equipment necessary to perform his functions as Lettering Supervisor.

179. Moreover, Co-Defendants Sapia and Mojica instructed Arroyo-Ortiz to train a newly appointed individual in the functions and duties assigned to Arroyo-Ortiz as Lettering Supervisor.

180. When Plaintiff Arroyo-Ortiz complained about the mistreatment and harassment, Mojica would try to intimidate Arroyo-Ortiz by reminding Plaintiff he was Co-Defendant Perelló-Borrás' brother in law.

181. Nonetheless, Plaintiff Arroyo-Ortiz notified Co-Defendant Arana-Colón of the mistreatment and harassment by Co-Defendants Sapia, Mojica and other individuals of Defendants' political trust.

182. However, Co-Defendant Arana-Colón refused to take any corrective action, and allowed the politically motivated harassment and mistreatment against Arroyo-Ortiz go unchecked and unabated.

183. These facts, as well as others provided throughout this complaint relating to or tending to show Arroyo-Ortiz's political affiliation, preferences involvement and activism, were known to all Defendants.

184. Defendants terminated and dismissed Arroyo-Ortiz from his job without evaluating his job performance and efficiency.

185. Defendants terminated Arroyo-Ortiz's employment without warning and without cause, by way of a letter dated November 14, 2014 signed by Defendant Vázquez-Collazo. Arroyo-Ortiz termination was effective on the same day.

186. A person that did not work at the Office of the Superintendent substituted Arroyo-Ortiz. Upon information and belief, that person is a member of the PDP.

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

188. As a result of Plaintiff's termination, Defendants have deprived Arroyo-Ortiz 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 Arroyo-Ortiz is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by Defendants as not being a member of or affiliated with the PDP and/or not having voted for the PDP or for the PDP candidates in the 2012 election.

Plaintiff Iván Torres-Sánchez (“Torres-Sánchez”)

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

190. Plaintiff Torres-Sánchez commenced working at the Office of the Superintendent in July 1, 1993, and at the moment of his dismissal because of his political affiliation on February 12, 2015, Plaintiff worked as a Property Official.

191. In fact, Torres-Sánchez’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.

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

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

194. Torres-Sánchez's principal duties were clerical in nature and included, to inspect, identify and serve as custodian of property utilized by employees of the Office of the Superintendent, among others.

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

196. Moreover, Torres-Sánchez served as an electoral polling officer for the NPP in general elections and primaries.

197. Co-Defendant Vela-Birriel first met Tórres-Sanchez when he served as Deputy Superintendent during the 2001-2004 term, and knew Plaintiff's political affiliation with the NPP.

198. Co-Defendant Vela-Birriel would often acknowledge Plaintiff Torres-Sanchez's political affiliation with the NPP during casual conversations with Torres-Sanchez. Co-Defendant Vela-Birriel would often tell Torres-Sanchez: "You're one of the few good NPP's" or "You're one of the good NPP's".

199. Despite being a good employee with over two-decade's worth of experience working at the Office of the Superintendent, Co-Defendant Sapia and/or Torres Sanchez's PDP-affiliated supervisors systematically deprived Plaintiff Torres-Sanchez of his duties and functions as Property Official.

200. Co-Defendant Sapia and/or Torres Sanchez's PDP-affiliated supervisors also systematically deprived Plaintiff Torres-Sanchez of materials utilized by Plaintiff as Property

Official, including gaining access to equipment necessary to perform his functions as Property Official.

201. Moreover, Co-Defendant Sapia instructed that Torres-Sanchez train a newly appointed individual in the functions and duties assigned to Torres-Sanchez as Property Official.

202. These facts, as well as others provided throughout this complaint relating to or tending to show Torres-Sánchez's political affiliation, preferences involvement and activism, were known to all Defendants.

203. Defendants terminated and dismissed Torres-Sánchez from his job without evaluating his job performance and efficiency.

204. At no time prior to Plaintiff's dismissal did the Defendants discipline Torres-Sánchez or issue a reprimand related to the performance of his duties.

205. Defendants terminated Torres-Sánchez's employment without warning and without cause, by way of a letter of a letter dated February 12, 2015 signed by Defendant Vázquez-Collazo. Torres-Sánchez's termination was effective on the same day.

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

207. The reason that Torres-Sánchez'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.

208. As a result of Plaintiff's termination, Defendants have deprived Torres-Sánchez of the income and benefits by which he sustained himself and his family; have subjected him to personal pain and suffering; and have punished him in the exercise of his civil rights by terminating his employment – all because he is not a member of or affiliated with the PDP, and did not vote for the PDP or for PDP candidates in the 2012 election; and/or is perceived by

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

Plaintiff Carlos Cruz-Díaz (“Cruz-Díaz”)

209. Plaintiff Cruz-Díaz ("Cruz-Díaz ") is of legal age, a resident of Puerto Rico and a citizen of the United States of America.

210. Plaintiff Cruz-Díaz commenced working at the Office of the Superintendent in the year 2005, and at the moment of his dismissal because of his political affiliation on February 12, 2015, Plaintiff worked as a Facilities and Repair Technician.

211. In fact, Cruz-Díaz’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.

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

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

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

215. Cruz-Diaz is affiliated with the NPP. Moreover, Cruz-Diaz participated in the voter verification process in the State Electoral Commission representing the NPP – a fact known by Defendants.

216. Cruz-Diaz was known in the Office of the Superintendent by employees, Defendants and Cruz-Diaz's supervisor by his nickname: "USA".

217. Both Co-Defendant Vela-Birriel and Julio Mojica acknowledged Cruz-Diaz's political affiliation with the NPP during conversations with Plaintiff.

218. These facts, as well as others provided throughout this complaint relating to or tending to show Cruz-Diaz's political affiliation, preferences involvement and activism, were known to all Defendants.

219. Defendants terminated and dismissed Cruz-Diaz from his job without evaluating his job performance and efficiency.

220. At no time prior to Plaintiff's dismissal did the Defendants discipline Cruz-Diaz or issue a reprimand related to the performance of his duties.

221. Defendants terminated Cruz-Diaz's employment without warning and without cause, by way of a letter dated February 12, 2015 signed by Defendant Vázquez-Collazo. Cruz-Diaz's termination was effective on the same day.

222. A person that did not work at the Office of the Superintendent substituted Cruz-Diaz. Upon information and belief, that person is a member of the PDP.

223. The reason that Cruz-Diaz'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.

224. As a result of Plaintiff's termination, Defendants have deprived him 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.

CAUSES OF ACTION

I.

FIRST AMENDMENT VIOLATIONS

(POLITICAL DISCRIMINATION AND RETALIATION)

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

226. 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.

227. 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.

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

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

230. 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

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

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

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

PRAYER FOR RELIEF

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

1. That this Court determine and declare that the actions by all Defendants were in violation of the Constitution and laws of the United States and of Puerto Rico;
2. Compensatory damages and punitive damages in excess of \$6,000,000.00, 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 \$4,000,000.00 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 \$2,000,000.00, due to the malicious and wanton nature of the violations of the Plaintiffs' constitutional rights by Defendants alleged herein.
3. Equitable relief in the form of a preliminary and a permanent injunction ordering Defendants to reinstate Plaintiffs to their positions, with all corresponding privileges and benefits, and ordering Defendants to refrain from further engaging in adverse employment action on the basis of the Plaintiffs' political affiliations and beliefs.
4. Attorneys fees, costs and litigation expenses incurred in connection to this action pursuant to, inter alia, 42 U.S.C. § 1988, and other applicable statutes.
5. All applicable interest, including pre- and post- judgment interest.
6. That the Court retain jurisdiction over this action in order to ensure compliance with any decree issued by this Court;
7. Any such other and further relief as the Court may deem just and proper.

Respectfully submitted, this November 2nd, 2015.

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