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Counsel for Plaintiffs

ALBERTO BRINGA, LIEUTENENT
SERGIO SANCHEZ, THOMAS
MANNION, SERGEANT CARLOS
IRIMIA, OFFICER YOSBEL
MONPELLIER, DONNA DAVIS,
SILVERIO RODRIGUEZ, MARIE
BOMBINO, AND DAVID RIVERA,

Plaintiffs,

v.

MAYOR FELIX ROQUE, TOWN OF
WEST NEW YORK, POLICE
DIRECTOR MICHAEL INDRI,
CAPTAIN MICHAEL ZITT, CAPTAIN
PATRICK CULHANE,
COMMISSIONER FIOR'DALIZA
FRIAS, JOHANN MESSINA, SHINE
ALICEA,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO.: _____

COMPLAINT

The Plaintiffs, ALBERTO BRINGA, LIEUTENENT SERGIO SANCHEZ,
THOMAS MANNION, SERGEANT CARLOS IRIMIA, OFFICER YOSBEL
MONPELLIER, DONNA DAVIS, SILVERIO RODRIGUEZ, MARIE BOMBINO,
AND DAVID RIVERA through their attorney, the Law Offices of Louis A. Zayas,
L.L.C. allege as follows:

INTRODUCTION

1. This is a civil action brought by the aforementioned Plaintiffs for damages

and injunctive relief under New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq; New Jersey Conscientious Employee Protection Act, pursuant to N.J.S.A. 34:19-1 et seq. and breach of contract.

PARTIES

2. Plaintiff Alberto Bringa (“Bringa”), is a citizen of the State of New Jersey, residing in West New York, New Jersey.

3. Plaintiff Lieutenant Sergio Sanchez (“Lieutenant Sanchez”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

4. Plaintiff Police Officer Thomas Mannion (“Officer Mannion”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

5. Plaintiff Sergeant Carlos Irimia (“Sergeant Irimia”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

6. Plaintiff Police Officer Yosbel Monpellier (“Officer Monpellier”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

7. Plaintiff Donna Davis (“Davis”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

8. Plaintiff Marie Bombino (“Bombino”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

9. Plaintiff Silverio Rodriguez (“Rodriguez”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

10. Plaintiff David Rivera (“Rivera”) is a citizen of the State of New Jersey, residing in West New York, New Jersey.

11. Defendant Mayor Felix Roque (“Mayor Roque”) is the duly elected mayor of West New York. Mayor Roque is sued in his official and individual capacity for purposes of effecting the compensatory, and punitive damages demanded by the Plaintiffs.

12. Defendant Town of West New York (“West New York”) is a municipality organized by virtue of New Jersey law, and pursuant to that law, is to be known and distinguished by the name "West New York." Defendant West New York is sued to effect the full declaratory, injunctive and compensatory damages demanded by the Plaintiff.

13. Defendant Police Director Michael Indri (“Director Indri”) is the police director for the West New York Police Department at all relevant times. Director Indri is sued in his official and individual capacity for the purposes of effecting the compensatory and punitive damages demanded by the Plaintiffs.

14. Defendant Captain Michael Zitt (“Captain Zitt”) is a police captain with the West New York Police Department. Captain Zitt is sued in his official and individual capacity for the purposes of effecting the compensatory and punitive damages demanded by the Plaintiffs.

15. Defendant Captain Patrick Culhane (“Captain Culhane”) is a police captain with the West New York Police Department. Captain Zitt is sued in his official and individual capacity for the purposes of effecting the compensatory and punitive damages demanded by the Plaintiffs.

16. Defendant Fior’D Aliza Frias (“Commissioner Frias”) is a West New

York Commissioner. Commissioner Frias is sued in her official and individual capacity for purposes of effecting the compensatory and punitive damages demanded by the Plaintiffs.

17. Defendant Johann Messina (“Messina”) works for West New York. Messina is sued in his official and individual capacity for purposes of effecting the compensatory and punitive damages demanded by the Plaintiffs.

18. Defendant Shine Alicea (“Alicea”) works for West New York. Alicea is sued in his official and individual capacity for purposes of effecting the compensatory and punitive damages demanded by the Plaintiffs.

FACTS COMMON TO ALL PLAINTIFFS

19. The Town of West New York is a Commission Form of government, commonly referred as a “Walsh Act municipality”. Pursuant to N.J.S.A. 40:72-2, the Walsh Act, all powers vested in board of commissioners:

The board of commissioners established hereunder shall have all the executive, administrative, judicial and legislative powers and duties heretofore had and exercised by the mayor and city council and all other executive or legislative bodies in such municipality, and shall have complete control over the affairs of such municipality.

20. Under the Commission Form of Government, the executive function of the municipality is divided among the five commissioners, each of whom heads one of the municipal departments specified in the law. Subordinate offices and agencies are assigned among the departments by the full board at its organization meeting. One

commissioner is chosen to serve as mayor and to preside over meetings of the board for a four-year term. The mayor is directed by law to “supervise” all departments, but there is no veto power, and judicial decisions have tended to regard each commissioner as supreme in his or her own department, so that the mayor's supervisory authority depends more upon personal qualities than on statutory authority. Each commissioner has the power of appointment for all of the personnel in his or her department.

21. The Commissioner of Public Safety is responsible for implementing policy for the police department while the police director is responsible for carrying out that policy as well as the day-to-day operations of the police department.

22. All Plaintiffs were terminated by or are currently employed under Mayor Roque’s Administration. At all relevant times, Plaintiffs’ political affiliation, political beliefs and expression of free speech were not a requirement of their employment. The West New York Handbook, which covers Plaintiffs’ employment, explicitly prohibits retaliation against any employee based on the employee’s political activities and/or political affiliations or freedom of speech and expression.

23. State and federal laws furthermore prohibits discriminatory or retaliatory employment practices based on such protected activities are prohibited.

24. When Plaintiffs applied and accepted employment with West New York, and during the course of their employment, Plaintiffs were not required to affiliate with any political candidate or ascribe to any political belief or express any particular form of speech as a condition of their employment.

25. In May 2011, Mayor Felix Roque unseated the then incumbent West New York Mayor Silverio Vega. Upon being sworn into office as mayor, Mayor Roque

enacted an unwritten policy to govern West New York through a scheme of political patronage and retaliation designed to reward his political supporters while punishing his political enemies, whether real or perceived.

26. Acting in concert with Defendants Director Indri, Captain Zitt, Captain Culhane, Commissioner Frias, Johann Messina, Shine Alicia and other political supporters, Mayor Roque was able to execute his town-wide policy of political retaliation to rid of his political enemies, whether real or perceived. The individual Defendants used their government positions to provide substantial assistance in furtherance of Mayor Roque's retaliatory policy.

27. Mayor Roque's unwritten policy included such employment practices as: creating a hostile work environment, disparate treatment, selective enforcement of the police department's rules and regulations, retaliatory transfers, denial of overtime opportunities, and other retaliatory employment actions. The examples listed below are not meant to be an exhaustive list of all such civil rights violations committed under Mayor Roque's administration.

28. Upon being sworn into office, Mayor Roque began to retaliate against his political enemies, including a specific restaurant in West New York. In November 2011, Mayor Roque and the other commissioners adopted a noise ordinance targeting a specific geographic area of the West New York waterfront that applied to any restaurant or bar within 100 feet of a residence or condominium. The ordinance, however, was drafted to target *Son Cubanos*, a popular restaurant on the West New York waterfront, whose owners were political supporters of Mayor Vega. After *Son Cubanos* sued against the ordinance as unconstitutional, West New York repealed.

29. Mayor Roque also retaliated against former town employee Janet Passante, a former Mayor Vega supporter, by filing a civil action alleging that she submitted incorrect and fraudulent records that resulted in receiving a \$306,324.30 payout for unused sick, vacation, and compensation time when she retired in May 2011. Passante prevailed in her civil action.

30. As part of his scheme to retaliate against his political enemies, Mayor Roque and his son conspired to hack and shut down *www.recallroque.com*, a website dedicated to commentary and criticism of Mayor Roque. After unlawfully accessing the website and shutting it down, Mayor Roque threatened the website's creator by stating that "everyone would pay" and that the website was taken down by highly placed government officials. On learning that someone had sent an email to *www.recallroque.com*, Mayor Roque responded by threatening to refer that person to the Internal Revenue Service for an audit. On another occasion, Mayor Roque threatened: "A friend of mine, he works in the – I can't tell you – three letters: C.I.A." Mayor Roque said: "You know, that's how I get information. So, what I'm doing is not very kosher." On another occasion, Mayor Roque wrote an email to the creator of the website and said: "Remember that I am in the Army with many friends," concluding "Don't let me down. Your friend, Dr. Roque."

31. When Mayor Roque was arrested by federal law enforcement, he did not deny shutting down the website with his son, but rather cavalierly said that if he had to go to jail he would be fine "because he was set financially and had lived the dream and would not have a problem with serving time in jail because he would work out and read while there."

32. Plaintiff Bringa is live-long resident of West New York. In 1985, Bringa was hired as a police officer. In 1998, he was promoted to sergeant. In 2002, Bringa was subsequently promoted to lieutenant. Throughout his career, Bringa performed his duties and responsibilities in a professional and exemplary manner. In 2009, Bringa was appointed to Deputy Director, a non-policymaking position.

33. Mayor Roque considered Bringa a political enemy prior to taking office. In 2010, Mayor Roque applied for a gun permit which Director Indri had improperly approved. In reviewing Mayor Roque's gun permit, however, Bringa determined that Mayor Roque was not qualified because of his terroristic threats case pending in court and a lawsuit in which Mayor Roque raised serious concerns about his own mental health to carry a firearm. Accordingly, Bringa rejected Mayor Roque's firearm application based on good cause.

34. Mayor Roque also considered Bringa a political enemy because of the his political affiliation with Mayor Vega.

35. While he was police director, Bringa was responsible for overseeing the internal affairs investigation of police officer Michael Acosta ("Officer Acosta"). Officer Acosta was the son of Deputy Mayor Silvio Acosta, a Mayor Roque political supporter. Officer Acosta was the subject of a criminal and internal investigation for accessing the confidential information of another male employee who Officer Acosta was sexually harassing and stalking while on duty.

36. Based on the information gathered during the internal affairs investigation, Bringa intended to terminate Officer Acosta based on serious violations of police

department rules and regulations. The internal affairs investigation was near its conclusion when Mayor Roque won the election.

37. The night before Mayor Roque was to take office, he dispatched a representative to meet Bringa to discuss issues concerning the police department. When Bringa met with the representative, the first question asked by the representative was “What is the status of the Acosta internal affairs investigation?” The inquiry surprised Bringa and he expressed his opinion that it was inappropriate to comment on an ongoing internal affairs investigation.

38. When the representative asked again about the Acosta investigation, Bringa complained that it was unlawful to disclose such confidential information.

39. On May 17, 2011, the day after the meeting with his representative, Mayor Roque summoned Bringa to his office. When Bringa arrived, Mayor Roque ordered him to resign from the police department, telling him that he “was no longer needed and he was turning the department over to his two friends,” meaning Director Indri and Captain Gribben, who were present in Mayor Roque’s office. When Bringa refused to resign, he was terminated.

40. Mayor Roque’s order to “resign from the police department by midnight” infringed upon Bringa’s civil service appointment as a police officer since he was on leave from the police department to serve as deputy director.

41. On June 1, 2011, Bringa was coerced into submitting his retirement papers as a police lieutenant because he reasonably believed that Mayor Roque had intended to fire him as a police officer.

42. By removing Bringa as police director, Mayor Roque obstructed an internal affairs investigation by replacing Bringa with a political supporter who would render a more favorable recommendation short of termination against Officer Acosta. Mayor Roque appointed Defendant Director Indri as co-Police Director because of his political loyalty to Mayor Roque and his assurance that Officer Michael Acosta would not be terminated or punished too harshly. Instead of terminating Officer Acosta, he was given a mild form of discipline.

43. When Mayor Roque fired Bringa for political and retaliatory motives, he deprived Bringa of his accrued compensation time and vacation, a standard benefit given to all police officers upon retirement. Pursuant to Article XVIII of the Collective Bargaining Agreement and the implied contract that existed by virtue of past practice, Bringa should have been paid this accrued time.

44. When Mayor Roque fired Bringa, he also deprived him of his contractual compensation for his employment as Coordinator for the Office of the Emergency Management in that he was not paid the rate set forth in applicable ordinance. At the time of his termination, there was a town resolution appointing Bringa to the aforementioned position from January 1, 2010 through December 31, 2012.

45. The termination of Bringa permitted Mayor Roque to reorganize Police Department to reward his political supporters while punishing those who were perceived as either not loyal to Mayor Roque or allied with the previous administration.

46. Soon after Director Indri and Captain Gribben, as co-police directors, took over the police department, they issued departmental wide transfers to police officers based on political affiliation, political beliefs, and other protected activities. Those who

were perceived as political supporters were given favorable assignments. Conversely, those police officers who were not Mayor Roque supporters were punished by being given less favorable assignments, which included less opportunity to earn overtime.

47. In furtherance of Mayor Roque's scheme, Defendants Director Indri, Captain Zitt and Captain Culhane selectively enforced the police department rules and regulations to routinely retaliate against those police officers perceived as non-Roque supporters.

48. After Mayor Roque took office, Director Indri ordered the transfer of thirty-three police officers without any legitimate law enforcement reason other than to retaliate against the non-Roque supporters.

Lieutenant Sanchez

49. After Mayor Roque took office, Lieutenant Sanchez, the Commanding Officer of the West New York SWAT and the Narcotics Street Crime Unit, was soon transferred to the Record Room in retaliation because of his political affiliation.

50. Mayor Roque, Director Indri, and Captain Culhane perceived Lieutenant Sanchez to have support for Mayor Vega and/or lack of political support for Mayor Roque.

51. In addition to causing Lieutenant Sanchez unnecessary humiliation and embarrassment, the transfer deprived Lieutenant Sanchez of routine overtime opportunities, which caused him severe financial and emotional stress. As a form of retaliation, Director Indri ostracized Lieutenant Sanchez by ignoring him in the presence of other police officers, undermining his supervisory authority and command and humiliating him.

52. Director Indri also instructed Sergeant Irimia, who was responsible for assigning off-duty overtime assignments, not to give Lieutenant Sanchez any overtime assignments. Sergeant Irimia interpreted Director Indri's instruction as designed to hurt Lieutenant Sanchez who was otherwise qualified for the overtime assignment.

53. On November 24, 2012, Lieutenant Sanchez expressed his opinion and concerns during a union meeting about the lack of preparedness to respond to Hurricane Sandy and the unfair treatment of police officers by Director Indri. Lieutenant Sanchez openly supported a motion of "no confidence" against Director Indri at that union meeting.

54. After the "no-confidence" vote against Director Indri, Captain Culhane approached Lieutenant Sanchez and ordered him not to speak to Director Indri, a clear violation of police protocol and the chain of command. The order was designed to ostracize, humiliate and undermine Lieutenant Sanchez' supervisory command.

55. On January 7, 2013, Director Indri transferred Lieutenant Sanchez to another squad as a form of retaliation.

Officer Mompellier

56. On January 11, 2013, Captain Culhane reprimanded Lieutenant Sanchez because Officer Mompellier issued summons for parking in a handicap parking space to a pro-Mayor Roque supporter. Captain Culhane said "Just because you may not be on the same political side as us you don't have to take it out on the cleaning guy." Lieutenant Sanchez explained that Officer Mompellier issued the tickets because the individual had parked his vehicle, which was unregistered or insured, in an assigned handicap parking space. Despite the clear violation of law, Captain Culhane threatened that he was going

to start “writing people up,” which Lieutenant Sanchez interpreted as selective enforcement of the rules and regulations against him and Officer Mompellier.

57. On January 15, 2013, Director Indri retaliated against Lieutenant Sanchez by denying his request to attend the SWAT training even though he is the West New York SWAT Commander and required to maintain his readiness and effectiveness.

58. On February 13, 2013, Lieutenant Sanchez and Officer Mompellier were served with baseless disciplinary charges as a result of performing their official duties in issuing summons to political supporters of Mayor Roque.

Officer Mannion

59. Officer Thomas Mannion is the President of the West New York Police Benevolent Association (“PBA”), Local 361. Before and after he took office, Mayor Roque sought the political support of Officer Mannion because of his connection to the PBA. For example, when Officer Mannion organized a parade to protest the firing of many police officers, Mayor Roque tried to ingratiate himself with Officer Mannion. When Mayor Roque asked Officer Mannion if he could walk along beside him, he objected. As a result of the rejection, Mayor Roque considered Officer Mannion a political enemy.

60. After Mayor Roque took office, he installed Director Indri to reorganize the police department based on political affiliation. Mayor Roque’s reorganization of the police department along political lines caused disruptions of police operations, decreased police effectiveness, and decreased police morale. On November 15, 2012, Officer Mannion wrote a letter to Director Indri complaining about a number of important public safety matters, including but not limited to, unfair disciplinary actions, the lack of police

preparedness for Hurricane Sandy, and preferential treatment of police officers. Officer Mannion's letter was not limited to union matter, but rather, dealt with matters involving public interest and safety.

61. In response to Officer Mannion's letter, Director Indri and Captain Zitt retaliated by initiating a baseless internal affairs investigation against Officer Mannion.

Sergeant Irimia

62. Before Mayor Roque took office, Sergeant Irimia enjoyed positive work performance evaluations and healthy working conditions as a police officer, seldom if ever being reprimanded by his superior officers. When Mayor Roque and Director Indri took over the police department, they targeted Sergeant Irimia because of his and family's political affiliation with Mayor Vega.

63. In retaliation, Director Indri subjected Sergeant Irimia to routine monitoring, unfair criticism of his work performance, disparate treatment, ostracism, retaliatory transfers and assignments, and deprivation of overtime opportunities.

64. While Sergeant Irimia had not been the subject of disciplinary charges for over ten years before Mayor Roque took office, he was soon issued two baseless disciplinary charges by Director Indri pursuant to Mayor Roque's retaliatory policy.

65. In September 2012, Director Indri transferred Sergeant Irimia to steady days traffic patrol despite his seniority on the police force, a humiliating assignment which also deprived him of overtime opportunities.

Bombino

66. In 2005, West New York hired Marie Bombino. During her employment with West New York, she worked for the Department of Public Works, Culture Affairs

Department, and Municipal Court. During her employment, Bombino performed her duties and responsibilities in a satisfactory manner.

67. Before Mayor Roque took office, he would frequently attend public events organized by Bombino, such as the Latin Grammy Street Festival, the Classic and Modern Car Show, and the Farmer's Market. At those public events, Mayor Roque threaten Bombino that her "days were numbered." Mayor Roque further threatened Bombino that he would "fire her" upon taking office.

68. On April 30, 2011, Bombino was hosting the Spring Classic Car Show in West New York. Mayor Roque showed up and tapped Bombino on her shoulder and said in a threatening and menacing tone, "Enjoy your last event."

69. As soon as Mayor Roque took office, he immediately began to subject Bombino to a hostile work environment because of her political affiliation with Mayor Vega. Bombino was harassed and threatened with termination practically every day by Mayor Roque supporters. After a month in office, Mayor Roque fired Bombino without warning or good cause and because of her political affiliation.

70. After she was fired, Bombino applied for unemployment benefits. Bombino's application was denied because Mayor Roque, through his representative, falsely alleged that Bombino had been terminated for "insubordination." As a result of the falsehood, Bombino's unemployment benefits were delayed until she appealed the adverse unemployment decision. Bombino ultimately prevailed on appeal and received unemployment benefits. Mayor Roque's threats and obstruction of the unemployment proceedings caused Bombino unnecessary financial harm and emotional distress.

Inspector Rodriguez

71. In 2005, Inspector Rodriguez was hired by West New York as an Inspector for the Sanitation Department. In 2011, Inspector Rodriguez was performing his official duties when he issued two summonses to Mayor Roque for violating a town ordinance regarding posting of political advertisement on town property without permission. In May 16, 2011, while the matter was pending in municipal court, Mayor Roque, through his attorney, threatened and intimidated Inspector Rodriguez with a lawsuit if he did not drop the two summonses he had issued.

72. Fearing retaliation and financial hardship if sued, Inspector Rodriguez did not object to the dismissal of the two summons in municipal court even though he would not have approved absent Mayor Roque's threats.

73. On July 25, 2011, Mayor Roque approached Inspector Rodriguez, who was investigating a complaint of illegal dumping in West New York, while riding in a police car and threatened to "destroy him."

74. Since taking office, Mayor Roque and others have subjected Rodriguez to a hostile work environment because of his protected activities, including his political affiliation with Mayor Vega, lack of political support of Mayor Roque, and the performance of his duties. Under Mayor Roque's Administration, Inspector Rodriguez has been subjected to hostile work environment, unfair monitoring, retaliatory work assignments, and deprived of overtime opportunities. For example, when Mayor Roque took office Inspector Rodriguez was deprived of a vehicle to perform his duties. Instead, Inspector Rodriguez was forced to use his own personal vehicle at work. When his vehicle broke down, Inspector Rodriguez was forced to walk.

Davis

75. In July 2008, West New York hired Davis as the Court Director of West New York Municipal Court. During her employment Davis performed her duties and responsibilities in a satisfactory manner, improving the efficiency and performance of the department.

76. When Mayor Roque took office, he promoted a political supporter to the position of chief municipal judge of the municipal court. Davis observed the Chief Municipal Court Judge engaged in questionable behavior and favoritism based on political affiliation that threatened the integrity and efficiency of the municipal court. When Davis complained to West New York regarding her opinion that such practices were destructive to the administration of justice, she was terminated.

Rivera

77. David Rivera worked for the record room of the police department. Before Mayor Roque took office, Rivera had politically supported him. However, Rivera became discouraged of Mayor Roque after he began to govern. Eventually Rivera changed his political affiliation and began to support Commissioner Wiley, who openly challenged Mayor Roque for mayor after he was indicted for hacking a political opponent's website.

78. In exercising his constitutional rights to participate in the political process, Rivera allied himself with Commissioner Wiley and began to openly support him. When Mayor Roque and his political supporters learned of Rivera's betrayal, they began to subject him to a pattern of unlawful retaliation.

79. On July 29, 2012, Rivera was handing out Commissioner Wiley business cards at a park during a public event in West New York. When Commissioner Frias saw Rivera campaigning on behalf of Count Wiley, she ordered him to stop. When Rivera refused and continued to hand out Commissioner Wiley business cards, Commissioner Frias instructed two West New York employees Shine Alicea and Johann Messina to forcibly remove Rivera from the park. When Rivera refused to leave, Alicea and Messina used excessive and unnecessary force to remove Rivera.

80. After the assault, Rivera immediately reported the intimidation and physical assault to the police.

81. In an effort to retaliate against Rivera for campaigning on behalf of Commissioner Wiley, and as a means to shield themselves from civil liability, Commissioner Frias and Messina filed baseless criminal charges against Rivera.

82. On or about July 13, 2012, Mayor Roque further retaliated against Rivera by terminating his employment. Mayor Roque's stated reasons were pretextual and motivated by retaliatory intent.

83. After his termination and while the criminal prosecution was pending in municipal court, Mayor Roque requested a meeting with Rivera and his parents. At the meeting, which was attended by the town attorney and Rivera's parents, Mayor Roque openly offered to dismiss the criminal charges pending against him and rehire him if Rivera would "stop politically supporting Count Wiley."

84. Rivera refused to accept Mayor Roque's offer to return to work and dismiss the criminal charges if he shifted political affiliation and supported him.

85. On November 2012, the criminal charges filed by Commissioner Frias and Messina were dismissed in favor of Rivera.

I.
COUNT ONE
42 U.S.C. § 1983
Political Retaliation

86. All of the allegations in each of the foregoing paragraphs are incorporated by reference as if fully set forth herein.

87. Pursuant to official policy, custom and practice, Defendants, acting under color of law, subjected the Plaintiffs to the deprivation of their constitutional right to freedom of speech and freedom of association in violation of 42 U.S.C. §1983 and the First Amendment of the United States Constitution.

88. Plaintiffs were unlawfully retaliated against by the Defendants because of their political affiliation with Mayor Vega and/or lack of political supporter for Mayor Roque.

89. Plaintiffs' constitutionally protected activities, as alleged herein, were the motivating factor for Defendants' retaliatory conduct, including such unlawful employment practices as wrongful termination, retaliatory transfers and assignments, hostile work environment, deprivation of overtime opportunities, selective enforcement of police department rules and regulations, and the denial of other tangible and intangible employment benefits.

90. Pursuant to policy, custom and practice, Defendants intentionally, willfully and recklessly retaliated against Plaintiffs as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

91. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

92. As a direct and proximate cause of the aforementioned, Plaintiffs have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of Defendants' willful and malicious conduct, Plaintiffs seek punitive damages in their individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

II.
COUNT TWO
NEW JERSEY CIVIL RIGHTS ACT
N.J.S.A. 10:6-2

93. All of the allegations in each of the foregoing paragraphs are incorporated by reference as if fully set forth herein.

94. Pursuant to official policy, custom and practice, Defendants, acting under color of law, subjected the Plaintiffs to the deprivation of their constitutional right to freedom of speech, freedom of association, right to petition their representatives, and engage in union activities in violation of the New Jersey Constitution, as alleged herein.

95. Plaintiffs' constitutionally protected activities, as alleged herein, were

the motivating factor for Defendants' retaliatory conduct, including such unlawful employment practices as wrongful termination, retaliatory transfers and assignments, hostile work environment, deprivation of overtime opportunities, selective enforcement of police department rules and regulations, and the denial of other tangible and intangible employment benefits.

96. Pursuant to policy, custom and practice, Defendants intentionally, willfully and recklessly retaliated against Plaintiffs as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

97. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

98. As a direct and proximate cause of the aforementioned, Plaintiffs have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of Defendants' willful and malicious conduct, Plaintiff seek punitive damages in their individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

III
COUNT THREE
BREACH OF CONTRACT
BRINGA

99. Plaintiff repeats and realleges the allegations set forth above as if fully set forth herein.

100. Plaintiff Bringa and West New York entered into a collective bargaining agreement.

101. In addition to the CBA, West New York and Bringa had an implied contract based on past practice concerning the payment of accrued compensation, and vacation time. When Mayor Roque constructively terminated Bringa's employment he failed to pay Bringa his accrued compensation time and vacation days, a standard benefits given to all police officers upon retirement. Pursuant to Article XVIII of the Collective Bargaining Agreement and the implied contract that existed by virtue of past practice, Bringa should have been paid this accrued time.

102. Defendants breached the CBA and the implied contract agreement by refusing to perform under the terms and condition of the contract.

103. As a result of the aforementioned breach, Plaintiff has suffered damages in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;

d. Such other and further relief that the Court deems equitable and just.

IV
COUNT FOUR
N.J.S.A. 34:19-1 et seq.
Lieutenant Sanchez, Officer Montpellier, and
Officer Mannion

104. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

105. Mayor Roque, Director Indri, Captain Zitt and Captain Culhane are employers for purposes of CEPA, N.J.S.A. 34:19-1 et seq.

106. Plaintiff Lieutenant Sanchez, Officer Montpellier, and Officer Mannion, engaged in protected activities under CEPA, N.J.S.A. 34:19-1 et seq.

107. As alleged herein, Plaintiffs Lieutenant Sanchez, Officer Montpellier, and Officer Mannion reasonably believed that Defendants' conduct was undertaken in violation of law, rule, or regulation promulgated pursuant to law or a clear mandate of public policy.

108. Plaintiffs engaged in "whistle-blowing" activities by complaining and/or refusing to participate in unlawful activities engaged by the Defendants. Particularly by complaining about, and refusing to participate in, unlawful law enforcement practices under Director Indri's command and enforced by Captain Zitt and Captain Culhane.

109. As a result of Plaintiffs' protected activities, Defendants retaliated against the Plaintiffs, including but not limited to, baseless disciplinary charges, harassment, and retaliatory transfers.

110. Defendants' adverse employment action against the Plaintiffs were without any legitimate business or law enforcement purpose.

111. As a result of the foregoing, Plaintiff has suffered, and continues to suffer damages in an amount to be determined by a jury. Because of the individual Defendant's willful and malicious conduct, Plaintiffs seek punitive damages in the individual Defendants' individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

V.
COUNT FIVE
New Jersey Civil Rights Act
N.J.S.A. § 10:6-2
Equal Protection

112. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

113. Pursuant to official policy, custom and practice, Defendants, acting under color of law, subjected the Plaintiffs to the deprivation of their constitutional right to equal protection in violation of the United States and New Jersey Constitutions.

114. Plaintiffs were unlawfully retaliated against by the Defendants because of their status based on their political affiliation with Mayor Vega and/or lack of political supporter for Mayor Roque. Defendants' disparate treatment of the Plaintiffs based on their political affiliation was arbitrary and capricious.

115. Defendants' retaliatory conduct, included such unlawful employment practices as wrongful termination, retaliatory transfers and assignments, hostile work environment, deprivation of overtime opportunities, selective enforcement of police department rules and regulations, and the denial of other tangible and intangible employment benefits.

116. Pursuant to policy, custom and practice, Defendants intentionally, willfully and recklessly retaliated against Plaintiffs as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

117. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

118. As a direct and proximate cause of the aforementioned, Plaintiffs have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of the individual Defendants' willful and malicious conduct, Plaintiffs seek punitive damages in their individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

VI
COUNT SIX
New Jersey Civil Rights Act
N.J.S.A. § 10:6-2
Malicious Prosecution

119. Plaintiff Rivera repeats and realleges the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

120. Defendants Mayor Rogue, Commissioner Frias, Shine and Alicia, acting under color of law, subjected the Plaintiffs to the deprivation of their constitutional right to freedom of speech, freedom of association, right to petition their representatives, and engage in union activities in violation of the New Jersey Constitution, as alleged herein.

121. Plaintiffs' constitutionally protected activities, as alleged herein, were the motivating factor for Defendants' retaliatory conduct, including such unlawful employment practices as wrongful termination, retaliatory transfers and assignments, hostile work environment, deprivation of overtime opportunities, selective enforcement of police department rules and regulations, and the denial of other tangible and intangible employment benefits.

122. Pursuant to policy, custom and practice, Defendants intentionally, willfully and recklessly retaliated against Plaintiffs as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

123. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

124. As a direct and proximate cause of the aforementioned, Plaintiffs have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of Defendants' willful and malicious conduct, Plaintiffs seek punitive damages in their individual capacity in an amount to be determined by the jury.

125. Defendants Mayor Roque, Commissioner Frias, and West New York employees Messina and Alicea caused baseless criminal charges to be filed against Rivera.

126. The criminal charges were filed without probable cause.

127. The criminal charges were motivated by retaliatory *animus*.

128. The criminal charges were dismissed in favor of Rivera.

129. As a result of the foregoing, Plaintiff has suffered, and continues to suffer damages in an amount to be determined by a jury. Because of Defendant's willful and malicious conduct, Plaintiff seeks punitive damages in Defendant's individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

VII.
COUNT SEVEN
New Jersey Civil Rights Act
N.J.S.A. § 10:6-2
Abuse of Process -Rivera

130. Plaintiff Rivera repeats and realleges the allegations set forth above as if fully set forth herein.

131. Defendants Mayor Rogue, Commissioner Frias, Shine and Alicia, acting under color of law, subjected deprived Plaintiff of his constitutional right to be free from abuse of process in violation of the New Jersey Constitution, as alleged herein.

132. Defendants acted with malice. The Defendants lacked any legitimate basis to believe that Plaintiff was guilty of the crime alleged. They intentionally abused the legal process after criminal charges were filed to serve their retaliatory purpose of punishing Plaintiff for exercising his protected rights to free speech and political association with the political candidate of his choice.

133. Defendants intentionally, willfully and recklessly retaliated against Plaintiffs as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

134. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

135. As a direct and proximate result of the aforementioned, Plaintiff has suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of the individual Defendants' willful and malicious conduct, Plaintiff seeks punitive damages in their individual capacity in an amount to be determined by a jury.

VIII.
COUNT EIGHT
New Jersey Civil Rights Act
N.J.S.A. § 10:6-2
Excessive Use of Force-Rivera

136. Plaintiff Rivera repeats and realleges the allegations set forth above as if fully set forth herein.

137. Defendants Mayor Rogue, Commissioner Frias, Shine and Alicia, acting under color of law, subjected the Plaintiff to the deprivation of his constitutional right to be free from excessive use of force in violation of the New Jersey Constitution, as alleged herein.

138. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

139. As a direct and proximate result of the aforementioned, Plaintiff has suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of the individual Defendants' willful and malicious conduct, Plaintiff seek punitive damages in their individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

IX
COUNT NINE
N.J.S.A. 10:6-2
N.J. Civil Rights Act

140. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

141. Defendants actions violated New Jersey Civil Rights Act §10:6-2 et seq.

142. Defendants deprived Plaintiffs Bringa, Rivera, Bombino, and Davis of their procedural due process under N.J.S.A. 11A:2-13-14, N.J.A.C. 4A:2-2.1 et seq. and the Fifth Amendment of the United States Constitution.

143. Plaintiffs had a liberty and property interest in their employment. Defendant West New York and Mayor Rogue failed to terminate Plaintiffs for sufficient cause or afford them with notice and fair and impartial hearing as required under the New Jersey Civil Service Act.

144. Defendants further failed to provide the Defendants with a fair and impartial forum to adjudicate their grievances by designating a hearing officer who shared financial and political interests with Mayor Roque.

145. As a direct and proximate result of the aforementioned, Plaintiffs were deprived of their constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiffs have suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury. Because of the individual Defendants' willful and malicious conduct, Plaintiffs seeks punitive damages in their individual capacity to be determined by a jury.

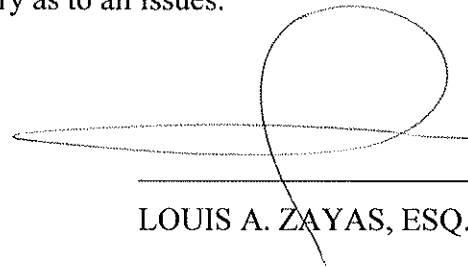
WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial jury as to all issues.

DATED: April 4, 2013

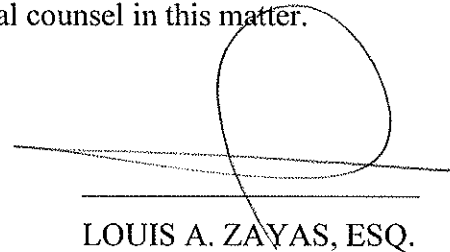


LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

LOUIS A. ZAYAS, ESQ., is designated as trial counsel in this matter.

DATED: April 4, 2013

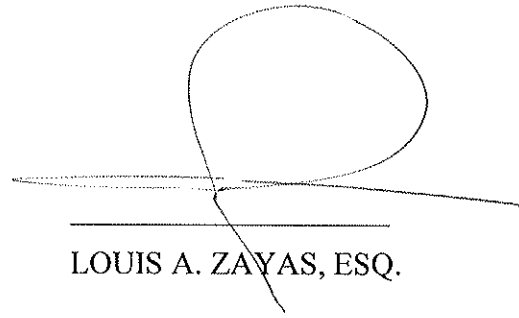


LOUIS A. ZAYAS, ESQ.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damages limits; and (g) medical payment limits.

DATED: April 4, 2013



LOUIS A. ZAYAS, ESQ.