

BRACH EICHLER LLC

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Attorneys for Plaintiffs

VICTORINA SALVADOR and
AGVS HOLDINGS, INC.,

Plaintiffs,

v.

CITY OF UNION CITY, BRIAN P.
STACK, individually and in his
capacity as Mayor of the City of
Union City, ALEJANDRO
VELAZQUEZ, individually and in
his capacity as Director of the Union
City Health Department, and JOHN
DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO.:

Civil Action

COMPLAINT

Plaintiffs, Victorina Salvador (“Salvador”) and AGVS Holdings, Inc. (“AGVS”) (all and singularly, “Plaintiff”), by and through their undersigned counsel, Brach Eichler LLC, hereby brings this Complaint against Defendants, City of Union City (“Union City”), Brian P. Stack (“Stack”), and Alejandro Velazquez (“Velazquez”) (collectively, “Defendants”), based upon the following allegations:

NATURE OF THE ACTION

1. Freedom of speech is a fundamental right protected by Article I of the New Jersey Constitution (“Article I”). Article I guarantees the right to be free from retaliation by a state actor against citizens engaging in activities Article I protects. Article I also guarantees the right to be free from unreasonable searches and seizures.

2. Since February 2022, Defendants have intentionally deprived Plaintiff of her Article I rights by engaging in selective and malicious municipal code enforcement, issuing baseless violations, and at one point breaking into a private area of Plaintiff's property without a warrant to respond to a dubious heating complaint. Defendant Stack and his agents have also trespassed upon Plaintiff's property by repeatedly leaving unsolicited political materials despite being requested to cease this behavior.

3. As a result, Plaintiff brings this action pursuant to New Jersey Civil Rights Act, N.J.S.A. 10:6-2 et seq., seeking to restrain and enjoin Defendants from further engaging in this outrageous behavior. In addition, Plaintiff also seeks an award of compensatory and punitive damages, counsel fees, and costs of suit.

PARTIES

4. Plaintiff, Victorina Salvador, is a citizen of the United States of America and a resident of the State of New Jersey, with a principal address of 180 Talmadge Road, Suite 655, Edison, New Jersey 08817.

5. Plaintiff, AGVS Holdings, Inc., is a corporation organized under the laws of the State of New Jersey, with a principal business address of 180 Talmadge Road, Suite 655, Edison, New Jersey 08817.

6. Defendant, City of Union City, is a municipality organized under the laws of the State of New Jersey and a body politic capable of being sued under state law, which includes and encompasses the Union City Police Department ("UCPD").

7. Defendant, Brian P. Stack, is a resident of the State of New Jersey who serves as Mayor of Union City.

8. Defendant, Alejandro Velazquez, is a resident of the State of New Jersey who serves as Director of the Union City Health Department.

9. Defendants, John Does 1-10, are fictitiously named individuals who participated in the unlawful conduct alleged in this action, but whose identities are presently unknown, including various officers, agents, representatives, and employees of Union City and/or the UCPD.

JURISDICTION

10. This Court has subject matter jurisdiction because the claims in this action arise under the laws of the State of New Jersey.

11. This Court has personal jurisdiction over the individual Defendants because they are residents of the State of New Jersey and regularly conduct business in this jurisdiction.

12. This Court has personal jurisdiction over defendant City of Union City because it is a municipal corporation, duly organized and existing pursuant to and in accordance with the laws of the State of New Jersey.

VENUE

13. Venue is proper in this county pursuant to Rule 4:3-2(a) because Plaintiffs assert causes of action that arose in this county.

FACTS COMMON TO ALL COUNTS

14. In February 2022, AGVS – a company owned and operated by Salvador – bought an apartment building located at 324 24th Street in Union City, New Jersey (the “Property”).

15. Within weeks after AGVS purchased the Property, an AGVS tenant (who was also an employee of Defendant Union City) complained to Plaintiff that the heat was not properly working.

16. AGVS responded to the tenant’s complaint and confirmed that the heat was properly working.

17. The tenant then asked AGVS to increase the heat beyond city and state mandates.

18. After Plaintiff's encounter with the AGVS tenant, the tenant complained to Defendant Union City's police department.

I. Plaintiff Engages In Protected Activities Of Challenging Health Director's Findings And Filing Complaints

19. Upon the tenant's complaint, Plaintiff had a phone call with Defendant Velazquez in Velazquez's capacity as Union City health director.

20. During that call, Plaintiff engaged in the protected activity of respectfully challenging Velazquez's assertion that the Property's heating system is so faulty that repair is legally required.

21. During that call, instead of respectfully responding to Plaintiff, Defendant Velazquez cursed and disrespected Plaintiff, threatening her with high legal expenses and questioning her ability to manage the Property.

22. After that phone call with Defendant Velazquez, Plaintiff reached out to Defendant Stack's office to file a complaint regarding Velazquez.

23. Two weeks after filing a complaint against Defendant Velazquez, Plaintiff received a phone call from Defendant Stack in which he raised his voice and used offensive language towards her.

24. As a result of that phone call, Plaintiff filed a complaint with the state ethics committee against Defendant Stack. But this ethics complaint did not result in any action.

II. Defendants' Retaliatory Conduct

25. In retaliation for Plaintiff's engagement of activities protected under Article I, between 2022 and 2025, Salvador received at least eight unfounded ordinance violations from the Union City Department of Health ("Health Department") in her name instead of AGVS's name

for an alleged lack of repairs to the Property – even though AGVS is and always has been the owner of the Property.

26. Moreover, Defendant Union City has issued code violations without conducting adequate investigations beforehand.

27. For example, in March 2022, Defendant Union City issued a code violation for pest infestation. That same month, Plaintiff engaged professional services and determined there was no infestation.

28. Thus, Defendants engaged in selective and malicious surveillance and municipal code enforcement against Plaintiff in retaliation for her protected activities.

III. Trespass On Property

29. Plaintiff then began noticing handbills and other signs and notices from Defendant Stack's office being placed on and around the Property.

30. Pursuant to UNION CITY, NJ, CODE §§ 208-5 to 208-7, distributing and/or posting any commercial or noncommercial handbill on any private premises without the consent of the owner or authorized agent is expressly prohibited.

31. Section 208-5 specifically prohibits distribution of handbills “if there is placed on the premises in a conspicuous position near the entrance a sign bearing the words: ‘No Trespassing,’ ‘No Peddlers or Agents,’ ‘No Advertisement’ or any similar notice indicating that the owner of the premises does not desire to have the privacy of the occupants disturbed or to have handbills left upon the premises.”

32. Plaintiff conspicuously posted signs on the front door of the Property bearing the words “ABSOLUTELY NO SOLICITING, NO EXCUSES, NO EXCEPTIONS” and “PRIVATE PROPERTY NO TRESPASSING BRIAN STACK—IT IS UNLAWFUL TO DUMP

HANDBILLS OR FLYERS IN OUR BUILDING LOBBY. YOU DO NOT HAVE OUR PERMISSION.”

33. Despite these obvious and specific notices, Defendant Stack and his agents persistently placed his handbills on the Property, violating the ordinance and Plaintiffs’ notices.

34. After Defendant Stack and his agents repeatedly ignored the posted notices, on May 10, 2022, Plaintiff, through counsel, sent a cease-and-desist letter requesting that he refrain from distributing and posting his handbills on the Property.

35. Defendant Stack – believing he is above the law – disregarded the letter and proceeded to post his promotional materials on the Property thereafter.

36. Plaintiff has sent multiple cease-and-desist notices – and filed multiple complaints with the municipality – to address this issue. But Defendant Stack ignored all of them and has persisted in posting his handbills on the Property.

37. Defendant Stack has even taken the initiative to send his representatives to the Property to personally distribute handbills to the tenants in the building.

IV. Unreasonable Search Of The Property

38. In further retaliation for Plaintiff’s engagement of activities protected under Article I, Defendants conducted an unreasonable, warrantless search of the Property.

39. On or around 9:00 a.m. on October 31, 2023, Plaintiff was informed by a Union City Health Inspector that one of the apartments in the Property was experiencing a lack of heat.

40. On October 31, 2023, the outside temperature in Union City was recorded as over 52 degrees, indicating a lack of exigent circumstances requiring immediate inspection and repair of any faulty heating systems.

41. Plaintiff's agent quickly responded and found the boiler in good working order. The agent also took temperature readings and found the building to be within acceptable temperature standards.

42. Plaintiff relayed her findings and disputed the Union City Health Inspectors' assertion that there was insufficient heat in the Property.

43. Pursuant to UNION CITY, NJ, CODE § 329-9, if the boiler were found to be malfunctioning, Plaintiff would have been required to have it repaired within twenty-four (24) hours of receiving notice of the malfunction.

44. Further, pursuant to UNION CITY, NJ, CODE § 329-10, the Health Inspector is authorized to arrange for repair of the boiler only after a 24-hour period has passed since receiving a complaint, provided that the tenant has (a) made a bona fide attempt to inform the landlord of the heating equipment malfunction before lodging the complaint, and (b) the landlord failed to take appropriate action.

45. Outrageously, on or around 6:00 p.m. on October 31, 2023 – a mere nine hours after the complaint was lodged with the Health Department – John Doe police officers from the UCPD entered the Property and broke into four boiler rooms over Plaintiff's objections and without a warrant.

46. Defendant Stack conspired with Union City and the UCPD to authorize this unreasonable search of the Property in retaliation for Plaintiff's complaint regarding Defendant Stack's political handbills and other unlawful behavior.

COUNT I

Retaliation Under New Jersey Civil Rights Act

(Against All Defendants)

47. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length.

48. Article I of the New Jersey Constitution prohibits any governmental entity from abridging the freedom of speech.

49. Article I also protects individuals from retaliation by the government for the exercise of their constitutional rights.

50. Defendants, acting under color of law, retaliated against Plaintiff for exercising her Article I rights by selectively and maliciously enforcing the Union City municipal code against Plaintiff, issuing baseless code violations, and causing an unreasonable search of the Property.

51. Defendant Stack, in his capacity as Mayor of Union City, is a state actor who worked in concert with the UCPD—state officials—to deprive Plaintiff of her Article I rights.

52. Defendant Velazquez, in his capacity as Director of the Union City Health Department, participated in this Article I retaliation after Plaintiff verbally challenged his concerns regarding the Property's heating system during a February 2022 phone call, and after Plaintiff filed a complaint against him.

53. Specifically, Velazquez retaliated by: (a) authorizing or participating in the unauthorized entry into Plaintiff's property; and (b) issuing multiple continuing health department violations against Plaintiff without proper justification.

54. Defendants further retaliated by (a) failing to provide notice and an opportunity to be heard before entering her property; (b) issuing health code violations without proper investigation or allowing Plaintiff to address alleged issues; and (c) disregarding the procedural

safeguards established in Union City Municipal Code § 329-10, which requires a 24-hour waiting period and a bona fide attempt by the tenant to inform the landlord before the Health Department can take action.

55. As recently as February 19, 2024, the UCPD was seen taking pictures of the Property and physically checking doors to see if they were locked – all without authorization.

56. The retaliatory actions taken by Defendants were directly caused by and motivated by Plaintiff's exercise of her Article I rights, including her complaints about Defendant Stack's conduct and Defendant Velazquez's behavior.

57. Unless restrained from doing so, Defendants will continue to violate Plaintiff's Article I right to be free from retaliation by the government for the exercise of her constitutional rights.

58. Plaintiff has no adequate remedy at law because the damages and injuries that she has suffered, is suffering, and will continue to suffer are not capable of being ascertained with specificity.

59. Unless the requested relief is granted, Defendants will continue to cause Plaintiff irreparable harm by thwarting her inalienable Article I right to be free from retaliation by the government for the exercise of her constitutional rights.

60. Defendants' actions have caused a chilling effect on the exercise of free speech under Article I and are patently illegal.

61. Without due process of the law, Defendants' actions also deprived Plaintiff of her right under Article I of the New Jersey Constitution of "possessing, and protecting property, and of pursuing and obtaining safety and happiness."

62. Defendants' actions cannot be justified by any legitimate state interest, let alone a compelling state interest.

63. As a direct and proximate result of this conduct, Plaintiff has suffered damages including, but not limited to, the deprivation of her constitutional rights under Article I, physical damage to the Property, and reputational damage resulting from continuous surveillance, invasion, and enforcement by municipal officials.

64. By depriving retaliating against Plaintiff for exercising her constitutional rights under Article I, Defendants have violated the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 et seq ("NJCRA").

65. Defendants' conduct follows endemic Union City customs and practices of municipal agents and officials using city power and resources to protect and advance Union City leaders' political interests.

COUNT II

Unreasonable Search In Violation Of The New Jersey Civil Rights Act

(Against All Defendants)

66. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length.

67. Article I of the New Jersey Constitution also protects individuals from unreasonable searches and seizures by the government.

68. Defendants, acting under the color of law, conducted an unreasonable search of Plaintiff's private commercial property in violation of Article I and the NJCRA by breaking into four boiler rooms of the Property.

69. The search was unreasonable because: (a) Defendants acted under the authority of Defendant Stack and Defendant Velazquez, who directed the UCPD to unlawfully search the

Property even though they did not have a warrant; (b) there were no exigent circumstances justifying a warrantless entry; (c) Plaintiff did not consent to the search; (d) the search was conducted in violation of Union City Municipal Code § 329-10, which requires a 24-hour waiting period before the Union City Department of Health can arrange for repairs; and (e) Plaintiff cast doubt on the veracity of any tenant complaint that precipitated the search after her agents found the boiler in good working order and found the Property's temperature compliant.

70. The boiler rooms were locked areas of Plaintiff's private commercial property that were not occupied by any tenants.

71. Unless restrained from doing so, Defendants will continue to violate Plaintiff's Article I right to be free from unreasonable searches.

72. Plaintiff has no adequate remedy at law because the damages and injuries that she has suffered, is suffering, and will continue to suffer are not capable of being ascertained with any specificity.

73. Unless the requested relief is granted, Defendants will continue to cause Plaintiff irreparable harm by thwarting her inalienable Article I right to be free from unreasonable searches.

74. As a direct and proximate result of this conduct, Plaintiff has suffered damages including, but not limited to, the deprivation of her constitutional rights under Article I, physical damage to the Property during the course of Defendants' break-in and search, and reputational damage resulting from Defendants' break-in and search.

75. By violating Plaintiffs' right to be free from unreasonable search and seizure, Defendants have violated the NJCRA.

76. Defendants' conduct follows endemic Union City customs and practices of municipal agents and officials using city power and resources to protect and advance Union City leaders' political interests.

COUNT III

Common Law Trespass & Nuisance

(Against Defendant Stack)

77. Plaintiff incorporates by reference the allegations contained in the preceding paragraphs as if fully set forth at length.

78. Since February 2022, Defendant Stack and his agents have continuously engaged in unauthorized entry of Plaintiffs' Property by physically entering areas of the Property – besides those occupied by tenants – to distribute and post political handbills.

79. Defendant Stack was aware that such entry and solicitation was unauthorized because of Union City ordinances, Plaintiffs' signs on the Property, and Plaintiffs' cease-and-desist letter. However, Defendant Stack and his agents continued to engage in unauthorized entry, solicitation, and political handbill distribution on the Property.

80. Such unauthorized conduct invaded Plaintiffs' interest in the private use and enjoyment of Plaintiffs' private commercial property.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment in her favor and against Defendants, including the following relief:

(a) An order preliminary and permanently restraining and enjoining Defendants from interfering with Plaintiff's right to be free from retaliation for exercising her constitutional rights under Article I of the New Jersey Constitution, pursuant to N.J.S.A. 10:6-2(c).

(b) An order preliminary and permanently restraining and enjoining Defendants from interfering with Plaintiff's right to be free from unreasonable searches under Article I of the New Jersey Constitution, pursuant to N.J.S.A. 10:6-2(c).

(c) An order preliminarily and permanently restraining and enjoining Defendant Stack from trespassing onto Plaintiffs' Property.

(d) Damages in an amount that is fair, reasonable, and just to compensate Plaintiff for the injuries she suffered.

(e) Reasonable counsel fees and costs of suit, pursuant to N.J.S.A. 10:6-2(f).

(f) Civil penalties pursuant to N.J.S.A. 10:6-2(e).

(g) Any other relief the Court deems just and proper under the circumstances.

BRACH EICHLER LLC
Attorneys for Plaintiff

By: /s/ Thomas Kamvosoulis
Thomas Kamvosoulis, Esq.

Dated: August 8, 2025

JURY DEMAND

Plaintiff requests a jury trial on all issues to be tried.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Thomas Kamvosoulis, Esq., as trial counsel in this action.

CERTIFICATION OF REDACTION OF PERSONAL IDENTIFYING INFORMATION

Pursuant to Rule 1:38-7(b), Thomas Kamvosoulis, Esq. of Brach Eichler LLC, hereby certifies that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future. I certify that foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

CERTIFICATION UNDER R. 4:5-1

I hereby certify that to the best of my knowledge and recollection there is no other litigation or arbitration claim pending or contemplated in some other forum pertaining to the same parties and same issues. At this time, Plaintiff is not aware of any other party who should be joined to this litigation.

I certify that foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

BRACH EICHLER LLC
Attorneys for Plaintiff

By: /s/ Thomas Kamvosoulis
Thomas Kamvosoulis, Esq.

Dated: August 8, 2025