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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARIO M. BLANCH

Plaintiffs,

v.

TOWN OF WEST NEW YORK, FELIX ROQUE IN HIS
PERSONAL CAPACITY AND IN HIS CAPACITY AS
MAYOR OF THE TOWN OF WEST NEW YORK,
GILBERTO GARCIA IN HIS PERSONAL CAPACITY
AND AS ATTORNEY FOR THE TOWN OF WEST
NEW YORK, SILVIO ACOSTA IN HIS PERSONAL
CAPACITY AND IN HIS CAPACITY AS AN
EMPLOYEE FOR THE TOWN OF WEST NEW YORK,
JOHN DOE 1-99, ABC CORPORATION 1-99

Defendant.

Civil Action

**COMPLAINT WITH
DEMAND FOR A JURY TRIAL**

COMPLAINT

Plaintiff, MARIO M. BLANCH, ESQ., by and through his attorney, Valerie Steiner, Esq. respectfully request the Court to grant Compensatory Damages, Actual Damages, Punitive Damages, Costs of Suit, and Attorney's Fees against the Town of West New York, Felix Roque in his personal capacity and as Mayor for the Town of West New York, Gilberto Garcia, Esq. in his personal capacity and as Attorney for the Town of West New York, Silvio Acosta in his personal capacity and as an employee for the Town

of West New York, John Doe 1-99 and ABC Corporation 1-99. In support thereof, Plaintiffs show the Court as follows:

JURISDICTION AND VENUE

1. This action arises out of acts and/or omissions that occurred in Hudson County, New Jersey.
2. Jurisdiction is proper as Plaintiff is seeking damages pursuant to 42 U.S.C.S. 1983, which is a Federal Statute. As such, jurisdiction arises out of a Federal question.
3. Venue is proper under 28 U.S.C. § 1391 in the Federal District Court of New Jersey because this claim arose therein and all actions described herein occurred in this venue.

THE PARTIES

4. Mario M. Blanch (“Plaintiff”) is an attorney with a general law practice, who practices law at 440-65th Street, West New York, New Jersey 07093.
5. Felix Roque (“Roque”) is the Mayor of the Town of West New York and a physician licensed to practice medicine in the State of New Jersey with his office located at 428 60th Street, West New York, New Jersey (“Town-Hall”).
6. Gilberto Garcia, (“Garcia”) is the Town Attorney for the Town of West New York and is a licensed attorney, licensed to practice law in the State of New Jersey with his principal office located at Court Plaza South, 21 Main Street, West Wing, Suite 350, Hackensack, New Jersey 07601.
7. Silvio Acosta (“Acosta”) is an employee in the Town of West New York, who acts as a personal liaison to the Mayor and Gilberto Garcia with his principal office located at Town-Hall.

8. The Town of West New York is a New Jersey Township and governmental entity established under New Jersey law, pursuant to the “Walsh Act.” N.J.S.A. 40:70-1 et. seq. with its principal address located at Town-Hall.

9. John Does 1-99 and ABC Corporation 1-99 are fictitious defendants who are unknown to the Plaintiff at this time, may become known through discovery, and participated in the wrongful acts alleged throughout the Complaint.

BACKGROUND FACTS

ROQUE'S POLITICAL AND LEGAL PROBLEMS

10. Roque was elected Mayor in or about May 2011 by virtue of winning a general election held in the Town of West New York.

11. In May 2012, Roque and his son Joseph Roque were arrested for allegedly conspiring to hack a website belonging to rival political organizations. The website was called www.recallroque.com.

12. In June 2012, a general election for committee seats was held in the Township of West New York.

13. The Hudson County Democratic Organization (“HCDO”), which is the main Democratic organization in Hudson County, New Jersey dictates how the ballots are organized in Hudson County for all general elections and special elections which involve Democrats.

14. In June 2012 the HCDO refused to acknowledge Mayor Roque's committee seat selections as valid selections for the Democratic party. Accordingly, Roque's committee candidates lost the majority of their committee seats thereby diminishing Roque's political power in the Township of West New York.

15. The West New York branch of the HCDO was backed and supported by Assemblywoman Angelica Jimenez and Freeholder Jose Munoz.

16. Upon information and belief, both Angelica Jimenez and Jose Munoz are backed and supported by the Mayor of North Bergen and State Senator, Nicholas Sacco.

17. Upon information and belief, Roque believed at all times that his ouster from the HCDO and his indictment were a direct result of the efforts of Nicholas Sacco.

HIRING OF MARIO M. BLANCH, ESQ.

18. Mario M. Blanch, Esq. (“Blanch”) is an attorney with offices in West New York, New Jersey who is an outspoken critic of Mayor and State Senator Nicholas Sacco, who is the Mayor of North Bergen, New Jersey.

19. Blanch has known Roque for many years, and was a friend of Roque's who spoke to Roque often and represented Roque on a number of real estate transactions, and represented Roque's longtime girlfriend.

20. In or about January 2013, Roque contacted Blanch and advised Blanch that he wanted Blanch to work for the Town of West New York, because he believed Blanch could be a contributor to the Town and he was an honest person who had the best interests of the public in mind.

21. In or about February 2013, the Town of West New York hired Blanch for a part-time position as “Assistant to the Town Attorney” a position paying an annual salary of \$35,000.00 per year without health benefits.

22. The position held by Blanch consisted of helping Gilberto Garcia with all general matters, including but not limited to, providing legal opinions, drafting ordinances,

attending Town meetings, meeting with Roque and Acosta to discuss legal issues and working with any department that needed legal assistance.

23. The majority of the work given to Blanch was given to Blanch from Garcia. Garcia generally sent assignments to Blanch via email and Blanch would respond to assignments via email.

24. Throughout Blanch's tenure as Assistant to the Town Attorney no one complained to Blanch about his work. To the contrary, Garcia always commended Blanch on his excellent work.

ROQUE ASKS BLANCH TO COMMIT ILLEGAL ACTIVITIES

25. In or about the end of April 2013, Roque had a conversation with Blanch at a local cafeteria, wherein Roque advised Blanch that he had to cease his activities against the Township of North Bergen and had to stop being an outspoken critic of Nicholas Sacco.

26. Blanch asked Roque, why the sudden change of heart towards Nicholas Sacco, and Roque responded that he believed that Sacco was behind his indictment, and that if Blanch became “friends” and made “peace” with Sacco, the witnesses against him in the Federal Criminal Trial may not testify against him or might soften their stance against Roque.

27. In addition, to advising Blanch that the witnesses may not testify or may soften their stance, Roque advised Blanch, that if Blanch cooperated with Sacco and made “peace” with Sacco he would receive a lucrative legal position in the County of Hudson with a six figure pay grade.

28. Blanch advised Roque that he should immediately stop trying to interfere with the testimony of the Federal witnesses as same was probably criminal and could amount to “witness tampering,” which was a serious criminal offense.

GILBERTO GARCIA FAILS TO ASSIST BLANCH

29. After the meeting with Roque, Blanch contacted Garcia and spoke to Garcia regarding what was occurring and asked to be transferred from the “Legal Department” to another department.

30. Garcia advised Blanch that he understood the concerns of Blanch and that he would immediately transfer Blanch from the “Legal Department” to the “Public Defender's Office.”

31. Garcia advised Blanch to file a Request for Qualifications with the Town Clerk so that he could be appointed “Public Defender” in West New York.

32. In or about early May 2013, Blanch filed an RFQ at the direction of Garcia for the position of public defender.

33. Despite filing the RFQ for public defender, Garcia knowing the tenuous situation with Roque, Blanch was not assigned the position of public defender and was kept in the Legal Department.

ALLEGIANCE TO ROQUE/PEACE WITH NORTH BERGEN

34. Throughout the month of May 2013, on various occasions, Blanch met with Acosta, who advised Blanch, that it was imperative that Blanch swear allegiance to the “Roque” team because Roque's trial depended on “peace” with Sacco.

35. Blanch always advised Acosta that he would cooperate with the Roque organization to the best of his ability, but would not participate in any illegal activity.

36. Acosta advised Blanch that Roque was meeting with Sacco, Herbert Klitzner, Esq. and Joe Muniz. Acosta claimed that Joe Muniz was Sacco's "right hand" and that all negotiations for "peace" were in the works.

37. Acosta also advised Blanch on various occasions that the witnesses against Roque were working with and for Sacco, and therefore peace with Sacco meant that the witnesses in the Roque trial either would not appear at the criminal trial or would not fully cooperate with the Attorney General.

38. Acosta, Roque and Garcia advised Blanch that the main witness against Roque was Freeholder Jose Munoz and he was controlled by Sacco.

39. On May 24, 2013, Roque and Acosta met with Blanch at Town-Hall and again asked him if he was 100% for the "Roque" team, and was willing to work for the team. Blanch advised that he was willing to work for the "team."

40. Immediately after agreeing to work with the team, and after the meeting in Town-Hall, Roque and Acosta escorted Blanch to Roque's car to meet with an unknown person.

41. In the elevator, and walking to the car, Roque and Acosta advised Blanch that they were going to meet a confidant of Nicholas Sacco, and wanted to advise the confidant that Blanch was on board to cooperate.

42. Roque drove his vehicle with Acosta to the Democratic Headquarters in West New York.

43. At the Democratic headquarters, Acosta and Roque introduced Blanch to Manuel "Manny" Diaz a former convict and disbarred attorney.

44. During the meeting at the Democratic headquarters, the conversation mainly dealt with Manuel Diaz and Roque discussing that Blanch was on board with cooperating with Sacco.

45. The meeting and conversation also turned into a cryptic conversation of what would happen if Freeholder Jose Munoz did not testify at the trial and what ramifications that would have on the outcome of the case.

NORTH BERGEN MATTERS AND TERMINATION

46. On or about, May 30, 2013, Blanch appeared in New Jersey Superior Court on behalf of a client, April Tricoli who had a pending lawsuit against the Township of North Bergen and Nicholas Sacco.

47. On May 31, 2013, Blanch again appeared in the New Jersey Superior Court on behalf of April Tricoli in the case against Nicholas Sacco and North Bergen.

48. On the afternoon of May 31, 2013, Blanch reported to West New York Town-Hall to meet with Roque, Acosta and Garcia regarding pending legal problems in the Township.

49. At the meeting, Roque began to argue with Blanch over his participation in a lawsuit against North Bergen. In fact, Roque told Blanch he was working for Tricoli for “peanuts” and the real money was in government and that he could earn hundreds of thousands of dollars working for the County of Hudson.

50. In fact, at the May 31, 2013 meeting, Roque told Blanch to drop Tricoli as a client or Blanch would not be considered part of the “team” and he further advised Blanch that he was harming his chances in his Federal Court case.

51. From May 31, 2013 until June 20, 2013, Blanch and Roque hardly talked, as the relationship appeared to have soured.

52. On June 20, 2013, Blanch filed a Motion for Reconsideration in the Tricoli v. Township of North Bergen matter.

53. On June 21, 2013, Roque called Blanch and told him to come to Town-Hall immediately as he had to discuss urgent business with him.

54. On June 21, 2013, Roque met with Blanch in his office and advised him that Sacco yelled at Roque, reprimanded Roque, and called him a liar. Roque further advised Blanch, that Blanch ruined Roque's efforts to stop Freeholder Jose Munoz from testifying against him.

55. At the June 21, 2013 meeting, Roque grabbed a copy of the Motion for Reconsideration and threw it onto his desk and asked Blanch for the significance of the documents. Roque told Blanch to immediately cease any further representation of Tricoli.

56. Blanch asked Roque how he received the Motion for Reconsideration, to which Roque advised Blanch that Sacco sent it to him.

57. The following week on June 28, 2013, Blanch again reported to duty at West New York Town Hall and was advised by Garcia and Acosta that his work in West New York was causing a problem with Sacco and North Bergen.

58. At the June 28, 2013 meeting, Roque advised Blanch that his inroads with Sacco, Freeholder Munoz and North Bergen were ruined by Blanch.

59. On Monday July 1, 2013, Blanch reported to West New York Town-Hall to work on various outstanding issues.

60. Upon his arrival at West New York Town Hall, he was asked by Acosta to wait outside the conference room, so Acosta and Garcia could speak in private.

61. After Garcia and Acosta met in private, Acosta advised Blanch to go to the conference room and speak to Garcia.

62. In the conference room, Garcia proceeded to terminate Blanch's employment and advised him that he was being terminated for "political" reasons and that none of the reasons had to do with his job performance.

COUNT ONE

VIOLATION OF 42 USC 1983 **UNDERLYING CIVIL RIGHTS VIOLATION** **VIOLATION OF FIRST AMENDMENT RIGHTS**

63. Plaintiff repeats all of the allegations set forth above as if set forth at length herein.

64. At all times herein, all Defendants acted under the "color of law. Specifically, the Defendants engaged in actions that were governmental in nature and acted in their capacity as governmental agents. Specifically, Roque acted as the Mayor of the Town of West New York, Garcia acted as the Town's attorney, and Acosta acted as an employee of the Town.

65. In addition to acting under the "color of law," all Defendants herein, acted in their own personal capacity.

66. At all times herein, Defendants also were acting as representatives of the Town of West New York, thereby making the Town of West New York liable for the acts of the Defendants, as Roque, Garcia and Acosta were high ranking Town officials with final policy making authority.

67. At all times herein, Blanch has a First Amendment right to freedom of speech, freedom of assembly, and freedom of petitioning the government for redress of grievances.

68. Acting under the color of law, in their personal capacities, and on behalf of the Town of West New York the Defendants engaged in a thwarted effort to prevent and/or hinder Blanch's First Amendment rights by threatening Blanch that if he continued to voice his redress and grievances against North Bergen and Nicholas Sacco, they would terminate him.

69. In fact, after Blanch exercised his First Amendment rights, the Defendants did terminate Blanch.

70. The Defendants' actions in terminating Blanch, violated Blanch's First Amendment rights which have caused Plaintiff to suffer extreme emotional and compensatory harms and are a violation of Plaintiff's civil rights as set forth in 42 U.S.C.I.S. 1983.

COUNT TWO

VIOLATION OF 42 USCIS 1983 **POLITICAL DISCRIMINATION**

71. Plaintiff repeats all of the allegations set forth above as if set forth at length herein.

72. Blanch has a right to practice any type of political ideology he chooses.

73. Blanch's position as "Assistant to the Town Attorney" was not dependent on any political ideology.

74. Despite the fact that Blanch could conduct his job functions without allegiance to any political party, Defendants acted in a concerted effort to modify Blanch's political ideologies against North Bergen and Nicholas Sacco.

75. When Blanch refused to modify his political ideologies towards North Bergen and Nicholas Sacco, the Defendants terminated Blanch's employment with the Town of West New York.

76. Defendant's actions are a violation of Plaintiff's First Amendment rights, political affiliations and civil rights as set forth in 42 U.S.C.I.S. 1983.

COUNT THREE

VIOLATION OF N.J.S.A. 34:19-1 ET. SEQ. **CONSCIENTIOUS EMPLOYEE PROTECTION ACT**

77. Plaintiff repeats all of the allegations set forth above as if set forth at length herein.

78. As set forth above, Blanch attempted on various occasions to advise Roque that witness tampering was illegal, and that dropping a client was unethical.

79. Blanch advised Garcia and Acosta that witness tampering was illegal and that dropping a client was unethical, and that Blanch would not participate in illegal or unethical activity as it pertained to his client.

80. Despite the advise of Blanch to Garcia, Acosta, and Roque, the Defendants continued to pressure Blanch to participate in the illegal and legally unethical activity.

81. When Blanch refused to participate in the illegal and unethical activity, he was terminated from his employ with the Town of West New York.

82. Defendant's actions are a violation of the New Jersey Conscientious Employee Protection Act.

WHEREFORE, Plaintiffs respectfully pray that this Court grant the following relief:

- a. Hold a jury trial to determine the actual damages, punitive damages, costs and attorney's fees that Plaintiff is entitled to.
- b. Grant such other and further relief as this Court shall seem just and equitable.
- c. That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's order.

Respectfully submitted,

/s/ Valerie Steiner, Esq.
Valerie Steiner, Esq.

Dated: October 25, 2013

JURY DEMAND

The Plaintiff hereby demands a jury trial in accordance with Fed. R. Civ. P. 38 and the 7th Amendment to the Constitution on any issue triable of right by a jury.

Respectfully submitted,

/s/ Valerie Steiner, Esq.
Valerie Steiner, Esq.

Dated: October 25, 2013