

MAR 04 2014

SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #4

LOUIS A. ZAYAS, ESQ.
LAW OFFICES OF LOUIS A. ZAYAS, L.L.C.
8901 Kennedy Boulevard, Suite 5S
North Bergen, NJ 07047
(201) 977-2900

JOAQUIN RUIZ

Plaintiff,

vs.

BRIAN P. STACK; UNION CITY, BRIAN
STACK CIVIC ORGANIZATION,

Defendants.

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION: BERGEN COUNTY
)

) Docket No.: *L-977-14*
)

) **CIVIL ACTION**
)

) **COMPLAINT**
)
)

Plaintiff, JOAQUIN RUIZ, by and through his attorney, LOUIS A. ZAYAS of
LAW OFFICES OF LOUIS A. ZAYAS, L.L.C, alleges the following based on
information and belief:

INTRODUCTION

1. This civil action brought by Plaintiff for damages under the New Jersey Civil Rights Act ("NJCRA") for failure to promote based on retaliation for political affiliation and association.

PARTIES

2. Plaintiff Joaquin Ruiz ("Officer Ruiz" or "Plaintiff") is a citizen of the State of New Jersey, residing in Hudson County. Plaintiff is employed as a police officer of the Union City Police Department.

3. Defendant Brian P. Stack ("Mayor Stack") is the duly elected Mayor of Union City, New Jersey. Defendant Stack is sued to affect the full declaratory, injunctive, and compensatory damages demanded by the Plaintiffs.

4. Defendant The City of Union City (“Union City”) is a municipality of the State of New Jersey, Bergen County is sued to affect the full declaratory, injunctive, and compensatory damages demanded by the Plaintiff.

5. Defendant Brian Stack Civic Association (“Civic Association”) is a 501(C)(3) non-profit founded by Defendant Mayor Stack. Defendant Civic Organization is sued to affect the full declaratory, injunctive, compensatory damages demanded by Plaintiff.

FACTS

6. Defendant Mayor Stack is currently the Mayor of Union City and a New Jersey State Senator. Through the creation of the Mayor Brian Stack Civic Association, Mayor Stack has created a political machine to foster a “play to play” culture in Hudson County with the primary purpose of promoting, protecting and maintaining Mayor Stack’s political power in Union City and the 33rd District, in particular, and Hudson County politics, in general.

7. The Civic Association is the barometer by which Mayor Brian Stack measures and evaluates, in terms of financial donations, the loyalty and political patronage shown by individuals and companies for purposes of conferring and providing government benefits and privileges. Based on the financial donations given to the Civic Association, Mayor Stacks directly or indirectly provides government benefits, such as jobs, government contracts, and other tangible benefits not otherwise available to non-contributors or political supporter.

8. Despite the Civic Association’s volunteer and civic efforts in the community, the Civic Association’s main purpose for its existence is to promote, protect and maintain Mayor Stack’s political power in the Union City Police Department.

9. Based on the financial donations to the Civic Association, Mayor Stack determines what government contracts to award to political contributors by using government and public resources to promote or, as is often the case, enrich Mayor Stack and his political confederates, conferring public resources on private financial contributors, rewarding political loyalty by depriving the state and municipality of fair and impartial zoning applications; and enabling town employees to selectively enforce town ordinances against and in favor of individuals depending on their political support and contributions to the Civic Association.

10. Mayor Stack utilizes his political status, and position as Director of Public Safety, as well as his Civic Association as a tool to incorporate “pay-to-play” tactics in the Union City Police Department, in which he rewards those police officers with promotions in exchange for political support and donations to his Civic Association. Those officers who refuse to support Mayor Stack or his Civic Association are punished with adverse employment actions.

11. Plaintiff is employed with the Union City Police Department.

12. On October 25, 2007, Plaintiff took the sergeant’s exam for Union City Police Sergeant in which he was originally placed 18th on the promotion list. Due to retirements and other factors, three police officers were excluded from the promotional list, which placed Plaintiff 15th on the promotional list.

13. While working as a detective for the Union City Police Department, Plaintiff was contacted by Sergeant Gonzalez, a Mayor Stack supporter, who told Plaintiff that “Mayor Stack thought very highly of him, and that the mayor wanted Plaintiff to join him and the Brian Stack Civic Association.”

14. In response, Plaintiff told Sgt. Gonzalez that he was not interested in participating in Union City Police Department politics, and would not be joining the association. Sergeant Gonzalez replied by telling Plaintiff “he was making a big mistake,” implying that Plaintiff’s refusal to pay-to-play would threaten his job.

15. On or about November 2010, Plaintiff was contacted by P.O. Archer Cuellar, a political supporter of Mayor Stack, to inquire about a quid-pro-quo offer. Specifically, the police officer offered to secure him the opportunity for promotion if Plaintiff worked on Stack’s campaign for the upcoming 2011 election. The police officer indicated that he was making the same offer to P.O Lugo, and that Plaintiff’s decision was urgent. In response, Plaintiff indicated that he was not interested in becoming involved in politics and would not be joining them.

16. Upon information and belief, P.O. Lugo accepted the police officer’s offer to work on the Stack campaign in order to receive an opportunity for promotion, and he and P.O. Cuellar worked on the Stack campaign.

17. In June 2011, twelve officers were promoted to sergeant. Due to the promotion, Plaintiff was now ranked 3rd on the list.

18. Also in June 2011, the Union City Board of Commissioners amended the relevant statute to increase the number of sergeants in the Union City Police Department. Upon information and belief, this was done to reward those police officers who worked on Stack’s campaign.

19. In January 2012, Union City requested an extension of the current promotional list.

20. In March 2012, Officer Archer Cuellar (#13 on the promotional list), Officer Juan Lugo (#14 on the promotional list), and retired Officer Peter Manero were certified off the current list. However, Manero should never have been certified because his retirement invalidated certification according to N.J.A.C. Title 4A.

21. N.J.A.C Title 4A, in part, governs certification dispositions, and sets forth the requirements for promotional eligibility.

22. As alleged above, Plaintiff was ranked 15th on the promotional list due to Manero's retirement, and was next-in-line for certification after Officer Lugo. As such, Plaintiff—not Manero—should have been certified for promotion in March 2012.

23. Plaintiff perceived Defendants' failure to certify him as retaliation for his refusal to participate in Stack's politics and his Civic Association.

24. On March 19, 2012, Plaintiff complained to Mayor Stack in his capacity as Director of Public Safety explaining that he believed he was next-in-line for promotion, and should have been certified over Manero since Manero was retired. Plaintiff told Mayor Stack that he believed that the certification violated N.J.A.C. Title 4A.

25. In response, Mayor Stack told Plaintiff he was "unaware that Plaintiff was on the promotional list," and that he was "not responsible for certifications, nor the certification error."

26. Mayor Stack promised Plaintiff that he would discuss the matter with Union City Police Chief Brian Barrett to remedy the issue and contact him by March 21, 2012.

27. Upon information and belief, Stack deliberately and maliciously provided false information to Plaintiff that he was not responsible for certifications and that he was unaware Plaintiff was on the promotional list.

28. Indeed, as Director of Public Safety, Mayor Stack was responsible for the March 2012 certifications, and upon information and belief, was also aware that Plaintiff was next-in-line for certification.

29. Mayor Stack acted under false pretenses to help remedy the issue for Plaintiff because in reality, Mayor Stack had failed to certify Plaintiff in retaliation for his lack of political support, refusal to campaign, and refusal to associate with this Civic Association.

30. Mayor Stack never contacted Plaintiff on March 21, 2012.

31. Since Plaintiff was not content with Mayor Stack's response to his complaints, the next day on March 22, 2012, Plaintiff went to the Civil Service Commission located in Trenton, New Jersey to obtain more information regarding the certification straight from the source.

32. That day, Plaintiff met with an employee of the Civil Service Commission who told Plaintiff that retired officers are automatically invalidated for certification, and that Mayor Stack, as Director of Public Safety, was the individual responsible for certifications.

33. The information Plaintiff obtained from Civil Service confirmed his belief that he should have been promoted, and that Mayor Stack was providing him with false information to hide his true intentions.

34. Later that same day on March 22, 2012, Plaintiff received a call from Chief Barrett who explained that "there was nothing he or Stack could do to remedy the issue because the list had already expired." On March 23, 2012, Plaintiff received a call from Mayor Stack who relayed the same information as Chief Barrett.

35. Mayor Stack acted under false pretenses in expressing he would help Plaintiff remedy the certification when in reality he was the moving force behind failing to certify Plaintiff.

36. Mayor Stack, as Director of Public Safety for the Union City Police Department, deliberately and intentionally failed to certify Plaintiff in retaliation for Plaintiff's refusal to participate in Mayor Stack's politics and to affiliate himself with the Civic Association.

37. Due to Defendants unlawful retaliation, Plaintiff was passed over for promotion to sergeant, lost monetary compensation, pension benefits at the rate of a supervisory officer, and lost vacation days. Further, Plaintiff has suffered anxiety, emotional distress, and family issues as a result of Defendants' adverse employment actions.

COUNT I
NEW JERSEY CIVIL RIGHTS ACT
N.J.S.A. 10:5-1, et seq.
POLITICAL ASSOCIATION RETALIATION

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

39. Plaintiff refused to participate in Mayor Stack's "pay-to-play" culture. Plaintiff refused to campaign for Mayor Stack, and refused to join the Brian Stack Civic Association. As such, Mayor Stack considered Plaintiff to be disloyal to him, and in turn, ~~utilized his status as Director of Public Safety to retaliate against Plaintiff for his lack of~~ political support, and failure to donate to Brian Stack Civic Association.

40. Defendants retaliated against Plaintiff by failing to certify him, and passing him over for promotion to sergeant although he was next-in-line for promotion in March 2012 due to Plaintiff's refusal to politically support Mayor Stack.

41. As a direct and proximate result of Defendants' actions, Plaintiff suffered economic and emotional damages in an amount to be determined by a jury.

COUNT II
NEW JERSEY CIVIL RIGHTS STATUTE
N.J.S.A. 10:5-1, *et seq.*
FREEDOM OF SPEECH

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

43. Plaintiff refused to participate in Mayor Stack's pay-to-play political culture, and refused to join the Brian Stack Civic Association.

44. Mayor Stack perceived Plaintiff as disloyal due to his refusal to campaign for Mayor Stack and join his Civic Association.

45. Due to Plaintiff's exercise of freedom of speech in refusing to campaign for Stack and engage in Civic Association fundraisers, Defendants retaliated against Plaintiff in the terms and conditions of his employment by failing to certify him and passing him over for promotion to sergeant.

46. As a direct and proximate result of Defendants' actions, Plaintiff suffered economic and emotional damages in an amount to be determined by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the following relief:


- a. Compensatory Damages;
- b. Punitive Damages;

- c. Attorney's fees and costs of suit;
- d. Such other and further relief as the Court deems equitable and just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to all issues so triable.

Dated: March 3, 2014

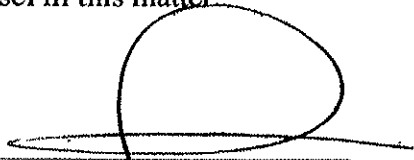


LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

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

Dated: March 3, 2014




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.

Date: March 3, 2014




LOUIS A. ZAYAS, ESQ.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that the matters in controversy in this action are not subject of any other
~~action pending in any other court or of a pending arbitration proceeding, and that no other~~
action or arbitration proceeding is contemplated.

Dated: March 3, 2014



LOUIS A. ZAYAS, ESQ.

IMPORTANT REMINDER

You have recently filed a complaint in the Law Division, Hudson County. Enclosed please find a copy of the complaint marked "Filed" and the Track Assignment Notice (TAN). Please be sure to use the assigned docket number on all future pleadings, correspondence, etc.

You are reminded of the following:

R.4:4-1. requires that the summons is to be issued within 15 days from the date of the Track Assignment Notice.

R.4:4-7. requires that "proof of service" shall (mandatory) be promptly filed with the court within the time during which the person served must respond (35 days) by the person making service or by the party on whose behalf service is made.

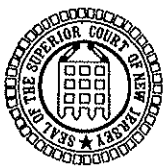

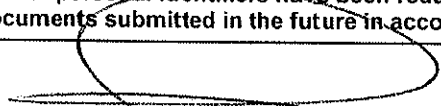
"Proof of Service" should be filed with the Judge/Team indicated on the Tan.

Please carefully read, understand and follow R.4:24-1., Time for Completion of Discovery, and R. 4:24-2., Motions Required to Be Made During Discovery Period.

Always be aware of the operative Discovery End Date (DED) for your case. If in doubt, you can contact the Team indicated on the TAN or this information may be found on the Judiciary's website homepage at www.njcourtsonline.com under the heading "civil discovery end date search."

Mary K. Costello
Presiding Judge Civil Division

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
			AMOUNT:	OVERPAYMENT:
			BATCH NUMBER:	
ATTORNEY / PRO SE NAME LOUIS A. ZAYAS, ESQ		TELEPHONE NUMBER (201) 977-2900	COUNTY OF VENUE Hudson	
FIRM NAME (if applicable) Law Offices of Louis A. Zayas, LLC		DOCKET NUMBER (when available) L-977-14		
OFFICE ADDRESS 8901 Kennedy Blvd., 5th Floor North Bergen, NJ 07047		DOCUMENT TYPE Complaint		
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) JOAQUIN RUIZ		CAPTION JOAQUIN RUIZ vs. BRIAN P. STACK; UNION CITY, BRIAN STACK CIVIC ORGANIZATION		
CASE TYPE NUMBER (See reverse side for listing) 005		IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify 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 in accordance with Rule 1:38-7(b).				
ATTORNEY SIGNATURE: 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- | | |
|---|--|
| <ul style="list-style-type: none"> 280 ZELNORM 285 STRYKER TRIDENT HIP IMPLANTS 288 PRUDENTIAL TORT LITIGATION 289 REGLAN | <ul style="list-style-type: none"> 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION |
|---|--|

Mass Tort (Track IV)

- | | |
|---|--|
| <ul style="list-style-type: none"> 248 CIBA GEIGY 266 HORMONE REPLACEMENT THERAPY (HRT) 271 ACCUTANE/ISOTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 278 ZOMETA/AREDIA 279 GADOLINIUM | <ul style="list-style-type: none"> 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 284 NUVARING 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 601 ASBESTOS |
|---|--|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

HUDSON COUNTY SUPERIOR COURT
HUDSON COUNTY
583 NEWARK AVENUE
JERSEY CITY NJ 07306

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 217-5162
COURT HOURS

DATE: MARCH 10, 2014
RE: RUIZ VS STACK
DOCKET: HUD L -000971 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON NESLE A. RODRIGUEZ

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 795-6908.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R. 4:5A-2.

ATTENTION:

ZAYAS LOUIS A
8901 KENNEDY BLVD
STE 58
NORTH BERGEN NJ 07047

JUJALEO

HUDSON COUNTY SUPERIOR COURT
HUDSON COUNTY
583 NEWARK AVENUE
JERSEY CITY NJ 07306

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JUJALEO