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 Town, State, Zip Code North Bergen, NJ 07047
 Telephone Number (201) 295-9977
 Attorney(s) for Plaintiff _____

CLERK'S **Superior Court of**
 NEW YORK **New Jersey**

Hudson COUNTY
 _____ DIVISION

BRUCE LIBERTI,

Docket No: L-3595-14

Plaintiff(s)

Vs.

MAYOR FELIX ROQUE,

TOWN OF WEST NEW YORK

Defendant(s)

**CIVIL ACTION
SUMMONS**


From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: 9-5-2014



 Jennifer M. Perez,
 Acting Clerk of the Superior Court

Name of Defendant to Be Served: West New York Town Hall

Address of Defendant to Be Served: West New York Town Hall, 428-60th Street West New York, NJ 07093

NOTE: The Case Information Statement is available at <http://www.njcourtsonline.com>

**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES**

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(800) 496-4570

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 463-3001

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Attn: Intake First Fl., Court House 1 North Broad Street Woodbury, NJ 08096	LAWYER REFERRAL (856) 848-4589 LEGAL SERVICES (856) 848-5360
HUDSON COUNTY: Deputy Clerk of the Superior Court Superior Court, Civil Records Dept. Brennan Court House--1st Floor 583 Newark Ave. Jersey City, NJ 07306	LAWYER REFERRAL (201) 798-2727 LEGAL SERVICES (201) 792-6363
HUNTERDON COUNTY: Deputy Clerk of the Superior Court Civil Division 65 Park Avenue Flemington, NJ 08822	LAWYER REFERRAL (908) 735-2611 LEGAL SERVICES (908) 782-7979
MERCER COUNTY: Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 S. Broad Street, P.O. Box 8068 Trenton, NJ 08650	LAWYER REFERRAL (609) 585-6200 LEGAL SERVICES (609) 695-6249
MIDDLESEX COUNTY: Deputy Clerk of the Superior Court, Middlesex Vicinage 2nd Floor - Tower 56 Paterson Street, P.O. Box 2633 New Brunswick, NJ 08903-2633	LAWYER REFERRAL (732) 828-0053 LEGAL SERVICES (732) 249-7600
MONMOUTH COUNTY: Deputy Clerk of the Superior Court Court House P.O. Box 1269 Freehold, NJ 07728-1269	LAWYER REFERRAL (732) 431-5344 LEGAL SERVICES (732) 866-0020
MORRIS COUNTY: Morris County Courthouse Civil Division Washington and Court Streets P. O. Box 910 Morristown, NJ 07963-0910	LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 285-6911
OCEAN COUNTY: Deputy Clerk of the Superior Court 118 Washington Street, Room 121 P.O. Box 2191 Toms River, NJ 08754-2191	LAWYER REFERRAL (732) 240-3666 LEGAL SERVICES (732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL
(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(908) 475-2010

FILED
CUSTOMER SERVICE TEAM

AUG 18 2014

SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #6

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
Counsel for Plaintiff

BRUCE LIBERTI,
Plaintiff,

vs.

MAYOR FELIX ROQUE, TOWN OF WEST
NEW YORK
Defendant,

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

) Docket No.: L 3595-14

) CIVIL ACTION

) COMPLAINT

Plaintiff BRUCE LIBERTI, by and through his attorney, LOUIS A. ZAYAS, ESQ., of the LAW OFFICES OF LOUIS A. ZAYAS, L.L.C., alleges the following:

INTRODUCTION

1. This is a civil action brought by the Plaintiff for damages and injunctive relief under the New Jersey Civil Rights Acts ("NJORA"), N.J.S.A. § 10:6-2, et seq. to enforce rights secured under the New Jersey Constitution.

PARTIES

2. Plaintiff BRUCE LIBERTI ("Plaintiff") is a resident of the State of New Jersey, County of Bergen.

3. 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 effectuating the maximum recovery of compensatory and punitive damages permitted by law.

4. Defendant TOWN OF WEST NEW YORK ("West New York") is a municipality organized by virtue of, and pursuant to, New Jersey law. West New York is sued to effect the full declaratory, injunctive, and compensatory damages demanded by Plaintiff.

FACTS

5. Plaintiff is a certified building inspector with over twenty-five (25) years of construction experience. In addition, Plaintiff has been in charge of recycling for the two-day Ninth Avenue Food Festival in New York City for the past seven (7) years.

6. Plaintiff was hired as a Sanitation Inspector for the Department of Public Works ("DPW") of West New York in June of 2011.

7. As Sanitation Inspector, Plaintiff was the team leader of three other employees and used his skills to help curb improper garbage disposal practices in West New York.

8. Plaintiff performed his job duties as Sanitation Inspector in an exceptional manner.

9. Then-Commissioner of Public Works, Dr. Count J. Wiley ("Commissioner Wiley"), communicated to Plaintiff his intent to appoint him as Recycling Coordinator of the DPW of West New York when Plaintiff was working as a Sanitation Inspector. Commissioner Wiley further explained Plaintiff would need to go to school to obtain a Recycling Coordinator Certification.

10. Joe Rodriguez, husband of Commissioner Clara Rodriguez who was appointed by Mayor Roque, was working full-time as DPW Superintendent for West New York at the time Plaintiff was a Sanitation Inspector.

11. Joe Rodriguez is an open political supporter of Mayor Roque.
12. When Joe Rodriguez learned Plaintiff intended to take classes and obtain the Recycling Coordinator Certification, he approached Plaintiff.
13. Joe Rodriguez told Plaintiff that he had spoken to Mayor Roque about the Recycling Coordinator appointment, and that Mayor Roque said that both (i.e. Joe Rodriguez and Plaintiff) would serve as Recycling Coordinators.
14. Plaintiff told Commissioner Wiley that Joe Rodriguez said both he and Plaintiff would serve as Recycling Coordinators, to which Commissioner Wiley responded there was no way Joe Rodriguez would be appointed to the Recycling Coordinator position.
15. Upon information and belief, Commissioner Wiley confronted Joe Rodriguez and told him he would not be appointed Recycling Coordinator.
16. Joe Rodriguez quit his position with DPW of West New York before Plaintiff was appointed Recycling Coordinator.
17. Upon information and belief, Joe Rodriguez had other full time employment with the DPW of Weehawken at the same time he held employment with the DPW of West New York.
18. Plaintiff later saw Joe Rodriguez in the Town Hall for West New York. Joe Rodriguez told Plaintiff that he was taking a four (4) day class available through Rutgers to persons with over ten (10) years of experience in a Department of Public Works to obtain the certification needed to serve as Recycling Coordinator.
19. Upon information and belief, Defendants intended to ensure Joe Rodriguez would receive the Recycling Coordinator position as a consequence of his

political affiliation with Mayor Roque and his political supporters.

20. Plaintiff was appointed Recycling Coordinator by Commissioner Wiley in January of 2012. Mayor Roque and the Board of Commissioners of West New York memorialized Plaintiff's appointment in a resolution. This resolution further required "[d]uring said time [from the time of appointment until 12/31/12], all licenses and/or certifications required to perform said duties must be obtained and proof of same presented to the Commissioner of Public Works."

21. Plaintiff had already started his classes at Rutgers University to obtain the Recycling Coordinator Certification at the time of his appointment, but he would not complete these classes until the end of the Spring semester. This was known to Mayor Roque and the Board of Commissioners at the time of Plaintiff's appointment to the Recycling Coordinator position.

22. Upon information and belief, Mayor Roque and his political allies did not expect that Plaintiff would follow through and obtain the required "Recycling Coordinator Certification" by the end of 2012.

23. The required "Recycling Coordinator Certification" was available from Rutgers University and had twenty-one (21) class room days.

24. Plaintiff received his Recycling Coordinator Certification on June 19, 2012.

25. Although Plaintiff was promised to be reimbursed the full cost of the class, he only received a single reimbursement check for \$76. The total cost of the Recycling Coordinator Certification class was approximately \$1,580.

26. Plaintiff never received reimbursement for gas and tolls expended when

driving his personal vehicle to his Recycling Coordinator Certification classes at Rutgers University.

27. Plaintiff is a political supporter and affiliate of Commissioner Dr. Count J. Wiley ("Commissioner Wiley"). This affiliation was known to Defendants by virtue of his appointment of Plaintiff to the Recycling Coordinator position contrary to the intentions of Mayor Roque. As a consequence of Plaintiff's appointment, he was viewed as a political affiliate of Commissioner Wiley and targeted for retaliation by Defendants.

28. Plaintiff is also a second-cousin of Commissioner Wiley, and this intimate familial relationship was known to Defendants. Since Commissioner Wiley expressed a willingness to challenge Mayor Roque's unabated desire to control Commissioners' appointments to reward his own political supporters, Commissioner Wiley, his political allies, and any other person close to him was targeted for retaliation, including Plaintiff by reason of this familial association.

29. Upon information and belief, Defendants and Defendants' employees/agents began seeking to find faults with Plaintiff's job performance as Recycling Coordinator to use as part of a fabricated effort to terminate Plaintiff under an aegis of cause.

30. In or around November of 2011, Commissioner Wiley called a meeting to address disposal of tires and other bulk waste, such as furniture.

31. Plaintiff, Commissioner Wiley, CFO John Mosca ("Mr. Mosca"), Business Administrator Ernie Munoz ("Mr. Munoz"), and then town-attorney Gil Garcia, Esq. were present at the meeting.

32. At the meeting, Commissioner Wiley instructed Plaintiff to obtain quotes

for disposal of tires and other bulk waste since West New York had accumulated an abundance of this type of waste.

33. Plaintiff researched a list of potential options. Of all the options available, Eagle Recycling located in North Bergen, NJ offered the lowest rate. Plaintiff communicated the cost information to Commissioner Wiley.

34. Commissioner Wiley reviewed these options with Mr. Mosca and Mr. Munoz.

35. The bulk waste, primarily tires, was loaded into containers filled by DPW staff and transported to Eagle Recycling.

36. Plaintiff never had any knowledge of or responsibility for any contracts and/or agreements with Eagle Recycling.

37. On or about April 18, 2012, Gil Garcia, Esq. wrote a letter to Commissioner Wiley explaining that the use of Eagle Recycling violated Public Contracts Law. This letter further specified all solid waste and recyclables in West New York needed to be collected by West New York's contracted-for disposer Joseph Smentkowski, Inc./Galaxy, which contract had been approved by Mayor Roque and the Board of Commissioners.

38. Gil Garcia, Esq. was incorrect the collection of bulk waste by Eagle Recycling violated Public Contract Law because this only applied to contracts in excess of a certain price threshold.

39. Even further, the bulk waste could not be sent to the Doremus Avenue Recovery Transfer ("DART") where Joseph Smentkowski, Inc./Galaxy waste was sent. This was the designated transfer station for Joseph Smentkowski, Inc.'s waste from West

New York. The bulk waste included recyclable materials. Shipping the bulk waste through Joseph Smentkowski, Inc. to DART was improper by law because DART is a waste transfer station for dumping sites and/or landfills. West New York's bulk waste was required to be sent to a Materials Recovery Facility ("MRF") because there recyclable waste would be separated from garbage and this could not occur at DART.

40. Plaintiff explained the basis for using Eagle Recycling to Gil Garcia, Esq. Plaintiff further explained to him that Eagle Recycling, aside from recycling instead of just dumping the entirety of bulk waste, was less expensive than DART. Plaintiff stressed it made no sense to send the materials to DART in Newark, NJ to be disposed of entirely when Eagle Recycling was closer, would separate waste from recyclable material, and was cheaper.

41. Plaintiff's expression regarding the need to use Eagle Recycling touched upon matters of public because his purpose of raising the issue to Gil Garcia, Esq. was to reinforce the use of Eagle Recycling was in the best interest of the taxpayers of West New York.

42. Although Plaintiff defended the decision to use Eagle Recycling, he had no part in forming contracts and/or agreements with Eagle Recycling.

43. On or about [INSERT ESTIMATED DATE], Plaintiff was approached [BY WHO?] regarding the need to dispose of some old police computers, monitors, and other electronics that were in storage.

44. Plaintiff advised Angel Valvez, an IT employee working for Powerpoint, a company contract with Defendant West New York, that this was electronic waste that would need to be loaded into E-waste containers.

45. Plaintiff accompanied Mr. Valvez to the storage area to see the approximate size of the electronic waste to determine what size truck would be needed for transport.

46. When Plaintiff arrived in the storage area, he saw Zenya from the purchasing department going through the equipment detailing the items designated for disposal.

47. Plaintiff called Mary at the DPW garage to arrange for the pick up and disposal of the electronic waste.

48. Plaintiff told Mr. Valvez it would be faster and more efficient if the items were moved from storage, which was on the second floor, downstairs where the truck could be more easily loaded. Mr. Valvez responded that he would get some help from high school students to move the equipment designated for disposal. Plaintiff then went to lunch.

49. When Plaintiff returned to the location where the electronics were supposed to be moved, he saw Mr. Valvez moving the equipment himself with a hand truck in Mayor Roque's office.

50. Mr. Valvez explained to Plaintiff that there had been an error, and that all items needed to be inventoried before disposal.

51. At no time did Plaintiff touch, move, remove, or peruse any of the Police Department computers or equipment.

52. A tonnage report was required to be submitted to the State of New Jersey Department of Environmental Protection by April 30, 2012.

53. Plaintiff was ineligible to submit a tonnage report until he completed his

classes and obtained his Recycling Coordinator Certification, which Plaintiff did so receive on or about June 19, 2012.

54. By Resolution dated June 20, 2012, "the Mayor and Board of Commissioners of the Town of West New York" endorsed "the submission of [a] recycling tonnage grant application to the New Jersey Department of Environmental Protection."

55. Plaintiff completed his tonnage report and sent it to the State of New Jersey within ten (10) days of the June 20, 2012 resolution.

56. On August 20, 2012, Plaintiff received a Preliminary Notice of Disciplinary Action that specified he would suffer removal on September 12, 2012. The notice was executed by DPW Commissioner Ruben Vargas, not Commissioner Wiley, as Commissioner Wiley had already suffered a retaliatory transfer by this point to the Department of Parks and Public Property.

57. The attachment to the disciplinary notice set forth the reasons for Plaintiff's termination, which included the Eagle Recycling collection of bulk waste, "perusing the Police Department computers", and for submitting a tonnage report that "was very poor and was not filled out properly. You sent the application late and but for the generosity of the State, the application was not rejected." The allegation against Plaintiff that he poorly filled out the tonnage report was based on "information received from Mt. Joe Davis." Plaintiff was suspended immediately, without pay.

58. Plaintiff received another notice of termination on September 12, 2012.

59. Although Plaintiff attempted to schedule a hearing on numerous occasions, the matter kept being pushed off until Plaintiff stopped receiving notices and

was not returned phone calls.

60. Plaintiff followed up with Joe Davis ("Mr. Davis") at the New Jersey Department of Environmental Protection on or around September 19, 2012 on his own initiative. In addition to having the responsibility of reviewing Plaintiff's tonnage report, Mr. Davis had been Plaintiff's professor when he was obtaining the Recycling Coordinator Certification at Rutgers University.

61. Mr. Davis told Plaintiff that although several dozen reports were returned, there was only a single correction to be made on Plaintiff's report.

62. Mr. Davis also told Plaintiff that his tonnage report was not returned.

63. Mr. Davis further explained to Plaintiff of over the five-hundred (500) municipalities/towns submitting tonnage reports to the State of New Jersey, over three-hundred (300) were filed late.

64. Mr. Davis also told Plaintiff "I have no problem with what you did. Sounds like a personal thing with you. If anyone would like to speak with me, I have no problem speaking with them."

65. Plaintiff performed his duties as Recycling Coordinator in an exceptional manner.

66. The avowed reasons Plaintiff was terminated were pretextual and designed to retaliate against him.

67. While working under Commissioner Wiley, Plaintiff was appointed as a safety delegate of West New York to the New Jersey Municipal Self Insurers Joint Insurance Fund ("Municipal Joint Insurance Fund").

68. At the time of Plaintiff's appointment to the Municipal Joint Insurance

Fund, West New York had over 150 violations in its garbage removal services.

69. As part and parcel of Plaintiff's efforts, West New York was awarded a gold plaque for coming from zero compliance to 100% compliance for the year of 2012. This was the first time West New York ever received 100% compliance.

70. When Plaintiff asked for his employee manual, he was told this document was undergoing revisions and would not be produced.

71. Upon information and belief, the Recycling Coordinator position duties of West New York have been contracted to the DPW of Wechawken, where Joe Rodriguez works.

72. Upon information and belief, Joe Rodriguez performs the duties of Recycling Coordinator for DPW of West New York.

COUNT I
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
POLITICAL AFFILIATION

73. Each and every allegation of any foregoing paragraphs is incorporated by reference as if fully set forth herein.

74. Defendants were aware of Plaintiff's political affiliation with Commissioner Wiley. Defendants also perceived Plaintiff to be a non-supporter of Mayor Roque.

75. Plaintiff's constitutionally protected political association with Commissioner Wiley was a substantial motivating factor for Defendants' retaliatory conduct, including such employment practices as wrongful termination and deprivation of fringe benefits granted to other employees as a matter of course in their employment.

76. Defendants, acting under color of law, and pursuant to official policy, deprived Plaintiff of his constitutional right to freedom of political association in violation of the Article 1, Section 18 of the New Jersey Constitution and the NJCRA, N.J.S.A. 10:6-2, et seq.

77. Defendants' retaliation against Plaintiff was part of a plan or scheme designed to intimidate Plaintiff and any others politically associated with Commissioner Wiley and/or non-supporters of Mayor Roque. In addition to terminating Plaintiff, Defendants terminated other persons politically affiliated with and appointed by Commissioner Wiley in the DPW.

78. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff was deprived of his constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendant prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT II
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
FAMILIAL ASSOCIATION

79. Each and every allegation of any foregoing paragraphs is incorporated by reference as if fully set forth herein, including paragraphs contained in any other Count of this Complaint.

80. Defendants were aware of Plaintiff's familial association with Commissioner Wiley.

81. Defendants intentionally, willfully, or with reckless indifference and knowing acquiescence retaliated against Plaintiff as a consequence of this familial association.

82. Plaintiff's constitutionally protected familial association with Commissioner Wiley was a substantial motivating factor for Defendants' retaliatory conduct, including such employment practices as wrongful termination and deprivation of fringe benefits granted to other employees as a matter of course in their employment.

83. Defendants, acting under color of law, and pursuant to official policy, deprived Plaintiff of his constitutional right to freedom of familial association in violation of the Article 1, Section 18 of the New Jersey Constitution and the NJCRA, N.J.S.A. 10:6-2, et seq.

84. Defendants' retaliation against Plaintiff was part of a plan or scheme designed to intimidate Plaintiff and any others associated with Commissioner Wiley and/or non-supporters of Mayor Roque.

85. As a direct and proximate cause of the aforementioned, Plaintiff was

deprived of his constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

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- c. Plaintiff recover from Defendant prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT III
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
FREEDOM OF SPEECH

86. Each and every allegation of any foregoing paragraphs is incorporated by reference as if fully set forth herein, including paragraphs contained in any other Count of this Complaint.

87. When Plaintiff spoke in favor of Commissioner Wiley's use of Eagle Recycling for bulk waste, he was engaged in constitutionally protected free speech that touched upon matters of public concern.

88. Plaintiff's expression to Gil Garcia, Esq. that Eagle Recycling was required to be used because DART was not a MRF and could not separate recyclable

from waste material was protected free speech.

89. Plaintiff's further expression that Eagle Recycling was cheaper for taxpayers of West New York and was more conveniently located in North Bergen, NJ, instead of paying for transportation of the bulk waste to DART in Newark, NJ where it could not be recycled, was also protected speech.

90. Plaintiff's constitutionally protected speech was a substantial motivating factor in Defendants' retaliatory employment practices, namely wrongful termination and denial of other fringe benefits granted to other employees.

91. Defendants, acting under color of law, and pursuant to official policy, deprived Plaintiff of his constitutional right to freedom of expression in violation of the NJCRA, N.J.S.A. 10:6-2, et seq. Article 1, Section 6 and Article 1, Section 18 of the New Jersey Constitution.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendant prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT IV
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")

MUNICIPAL LIABILITY

92. Each and every allegation of any foregoing paragraphs is incorporated by reference as if fully set forth herein, including paragraphs contained in any other Count of this Complaint.

93. Defendant West New York retaliated against Plaintiff pursuant to an official policy, custom and practice, acting under color of law, thereby depriving Plaintiff of his constitutional right to freedom of speech and freedom of association in violation of Article 1, Section 6 and 18 of the New Jersey Constitution and the NJCRA, N.J.S.A. 10:6-2, et seq.

94. Mayor Roque, as the *de facto* final decision-maker of Plaintiff's termination, intentionally, willfully, and/or with reckless indifference and knowledge and acquiescence caused Plaintiff to be retaliated against for his constitutionally protected activities.

95. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals conspiring with, or acting in concert with and on behalf of the Defendants.

96. As a direct and proximate cause of the aforementioned, Plaintiff was deprived of his constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;

- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendant prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT IV
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
PROCEDURAL DUE PROCESS VIOLATION

97. Each and every allegation of any foregoing paragraphs is incorporated by reference as if fully set forth herein, including paragraphs contained in any other Count of this Complaint.

98. When Plaintiff received his Preliminary Notice of Discipline on August 20, 2012, he was supposed to receive an administrative hearing regarding the grounds for his termination.

99. Plaintiff attempted to receive a disciplinary hearing on numerous occasions, but his hearing was pushed back intentionally, willfully, or with reckless indifference and knowledge and acquiescence that this stonewalling was wrongful.

100. Defendants, acting under color of law, and pursuant to official policy, intentionally, willfully, or with reckless indifference with knowledge and acquiescence of wrongs committed deprived Plaintiff of his constitutional procedural due process right to clear his name and reputation of the false allegations contained in his disciplinary notice in violation of the Article 1, Section 1 of the New Jersey Constitution and the NJCRA,

N.J.S.A. 10:6-2, et seq.

101. The foregoing civil rights violations were undertaken by Defendants' agents, officials, and employees and/or other individuals conspiring with, or acting on behalf of, the Defendants.

102. As a direct and proximate cause of the aforementioned, Plaintiff was deprived of his constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendant prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to all issues.

DATED: 08/15/14



LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

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


DATED: 08/15/14

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 this 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: 08/15/14


LOUIS A. ZAYAS, ESQ.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify the matters in controversy in this action are not the 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: 08/15/14



LOUIS A. ZAYAS, ESQ.

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for Initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY			
		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) <i>L3595-14</i>	
		OFFICE ADDRESS 8901 Kennedy Blvd. Suite 5S 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) Bruce Liberti		CAPTION Bruce Liberti v. Mayor Felix Roque, Town of West New York			
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 type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input 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 <i>Rule 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: 					

Side 2



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

- 158 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)

- | | |
|----------------------------------|--|
| 280 ZELNORM | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 285 STRYKER TRIDENT HIP IMPLANTS | 291 PELVIC MESH/GYNECARE |
| 288 PRUDENTIAL TORT LITIGATION | 292 PELVIC MESH/BARD |
| 289 REGLAN | 293 DEPUY ASR HIP IMPLANT LITIGATION |

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX |
| 271 ACCUTANE/ISOTRETINOIN | 284 NUVARING |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 286 LEVAQUIN |
| 278 ZOMETANAREDA | 287 YAZ/YASMIN/OCELLA |
| 279 GADOLINIUM | 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