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 Office Address 8901 Kennedy Boulevard
Suite 5s
 Town, State, Zip Code North Bergen, NJ 07047
 Telephone Number (201) 295-9977
 Attorney(s) for Plaintiff _____

MARCOS GARCIGA

Plaintiff(s)

Vs.

TOWN OF WEST NEW YORK, MAYOR

FELIX ROQUE, and CARIDAD RODRIGUEZ

Defendant(s)

RECEIVED
 2016 JUN 13 P 4:51
 Superior Court of
 New Jersey
 TOMPKINS COUNTY CLERK
 WEST NEW YORK, N.J.

Hudson

COUNTY
 DIVISION

Docket No: L-2311-16

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: June 13, 2016

Jennifer Perez
 Jennifer M. Perez,
 Acting Clerk of the Superior Court

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

Address of Defendant to Be Served: Town of West New York, 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) 465-3001

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) 431-5544
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

LOUIS A. ZAYAS, ESQ.
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 North Bergen
 (201) 977-2900
Attorney for Plaintiff Marcos Garciga

FILED
 CUSTOMER SERVICE TEAM

JUN 02 2016

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

MARCOS GARCIGA

Plaintiff,

vs.

TOWN OF WEST NEW YORK, MAYOR
 FELIX ROQUE, CARIDAD RODRIGUEZ

Defendants.

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

) Docket No.: *L-2311-16*
)

) CIVIL ACTION
)

) COMPLAINT
)

The Plaintiff, MARCOS GARCIGA, by and through his attorney, 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 ("NJCRAs"), N.J.S.A. § 10:6-2, et seq. to enforce rights secured under the New Jersey Constitution.

PARTIES

2. Lieutenant Garciga, MARCOS GARCIGA ("Plaintiff" or "Garciga") is a citizen of the State of New Jersey, residing in Bergen County.

3. Defendant TOWN OF WEST NEW YORK is a municipality within Hudson County within the State of New Jersey.

4. Defendant MAYOR FELIX ROQUE is a citizen of the State of New Jersey.

Defendant Roque is sued in his individual and official capacity for purposes of effectuating the maximum relief permitted by law.

5. Defendant CARIDAD RODRIGUEZ is a citizen of the State of New Jersey.

Defendant Rodriguez is sued in her individual and official capacity for purposes of effectuating the maximum relief permitted by law.

FACTS

6. Lieutenant Garciga is a Police Officer with the rank of Lieutenant employed with the West New York Police Department.

7. Lieutenant Garciga was hired as a patrolman in 1999 and was promoted to Sergeant in January 2012 and to Lieutenant on December 16, 2015. Throughout this time, Garciga performed his duties in a satisfactory manner and did not have any record of disciplinary action or reprimand against him.

8. Prior to Garciga being promoted to the rank of a lieutenant, he was mandated to sign a document titled "Side Bar Agreement" which is in conjunction with the Collective Bargaining Agreement.

9. The "Side Bar Agreement" mandated Garciga to stipulate to a one year waiver of his salary as lieutenant. Garciga was given the document to be signed a day prior to his promotion to lieutenant.

10. In September 2013, Garciga took the promotional examination for Lieutenant. In November 2013, comments were made that the top three on the list would be promoted almost immediately.

11. In February 2014, the test results for the Lieutenant Exam were released and Garciga had scored as #2 (number two) on the promotional list.

12. On or about February 2014, Lieutenant Garciga also learned from his brother-in-law Henry Marrero, a North Bergen Police Sergeant that he was planning to run for County Freeholder against Anthony Vaneiri, an endorsed candidate of State Senator and North Bergen Mayor Nick Sacco.

13. In March 2014, Garciga attended a fundraiser for Marrero in Hoboken. Later that month, outside of the town hall, Garciga spoke to an individual, who told Garciga to be careful because "they" have asked to have Garciga punished. Plaintiff understood this statement to refer to North Bergen or Anthony Vanieri.

14. In April 2014, Henry Marrero had taken Garciga's son and nephew out to celebrate their birthdays. However, on the way they stopped at a press conference held by politician Jose Munoz. Jose Munoz endorsed Marerro and proceeded to participate in a press conference with Munoz. During the press conference, Munoz was photographed with Garciga's nieces and nephews, along with his son.

15. When Munoz requested permission to use these photos, Marrero allowed this. These pictures of Garciga's son and nephew were captured and well publicized on buses and around the town. Accordingly, unbeknownst to Garciga, it became publicized that he was allegedly supporting Jose Munoz, a political opponent of Mayor Roque and Commissioner Caridad Rodriguez.

16. In May 2014, Michael Acosta, son of West New York deputy Mayor Silvio Acosta was running for Union President of the PBA. Michael Acosta reproduced the Jose Munoz

flyer including Plaintiff's son and superimposed his face onto that of Munoz's. This was meant to harass Plaintiff for his political affiliation.

17. In June 2014, Garciga assisted his brother-in-law Henry Marrero during his primary elections at North Bergen High School. There he observed Mayor Nick Sacco present.

18. In June 2014, at the Middle School Graduation, Commissioner Caridad Rodriguez advised Plaintiff that she would be promoting several Sergeants to Lieutenant on June 28, 2014.

19. At the time of the certification five (5) eligible candidates were certified. However, according to Title 11A:4-8, Certifications/Appointments would not allow for five (5) people to be certified without the intensions of promotions.

20. The failures to promote in June 2014 and again in August of 2015 caused Plaintiff monetary damages. The damages are approximately \$20,000 per year. That is not including any overtime rate that Plaintiff would have been receiving at the higher rank position.

21. The failure to promote also caused Plaintiff to be ineligible for the next Captain examination. Would he have been promoted, he would have had a year in the rank of lieutenant. Thus, Plaintiff would have been eligible for the Captain test in October 2016. Due to ranking requirements, in order for Plaintiff to qualify for the October 2016 Captain Examination, he would have had to be promoted by September 30, 2015. As such, Plaintiff will have to wait until October 2019 for the next examination opportunity.

22. In July 2014, Garciga received certification for the rank of Police Lieutenant. Although Garciga was traveling, he emailed Captain Flores his acceptance of the position and asked that he forward the acceptance email to Commissioner Caridad Rodriguez. The email was sent out on July 22, 2014. Garciga was later informed by Captain Flores that the "List" was certified by accident.

23. In September 2014, the number one (#1) Sergeant on the Lieutenants list was promoted. At a 9/11 ceremony on that same day, Plaintiff spoke to Mayor Roque inquiring regarding his own promotion, and Mayor Roque stated to him that he had to "make peace with the hill." When Garciga asked what this meant Mayor Roque replied "Sacco." Mayor Roque informed Garciga that he was going to help him and wanted Garciga to attend a Sacco Gala held in October.

24. On September 17, 2014 Plaintiff arranged a meeting with Commissioner Caridad Rodriguez to inquire regarding his promotion. Rodriguez blamed the failure to promote Garciga on the budget, however when Plaintiff pointed out that the promotion would not impact the budget, Commissioner Rodriguez then stated that she would help him "make things right" but that Garciga could not support his brother-in-law Henry in any future political campaigns. During Plaintiff's meeting with Commissioner Caridad Rodriguez she said "I need to make peace with the hill without belittling myself." Plaintiff was emotional at the time and explained that Mayor Roque had invited him to the North Bergen Party. Commissioner Caridad Rodriguez specifically stated that it was "unfortunate political bullshit".

25. In October 2014, Garciga spoke to Mayor Roque to confirm that he would be attending the Sacco Gala as his guest. However he later stated to him that he would not be attending the party because he did not understand why someone in a neighboring town would have power. Garciga stated that it should be sufficient that he was number one on the promotional list.

26. In November 2014, there was talk regarding a possible December promotion. Mayor Roque was having a fundraiser and Garciga was asked to buy a ticket. Garciga bought a ticket to attend.

27. In January 2015, Garciga received a call from Commissioner Caridad Rodriguez where she explained that although Plaintiff stated that he did not have knowledge of the photo involving his son that no one believed that he did not have knowledge of the photo, and that he was being penalized for it.

28. In order to resolve any problems, on January 7, 2015 Garciga contacted North Bergen Commissioner Hugo Cabrera, and asked him to arrange a meeting or to send a message to Mayor Nick Sacco on his behalf. When Commissioner Cabrera asked why, Garciga explained that he had been told about Mayor Roque's comments to "make peace with the hill." Cabrera stated that he would speak to the Mayor but that Mayor Sacco did not have anything to do with it and that West New York was the problem.

29. Plaintiff later received a call from Commissioner Cabrera stating that he had spoken to Mayor Sacco and that he had no problems with him being promoted.

30. On January 8, 2015, Garciga spoke to West New York Police Director Robert Antolos and requested to speak to Mayor Roque regarding his promotion. However, Director Antolos stated that he had received a call from Mayor Roque the night before stating that he would not allow anyone to see him regarding promotions until after the election.

31. In June 2015, Garciga received word that the promotion would take place from West New York PBA President Thomas Mannion. Garciga was then called into a meeting with four patrolmen (1-4 on the Sergeant List) and the top four Sergeants on the Lieutenants' list.

32. During the meeting, Garciga was advised that four (4) police officers would be promoted to Sergeant and four others to Lieutenant. The Defendants sought a waiver of one year of salary increases as a condition of the promotion. The Defendants' condition violated the collective bargaining agreement that provided a limit of only six month waiver of salary

increases. Despite the unlawful condition, Garciga agreed under duress so as to allow all eight (8) police officers to be promoted. However, Garciga agreed to the above condition with the understanding that promotions would take place within a reasonable time. He was assured that the promotion would happen right away.

33. In August 2015, Garciga received a call from PBA President Mannion indicating that he has spoken to the Town Commissioners and they were looking to make promotions. On August 11, 2015 a letter was sent from Town Attorney Donald Scarinci that acknowledged the need for promotion. This letter provided two options for promotions, the first with four and four promotions with an 18 month pay deferral, or two and two promotions with a 12 month pay deferral, with a repeat the following year.

34. Plaintiff expressed his support for the second of the options. However, Plaintiff was told that the town's position was in favor of the first option. On information and belief, this was because two officers Michael Acosta, and Michael Clement, who were connected with the town would be not stand to be promoted by the first option.

35. In addition to the lack of promotion, Plaintiff was faced with a hostile work environment which began after August 2015.

36. On August 17, 2015 Plaintiff noticed that several colleagues were avoiding him and refusing to speak to him and it became clear that he was being blamed for the promotions being canceled. Sergeant Clement who was an officer to be promoted and the Aide to Police Director walked away and stated that he was no longer on speaking terms with Plaintiff.

37. Sergeant Clement later posted three flyers to the wall stating "KARMA" and stating "what goes around comes around." This perception occurred because of Plaintiff's promotion being continuously prevented due to his political affiliation.

38. September 10, 2015 was the 30 day deadline in which promotions were to take place according to the August 11, 2015 letter. However this deadline passed without promotions.

39. On September 15, 2015 Garciga received several phone calls stating that someone had posted several flyers with a copy of the Town meeting agenda stating that the town was starting a search committee to find someone to study police personnel. When Plaintiff went to investigate, he found that the flyer stated "Thank a brother Officer" and had been posted throughout the locker room and detective division.

40. On September 21, 2015 Captain DeRoja interviewed Garciga regarding the incident.

41. As of September 30, 2015 Plaintiff's eligibility for the next Captains examination has expired. Had Plaintiff been promoted prior to this date he would have been eligible for the next exam in October 2016.

42. On October 16, 2016 a memo was reissued stipulating that the rules and regulations of the police department do not allow for the posting of materials. However, to date one of the "karma signs" still remains in the common area of the police director's office.

COUNT I.
NEW JERSEY CIVIL RIGHTS ACT
N.J.S.A. § 10:6-2, et seq.

43. Garciga repeats and re-alleges the allegations set forth as if fully set forth herein.

44. Defendants, acting under color of law, and pursuant to official policy, deprived Plaintiff of his constitutional right to due process under the New Jersey Constitution as enforced by the NJCRA, N.J.S.A. 10:6-2, et seq.

45. Garciga was denied a promotion and suffered harassment in his workplace based on exercising his constitutional rights and engaging in protected activity due to his political affiliation with his brother-in-law and perceived political affiliation.

46. The actions of Defendants were taken in violation of the New Jersey State Constitution and have caused Plaintiff to suffer economic, emotional, and psychological damages in an amount to be determined by a jury.

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

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

COUNT TWO II
N.J.S.A. § 2C:41-2(c) –
NEW JERSEY RICO
Plaintiff and All Defendants

47. Plaintiff repeats and realleges the allegations of each and every paragraph of the Complaint, including those contained in any other count, as fully set forth herein.

48. It is unlawful under N.J.S.A. § 2C:41-2(c) for any person associated with any enterprise, the activities of which affect trade or commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprises' affairs through a pattern of racketeering.

49. The Town of West New York is a criminal enterprise within the meaning of N.J.S.A. § 2C:41-2(c) N.J.S.A. § 2C:41-2(c).

50. Alternatively, the named individual Defendants formed an association in fact within the meaning of N.J.S.A. § 2C:41-2(c) for the common purpose of advancing Mayor Roque's unconstitutional patronage policy.

51. The Enterprise engaged in or its activities affected trade or commerce.

52. The named individual Defendants were employed by or associated with Enterprise.

53. The named individual Defendants engaged in a pattern of racketeering activity in that at least two predicate acts were committed.

54. The named individual Defendants conducted or participated directly or indirectly in the conduct of the Enterprise's affairs through that pattern of racketeering activity.

55. The named individual Defendants acted knowingly and purposely. Mayor Roque set the purpose of the Enterprise, namely the unconstitutional and corrupt misappropriation of government resources to advance his patronage policy. Commissioner Rodriguez and Mayor Roque and other known and unknown West New York government officials, violated their oath and duty of honesty services to the people of West New York when they conspired with each other to execute Mayor Roque's political patronage policy in West New York.

56. In particular, Commissioner Rodriguez participated in the affairs of the Enterprise enabling and effectuating Mayor Roque patronage policy as to the Plaintiff's promotion.

57. Defendant Mayor Roque and the named defendants formed an association in fact and/or were employed by the criminal enterprise for the common and continuing purpose of promoting, maintaining, and protecting Mayor Roque's political power.

58. Each individual named Defendants knowingly used his or her respective government position to implement and execute, whether directly or indirectly, Mayor Roque's unconstitutional and illegal political patronage policy. Each individual named Defendants had a direct and/or indirect role in participating in the affairs of the criminal Enterprise through a pattern of racketeering and knowing the purpose of the purpose of the Enterprise.

59. As alleged above, Defendants aforementioned racketeering acts include Bribery (N.J.S.A. 2C:27-2), by direct solicitation for donations for a right to receive public rights or public benefits; Theft by Extortion (N.J.S.A. 2C:20-5), Official Misconduct (N.J.S.A. 2C:30-2), by the individual named Defendants, including Mayor Roque, exertion of control or undue influence over the terms and condition of Plaintiffs employment not within the scope of their official duties for the purpose of injure or to deprive another of a benefit; and for corruption of a public resource under (N.J.S.A. § 2C:27-12), by Mayor Roque using or embezzling government resources to unlawful retaliate against the Plaintiffs for engaging in constitutionally protected activities.

60. Defendants have been and are able to commit the acts of racketeering forming a pattern by virtue of their association with and employment by the Enterprise, and the acts of racketeering are related to the activities of, and are committed in furtherance of, the Enterprise.

61. The named Defendants all participated directly and indirectly in the affairs of the criminal enterprise as defined under N.J.S.A. 2C:41-1 et seq. through a racketeering activities,

including carrying to fruition his political patronage policy to gain and maintain his political power.

62. The association in fact of these persons constitutes an enterprise within the meaning of N.J.S.A. 2C:41-1(c) (the "Enterprise"), which functions as a continuing unit.

63. Defendants' Enterprise affects commerce and trade by awarding government benefits and privileges to political allies or patrons while depriving non-Mayor Roque supporters of similar benefits and privileges in violation of the New Jersey Constitution and state law through a pattern of racketeering.

64. Defendants individual acts make each principally liable for violations of N.J.S.A. 2C:41-1(c). In addition, each of the Defendants knowingly and intentionally aided and abetted Defendants other than himself/herself/itself whom were involved in the operation and management of the Enterprise in the commission of two or more predicate acts forming a pattern of racketeering activity with the intent of assisting the successful completion of said racketeering activity.

65. Plaintiff have been injured by reason of the aforementioned violations of N.J.S.A. 2C:41-1(c), including injury by reason of the predicate acts constituting a pattern of racketeering activity. Plaintiffs have suffered and continue to suffer economic and emotional distress damages in an amount to be determined by a jury.

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

- a. Trebled Damages;
- b. Compensable Damages
- b. Punitive Damages;

c. Attorney's fees, interest, and costs of suit;

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

COUNT THREE

N.J.S.A. § 2C:41-2(d) – All Defendants
NEW JERSEY RICO (conspiracy)

66. Plaintiff repeat and reallege the allegations of each and every paragraph of the Amended Complaint, including those contained in any other count, as fully set forth herein.

67. Defendants Mayor Roque and the named individual Defendants conspired to violate the provisions of N.J.S.A. 2C:41-1(c) in the manner set forth in Count Two alleged above.

68. Each of the named individual Defendants knowingly agreed to participate directly or indirectly in the conduct of the affairs of the enterprise by agreeing to commit, or to aid other members of the conspiracy to commit, at least two racketeering and purposely with knowledge of the unlawful objective of the conspiracy and with the intent to further its unlawful objective. Accordingly, all the individually named Defendants violated N.J.S.A. § 2C:41-2(d).

69. Plaintiff have been injured in their trade or commerce by reason of the aforementioned illegal activities N.J.S.A. 2C:41-1(c), including injury by reason of the predicate acts constituting a pattern of racketeering activity.

70. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages including, though not limited to, loss of employment, loss of business reputation, and other damages to date in an amount to be determined by a jury at the time of trial.

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

a. Trebled Damages;

- b. Compensable Damages;
- b. Punitive Damages;
- c. Attorney's fees, interest, 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 trial jury as to all issues.

DATED: June 1, 2016



LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

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

DATED: June 1, 2016



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 dated; (d) names and addresses of all persons insured there under; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

DATED: June 1, 2016



LOUIS A. ZAYAS, ESQ.

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), If information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ 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		DOCKET NUMBER (when available) HUD-L- 2311-16	
FIRM NAME (if applicable) Louis A. Zayas Law Firm			DOCUMENT TYPE Complaint	
OFFICE ADDRESS 8901 Kennedy Boulevard, Suite 5s North Bergen, New Jersey 07047			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Marcos Garcia		CAPTION Marcos Garcia v. Town of West New York et als. Docket No: HUD-L-		
CASE TYPE NUMBER (See reverse side for listing) 509	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ 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? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ 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? ☐ YES ☒ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ Yes ☒ 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? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ 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: <i>o. zayas</i> 6/6/16				

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

- 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

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETHA/AREXIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

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