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

Jose Munoz

Plaintiff(s)

Vs.

Mayor Felix Roque, Joseph Roque,

Town of West New York

Defendant(s)

Superior Court of New Jersey

Hudson COUNTY
Civil DIVISION

Docket No: L-507-14

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: 2-28-14


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: 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) 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

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

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

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

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

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(856) 848-5360

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LEGAL SERVICES
(908) 782-7979

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(609) 695-6249

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(732) 249-7600

LAWYER REFERRAL

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LEGAL SERVICES
(732) 866-0020

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 285-6911

LAWYER REFERRAL

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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

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SUPERIOR COURT OF N.J.
FEE OFFICE
COUNTY OF HUDSON

JOSE MUNOZ

Plaintiffs,

v.

MAYOR FELIX ROQUE, JOSEPH
ROQUE, TOWN OF WEST NEW
YORK

Defendants.

SUPERIOR COURT OF NEW JERSEY
HUDSON COUNTY: LAW DIVISION

DOCKET NO.: L-507-14

COMPLAINT

FILED
CUSTOMER SERVICE TEAM

FEB 04 2014

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

The Plaintiffs, JOSE MUNOZ, through their attorney, the Law Offices of Louis

A. Zayas, L.L.C. alleges as follows:

INTRODUCTION

1. This is a civil action brought by the aforementioned Plaintiff for damages, declarative, and injunctive relief under New Jersey Civil Rights Act, N.J.S.A. 10:6-1 and New Jersey Computer Related Offenses Act.

PARTIES

2. Plaintiff Jose Munoz ("Muñoz") is a citizen of the State of New Jersey, residing in West New York, New Jersey. Muñoz is a freeholder on the Hudson County Board of Chosen Frecholders, District 7th.

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 effecting the compensatory and punitive damages demanded by the Plaintiff.

4. Defendant Joseph Roque is the son of Mayor Felix Roque and is sued in his individual capacity for purposes of effecting the compensatory and punitive damages demanded by the Plaintiff.

5. Defendant Town of West New York ("West New York") is a municipality organized by virtue of New Jersey law, and pursuant to that law, is to be known and distinguished by the name "West New York." Defendant West New York is sued to effect the full declaratory, injunctive and compensatory damages demanded by the Plaintiff.

FACTS

6. In the State of New Jersey, every person is entitled to speak freely on all subjects and assemble together to express their opposition to government policies or practices. According to the New Jersey Constitution:

Article 1, Section 6 and Section 18 of the New Jersey State Constitution provide as follows:

Section 6

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Section 18

The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

7. Despite the clear and unambiguous rights found in the New Jersey Constitution, Defendants Mayor Roque has implemented unwritten political patronage policy in the Town of West New York designed to reward his political supporters while punishing his political opponents or non-supporters. By and through his political supporters on the board of commissioners, Mayor Roque has schemed to use the Town of West New York to execute his widespread and unconstitutional patronage policy.

8. West New York is a Commission Form of government, commonly referred as a "Walsh Act municipality". Pursuant to N.J.S.A. 40:72-2, the Walsh Act, all powers vested in board of commissioners:

The board of commissioners established hereunder shall have all the executive, administrative, judicial and legislative powers and duties heretofore had and exercised by the mayor and city council and all other executive or legislative bodies in such municipality, and shall have complete control over the affairs of such municipality.

9. Under the Commission Form of Government, the executive function of the municipality is divided among the five commissioners, each of whom heads one of the municipal departments specified in the law. Subordinate offices and agencies are assigned among the departments by the full board at its organization meeting. One commissioner is chosen to serve as mayor and to preside over meetings of the board for a four-year term. The mayor is directed by law to "supervise" all departments, but there is no veto power, and judicial decisions have tended to regard each commissioner as supreme in his or her own department, so that the mayor's supervisory authority depends more upon personal qualities than on statutory authority. Each commissioner has the power of appointment for all of the personnel in his or her department.

10. In May 2011, Mayor Roque was elected mayor of West New York. Upon being sworn as mayor, he implemented an unwritten policy to govern West New York and other governmental institutions located in West New York, such as the West New York Housing Authority and West New York Board of Education, through a scheme of political patronage and retaliation designed to reward political supporters while punishing his political enemies.

11. Plaintiff Jose Muñoz is a Hudson County Freeholder representing District 7 on the county board, which includes the Townships of West New York, Weehawken and Guttenberg. In 2007, Freeholder Muñoz was elected as a Hudson County Freeholder to fill an unexpired term of Silverio Vega. Freeholder Munoz was subsequently re-elected for a full three-year term in 2008, and re-elected again in 2011.

12. As an elected official, Freeholder Munoz has an obligation to report public corruption and official malfeasance to law enforcement.

13. Muñoz originally supported former Mayor Vega, during the mayoral election in 2011. But after the election in May 2011, Freeholder Muñoz tried to work with Mayor Roque in the interest of the Town of West New York. However, Freeholder Muñoz' ties with Mayor Roque ended shortly thereafter when Mayor Roque, through his political constituents, began to intimidate and harass Muñoz' into using his status as freeholder on the county board to carry out Mayor Roque's scheme of unlawful political retaliation against non-supporters within the county.

14. Beginning in January 2012, Freeholder Muñoz discovered unlawful retaliation and other wrongdoings by Mayor Roque's administration against his political non-supporters. When Mayor Roque asked Freeholder Muñoz to participate in such

retaliation, he refused. As a result of Freeholder Munoz' refusal to assist, Mayor Roque began to target Freeholder Munoz as another perceived non-supporter. Mayor Roque began to harass, intimidate, and otherwise retaliate against Freeholder Munoz.

15. For example, in January 2012, Freeholder Muñoz was approached by Mayor Roque and Deputy Mayor Silvio Acosta, asked Freeholder Muñoz to assist in Mayor Roque's retaliatory scheme, and pressure the County Vocational School to terminate two Hudson County Vocational School employees because of their association with former Mayor Sal Vega. Acosta also brought along a list of other individuals that Mayor Roque was looking to fire because of their political association. In response, Freeholder Muñoz made it clear to both Mayor Roque and Acosta that he would not participate in this unlawful retaliation.

16. Soon after refusing to participate in Mayor Roque's retaliatory scheme, Acosta contacted Freeholder Muñoz by telephone again asking him to assist himself and the mayor in firing other government employees perceived as non-political supporters of Mayor Roque by telephone. Acosta also advised Muñoz that he was angry that Bill Parkinson, husband of Assemblywoman Angelica Jiminez, and known Vega supporter was hired by the county. After Muñoz once again refused to participate in Acosta's proposal, Acosta began to harass and intimidate him. Specifically, Acosta began to badger him asking if he had been the one to recommend the Assemblywoman's husband for the job. In response, Muñoz explained that he had no knowledge of Bill Parkinson's hiring and was not involved.

17. Also in January 2012, Freeholder Muñoz became aware that Mayor Roque was planning to fire an individual employed by West New York City Hall. Freeholder

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Muñoz believed she was being fired due to her political support of former Mayor Vega, and attempted to speak to Acosta and the West New York Commissioner, Rodríguez, asking that the employee not be fired for unlawful reasons; however, his attempts were ignored. Shortly thereafter, Freeholder Muñoz spoke with both Acosta and Mayor Roque again, asking them not to fire the employee based on political reasons, and was demanded not to bring up the subject again.

18. Upon information and belief, due to the aforementioned events in January 2012, Mayor Roque began to perceive Muñoz as a political opponent.

19. For example, in February 2012, Freeholder Muñoz met with Acosta, Joe DeMarco, and Town Attorney Gil García. During the meeting, Mayor Roque outwardly questioned Muñoz' loyalty to him. In response, Muñoz explained that he would not get involved in Mayor Roque's political disputes, as he was elected to represent the interests of West New York on the county level. Muñoz then attempted to convince Mayor Roque to stop retaliating against perceived political opponents, explaining political disputes would not get him anywhere. However, Town Attorney García quickly quieted Muñoz telling him that they "wanted a frecholder who works for them, not a peacemaker." Mayor Roque then demanded Muñoz comply with their agenda. To insure Munoz' compliance, Mayor Roque intimidated him by demanding he send all county agendas to Joe DeMarco, former-Assistant Town Attorney, and Mayor Roque would then "tell him how to vote on the Board." Freeholder Muñoz perceived this as a threat.

20. Freeholder Muñoz realized that Mayor Roque would continue to unlawfully retaliate and harass any and all individuals he perceived as political non-

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26. In June 2013, Health Department of the Inspector raided Muñoz' mother's home claiming to be carrying out an investigation. Upon information and belief, Mayor Roque directed a false investigation to retaliate against Freeholder Muñoz

27. In July 2013, Mayor Roque continued to retaliate against Muñoz while out of town on vacation. Specifically on July 20, 2013, Muñoz' car was damaged while his brother-in-law was taking care of the vehicle during his vacation. The police report indicated that the damage "did not appear to be a hit and run." Upon information and belief, Mayor Roque had something to do with the damaging of Muñoz' county vehicle.

28. In October 2013, Freeholder Muñoz' testified against Mayor Roque during his criminal trial, revealing himself as an FBI Informant on the case.

29. Mayor Roque was acquitted of all charges. However, his son Joseph Roque was found guilty of computer hacking.

30. In opposition to Mayor Roque's widespread policy of political patronage, Munoz created and monitored an internet website designed to receive commentary and criticism of Mayor Roque and his policies. The website created was called www.recallroque.com (hereinafter the anti-Roque Website").

31. To avoid retaliation, Munoz using the pseudonym name, "Maria Pasquale" to disguise his true identity, registered the Anti-Roque Website at Go-Daddy, an internet service provider ("ISP"), Facebook ("Facebook Account") and www.nj.com, which hosted an Internet blog news forum ("NJ.com Account")

32. Munoz in an effort to generate public interest and discussion regarding Mayor Roque's unlawful and retaliatory practices and policies, promoted the Anti-Roque Website through his Facebook and NJ.com Accounts.

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supporters if something was not done to stop him. This led to the creation of "recallroque.com."

21. In or about February 2012, Freeholder Muñoz anonymously created the website called "recallroque.com." Although he created the website anonymously it required him to register accounts on certain web-servers, including Weebly.com, GoDaddy.com, email server Hotmail.com. Muñoz also chose to create a Facebook page under the alias Maria Pasquale.

22. When Mayor Roque discovered the website he immediately schemed to shut it down. Upon information and belief, Mayor Roque believed Muñoz had created the website, hacked the website, and took it down. Unbeknownst to Muñoz at the time, it was actually Roque's son who hacked the website. Specifically, Mayor Roque made a telephone call to Muñoz saying "he had very important friends in very important places." Muñoz perceived this as a threat regarding the website.

23. In February 2012, Muñoz' web-server accounts were hacked by Joseph Roque, and the website "recallroque.com" was shut down without his authorization. Muñoz immediately contacted federal agents, and thereafter became a federal informant to assist the FBI in the investigation of Mayor Roque and his son, Joseph Roque.

24. In March 2012, while Muñoz was obtaining signatures for Senator Menendez, Mayor Roque sent a town employee to verbally harass him, which was recorded by a third-party and displayed on YouTube.

25. In May 2012, the United States Attorney's Office arrested Mayor Roque and his son, Joseph Roque for federal conspiracy and hacking charges related to the hacking in and taking down of "recallroque.com" and related email accounts.

33. Upon information and belief, the Anti-Roque Website had generated significant interest. In response to the Munoz promotion of the Anti-Roque Website through his "Facebook Account" and "NJ.com Account," approximately 800 visitors provided information and comments regarding Mayor Roque's administration, including allegations of misconduct and unlawfulness.

34. In an effort to interfere with Munoz' right to free speech, Mayor Roque and his son, Joseph Roque, conspired to disrupt, dismantle and shut down the Anti-Roque Website.

35. In furtherance of the aforementioned conspiracy, Defendants intentionally accessed computers without authorization and exceed authorized access and thereby obtain information from protected computers, accessing Munoz' Anti-Roque Website, "Facebook Account" and "NJ.com. Account," including email accounts.

36. The object of the conspiracy was to gain access to and disable the Anti-Roque Website, Facebook Account and NJ.com Account, and email accounts, and to identify, harass, and intimidate others who operated, and were associated with, the Anti-Roque Website and related social networking websites and email accounts.

37. On February 6, 2012, at approximately 7:33 p.m., Joseph Roque, after creating the Reynoso Account, jeffreynoso67email account, emailed Munoz's West York News Account: "I have very good leads for your group please feel to email me whenever you can."

38. On or about the morning of February 7, 2012, Joseph Roque continued to identify Munoz by using the Reynoso Account and the West New York News 2012 Account "westnewyorknews2012", an account that Joseph Roque created for the purpose

of meeting Munoz under the false pretense that Joseph Roque possessed damaging information regarding Mayor Roque's administration.

39. On or about February 7, 2012, at approximately 1:18 p.m., Joseph Roque emailed Munoz from the Reynoso Account, stating: " I'm not sure why this is being held as a secret organization we need to stand up and fight and get our town back! I have good information for you but i do not want my name to be exposed for fear for retaliation so if we can please meet to discuss or even a phone call would do."

40. On or about February 7, 2012, at approximately 2:07 p.m., Joseph Roque used his laptop computer to search the Internet for "how to hack a service provider password." and "how to hack a [service provider] account."

41. On or about February 7, 2012, at approximately 2:16 p.m., Joseph Roque filed a complaint via e-mail to Go-Daddy, claiming that the Anti-Roque Website had been registered with an alias and inaccurate phone number.

42. On and about February 7, 2012, approximately 3:03 p.m., Joseph Roque accessed the website of Weebly, where Munoz stored the content of the Anti-Roque Website.

43. On or about February 7, 2012, between 7:45 and 7:50 p.m., Joseph Roque accessed the email account *westnewyorknews* email account without authorization.

44. On or about February 8, 2012, approximately 2:05 p.m., Joseph Roque logged into one of his e-mail account assigned to Mayor Roque's medical office.

45. On or about February 8, 2012, at approximately 4:27 p.m. and again at approximately 4:38 p.m., after requesting that a password change link be sent to the West New York News Account that Joseph Roque now controlled, Joseph Roque accessed

Munoz 's Facebook Account by using the alias Maria Pascuale without authorization and changed the password to the Facebook Account.

46. On or about February 8, 2012, at approximately 4:49 p.m., Joseph Roque accessed Muñoz' "Go Daddy Account" without authorization.

47. On or about February 8, 2012, at approximately 4:49 p.m., Joseph Roque cancelled the Internet domain *www.recallroque.com*, effectively shutting down the website because the domain no longer connected Internet visitors to the Recall Website's content at Weebly.

48. On or about February 8, 2012, at approximately 8:25 p.m., Mayor Roque left a voicemail message for another anti-Roque individual in which he stated that "Maria Pascuale sent her regards.

49. On or about February 9, 2012, at approximately 11:55 p.m. Mayor Roque called Munoz to advise him that he had caused *www.recallroque.com* to be taken down by a highly placed government officials. In that same telephone conversation, Mayor Roque threatened Muñoz that everyone would pay for getting involved against him.

50. In addition to Munoz, Mayor Roque used the illegally obtained information from the *www.recallroque.com* to threaten, harass, and intimidate individuals who had visited to engage in public discussions regarding Mayor Roque administration.

51. On or about February 11, 2012, at approximately 6:29 p.m., Mayor Roque required in an email to Joseph Roque that Joseph Roque find out if the West New York News 2012 Account was " a legal e-mail."

52. In reply, or or about February 11, 2012, at approximately 10:49

p.m., Joseph Roque stated "that's my email that I used against them." In reply, at approximately 7:32 a.m., on or about February 12, 2012, Mayor Roque wrote: "Wow you are good, Love You". On or about February 14, 2012, at approximately 8:52 a.m., Mayor Roque in a text message to Joseph Roque directed Joseph Roque to "look at a Facebook page run by Maria Pascuale" and to "let me know what we can do."

34. On or about February 17, 2012, at approximately 12:30 a.m., in a meeting at West New York City Hall, with the intent of concealing Mayor Roque's and Joseph Roque's involvement in attacks on www.recallroque.com and related online accounts, Mayor Roque told Munoz: "A friend of mine he works in the - I can't tell -three letters - CIA. You know. That's how I get information. So, what I'm doing is not very kosher."

35. Freeholder Muñoz upheld this oath when he contacted federal agents after receiving multiple threats from Mayor Roque and he believed his computer had been hacked by the mayor's son, Joseph Roque.

53. Despite being acquitted, upon information and belief, in October 2013, Vice Chairwoman of the Board of Education, who was put into power by Acosta, has made harassing comments to Muñoz.

COUNT I
N.J.S.A. 10:6-2
N.J. Civil Rights Act

54. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

55. Defendants actions violated New Jersey Civil Rights Act §10:6-2 et seq.

56. Pursuant to official policy, custom and practice, Defendants, acting under color of law, and in concert with each other and Mayor Roque, subjected the Plaintiff to

the deprivation of their constitutional right to freedom of speech, freedom of association, right to petition their representatives, as alleged herein.

57. Plaintiffs' constitutionally protected activities, as alleged herein, were the motivating factor for Defendants' retaliatory conduct.

58. Pursuant to policy, custom and practice, Defendant intentionally, willfully and recklessly retaliated against Plaintiffs as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

59. The foregoing civil rights violations were undertaken by Defendant's agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

60. As a direct and proximate cause of the aforementioned, Plaintiff have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of Defendants' willful and malicious conduct, Plaintiff seek punitive damages in their individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just.

COUNT II
NEW JERSEY CIVIL RIGHTS ACT
N.J.S.A. § 10:6-2
Equal Protection

61. Plaintiffs repeat and reallege the allegations set forth above as if fully set forth herein.

62. Pursuant to official policy, custom and practice, Defendant Mayor Roque, acting under color of law, subjected the Plaintiff to the deprivation of his constitutional right to equal protection in violation of the United States and New Jersey Constitution.

63. Plaintiff was unlawfully retaliated against by the Defendants because of his status based on their political affiliation with Mayor Vega and/or lack of political supporter for Mayor Roque, because he was an FBI Informant, and testified against Mayor Roque and Joseph Roque during their criminal trials. Defendant's disparate treatment of the Plaintiffs based on their political affiliation was arbitrary and capricious.

64. Defendants' retaliatory conduct, included such unlawful employment practices as wrongful termination, retaliatory transfers and assignments, hostile work environment, deprivation of overtime opportunities, selective enforcement of police department rules and regulations, and the denial of other tangible and intangible employment benefits.

65. Pursuant to policy, custom and practice, Defendants intentionally, willfully and recklessly retaliated against Plaintiff as alleged herein. Defendants who may not have actively participated in the civil rights deprivations as alleged above are liable for failing to prevent them.

66. The foregoing civil rights violations were undertaken by Defendant's agents, officials, and employees and/or other individuals acting on behalf of the Defendants, who in turn knowingly ratified such civil rights violations.

67. As a direct and proximate cause of the aforementioned, Plaintiffs have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of the individual Defendants' willful and malicious conduct, Plaintiffs seek punitive damages in their individual capacity in an amount to be determined by a jury.

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

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and jus

**COUNT III
NEW JERSEY COMPUTER RELATED OFFENSES ACT**

68. Mayor Roque and Joseph Roque purposefully or knowingly took data, and alerted, damaged, and/or destroyed the integrity of the data which existed internally on Plaintiff Munoz' personal email accounts and social-media account, without authorization, by Joseph Roque hacking into Munoz' computer system, which was accessible only by password, without the authorization of Munoz.

69. Mayor Roque and Joseph Roque purposefully or knowingly accessed Plaintiff Munoz' personal email accounts and social media account without authorization by hacking on to Plaintiff Munoz' computer system, which was only accessible by password, without authorization from Plaintiff Munoz.

70. Mayor Roque and Joseph Roque purposefully or knowingly accessed and recklessly altered, damaged, and/or obtained Plaintiff Munoz' data by hacking into Munoz' computer system, which was accessible only by password without authorization from Munoz.

71. As a direct and proximate cause of the aforementioned, Plaintiffs have suffered and will continue to suffer economic, emotional, and psychological damages in an amount to be determined by a jury. Because of the individual Defendants' willful and malicious conduct, Plaintiffs seek punitive damages in their individual capacity in an amount to be determined by a jury.

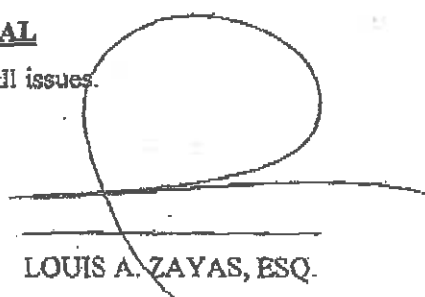
WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages against the individual Defendants
- c. Attorney's fee and costs of suit;
- d. Such other and further relief that the Court deems equitable and just

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial jury as to all issues.

DATED: February 3, 2014

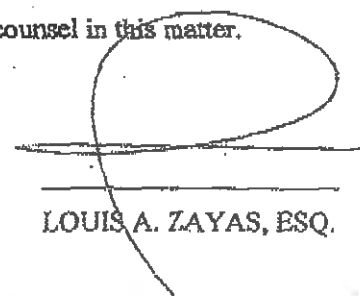


LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

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

DATED: February 3, 2014

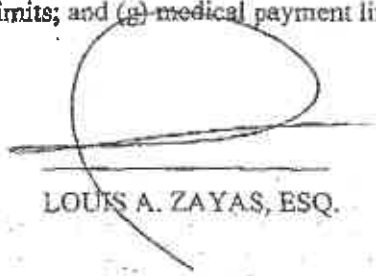


LOUIS A. ZAYAS, ESQ.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS


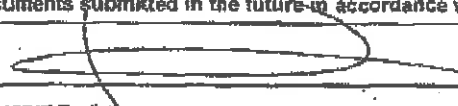
Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify 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.

DATED: February 3, 2014



LOUIS A. ZAYAS, ESQ.

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) 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.		FOR USE BY CLERKS 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) <i>L-509-14</i>	
	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) JOSE MUNOZ	CAPTION JOSE MUNOZ V. MAYOR FELIX ROQUE, JOSEPH ROQUE and 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 checked="" 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			
<input checked="" type="checkbox"/> 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: 			

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 - 160 days' discovery

- 161 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)
- 508 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)

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

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 256 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX |
| 271 ACCLUTANE/ISOTRETINOIN | 284 NUVARING |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 286 LEVAQUIN |
| 278 ZOMETAXAREXIA | 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

COUNTY OF HUDSON
TOWN OF WEST NEW YORK
RESOLUTION AUTHORIZING
SETTLEMENT AGREEMENT IN THE MATTER KNOWN AS
JOSE MUNOZ v. ROQUE, ET. AL.

WHEREAS, the Town of the West New York is involved in a civil action in the Superior Court captioned as follows:

Munoz v. Roque et. al. Docket # HUD-L-0507-14

WHEREAS, the Town and its employees admit no wrong doing or liability; and

WHEREAS, the Town, through Counsel, has settled the litigated matter subject to governing body approval, and upon such approval and upon receipt of appropriate closing documents by Counsel for West New York, the settlement proceeds shall be paid to the plaintiffs' attorney in accordance with the settlement agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of West New York, that the Town Clerk, Counsel for West New York and any other appropriate officer are hereby authorized and directed to take such actions, as are necessary to effectuate the terms of this resolution, including but not limited to the execution of the settlement agreement or release in a form acceptable to Counsel for West New York and implementation of the executory provisions thereof.

BE IT FURTHER RESOLVED, that the plaintiff shall provide to the Counsel for West New York a satisfactory release and closing documents and Counsel for West New York shall hold the settlement documents and proceeds in escrow until receipt of the closing documents.

Adopted: 1/20/2016