

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**MADLINE MALDONADO, ABRAHAM VALENCIA** individually and on behalf of their minor children **ALEX MALDONADO VALENCIA, EDGAR MALDONADO VALENCIA** and **CHRISTIAN MALDONADO VALENCIA**;

CIV. NO.

07-1992 (JAG)

DEMAND FOR JURY TRIAL

**CARMEN VAZQUEZ** individually and on behalf of her minor children **DEREK CRUZ** and **ALEX JOEL VAZQUEZ**;

**MARIA RIOS COLON** individually and on behalf of her minor children **CARLOS DAVID COLON, LEONIEL MELENDEZ,** and **JESUS MELENDEZ**;

**RUTH VIDOT** individually and on behalf of her children **JAHAIRA SANTANA, LUISA MARIA SANTANA, GRACE SANTANA, VIRGEN RIVERA,** and **MARIA DAHLIA RIVERA**;

**LUZ RODRIGUEZ** individually and on behalf of her minor children **JUDY ANGELIE**;

**MAYRA VALLE** individually and on behalf of her minor children **THALIA PEREZ VALLE** and **ENID PEREZ**;

**JENNIFER JIMENEZ** individually and on behalf of her minor children **JANICE TORRES** and **JOEDNIEL TORRES**;

**MARIYUNAIRA RIVERA** individually and on behalf of her minor child **VICTOR MANUEL NEGRO**;

**RAFET CANDELARIA**;

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**JOHANNA GONZALEZ**; individually and on behalf of her minor child **JOSE E. DE JESUS**, **MARIA DE LOURDES DE JESUS** and **JOSE D. DE JESUS AND AGUEDA SERRANO**

**ELVIA TIRADO**;

**CARMEN VALLE**;

**MARIBEL RIVERA VARELA** Individually and on behalf of her minor child **KEYSHA** and **NAYSHA RIVERA**;

**ANTONIA MORALES**;

**JUDITH VARELA** Individually and on behalf of her minor child **JOHAMED RIVERA**, **JULIAN LOPEZ RIVERA** and **ASHELY RIVERA**;

**SONIA KORTRIGHT SANCHEZ**

**Plaintiffs.**

**Vs.**

**MUNICIPALITY OF BARCELONETA**;

**SOL LUIS FONTANES**, Mayor of **Barceloneta** in his personal and official capacities and "**JANE PUBLIC**" the spouse of **Sol Luis Luis Fontanes** and the conjugal partnership between them;

**CARLOS LABOY**, Chief of the Public Housing Administration of Department of Housing of the Commonwealth of Puerto Rico, is sued in his **official capacity only**;

**SYLVIA RIQUELME**, Administrator of the **Municipality Of Barceloneta** in her personal and official capacities and "**JOE PUBLIC**" the

spouse of **Sylvia Riquelme** and the conjugal partnership between them;

**JOHN DOE I** Chief of the Housing Division of the **Municipality Of Barceloneta** in her personal and official capacities "**JANE PUBLIC**" the spouse of **JOHN DOE I** and the conjugal partnership between;

**AMID MOLINA MORALES**, Chief of the Civil Defense Division of the **Municipality Of Barceloneta** in her personal and official capacities in her personal and official capacities and "**JOE PUBLIC**" the spouse of **AMID MOLINA MORALES** and the conjugal partnership between tem;

**JULIO DIAZ**; President of Animal Control Solutions, Inc., and Contractor of the **Municipality Of Barceloneta** sued in his personal and official capacities "**JANE PUBLIC**" the spouse of **JULIO DIAZ** and the conjugal partnership between them;

**ANIMAL CONTROL SOLUTIONS, INC**

**JOHN DOE II AND JANE DOE, ET. AL**; fictitious names of other persons who directly participated in the planning or execution of the relevant facts of violation of rights of Plaintiffs.

**INSURANCE CO., ABC, ET. AL.**

**Defendants.**

## COMPLAINT

TO THE HONORABLE COURT:

Come now the Plaintiffs, by and through their undersigned attorneys, Pedro R Vazquez and

Maria S. Kortright Soler and on their behalf, state, allege, and requests as follows:

**I. NATURE OF ACTION**

1.1 This is an action for injunctive, declaratory and compensatory relief as a result of Defendants' violation of Plaintiffs' Constitutional, State and Federally protected rights. Plaintiffs have property rights in their pets and reasonable expectations to be safe and secure from having the City Government of Barceloneta from executing law enforcement type raids where their homes were illegally invaded and their pets illegally and without warrants, taken from them without affording pre-deprivation or post deprivation remedies prior or after the taking of their pets.

1.2 On October 1, 2007 the Municipality of Barceloneta acquired the right to operate and manage the public housing communities by transfer of such right from the Puerto Rico Housing Administration. On October 2, 2007 defendants Sol Luis Fontanes, Sylvia Riquelme and the other defendants which are high officials of the Municipality of Barceloneta established a policy whereby residents would be forced to surrender their pets.

1.3 On October 8, 2007, without any previous legal or administrative process where the Plaintiffs could establish their legal positions and an opportunity to defend their property and liberty rights, all Defendants, acting under color law and of authority and in concert, conducted law enforcement "narcotic-control-type" raids in three different public housing communities within the jurisdiction of the Municipality of Barceloneta with the purpose of depriving the residents of their pets. The Mayor himself was present and backed by a force of uniformed employees, guards of the Municipal Police and other employees and also backed by uniformed employees of a contractor Animal Control Solutions Inc. and Julio Diaz, they executed these raids and demanded that Plaintiffs hand over their pets or face eviction; with the ominous specter of becoming homeless. Defendants'

intent was to violate Plaintiffs' civil rights by conducting illegal warrantless searches and seizures and the illegal confiscations of their pets.

1.4 Plaintiffs had to witness Defendants removing, mistreating and injecting their pets - small dogs and cats - with unknown chemicals, then slamming them against vehicle panels in which they were to be transported.

1.5 The family pets that survived the initial brutality were thrown from a bridge commonly known as "El Paseo del Indio" in northwest Puerto Rico approximately 60 to 80 feet to their deaths.

1.6 Defendants, consolidated and confirmed their policy and practice as Managers of the Public Housing communities of Barceloneta and repeated the process just two days later, on Wednesday October 10, 2007, of what has been defendants custom, practice and policy of systemic civil rights violations against the residents. Again, Defendants went to Plaintiffs' residences and in threatening and demanding demeanor with officers dressed in uniforms demanded the immediate surrender of their pets or face the inevitable: eviction and becoming homeless.

1.7 On October 10, 2007 Plaintiffs' again suffered and witnessed the Defendants custom and policy at work: the removal by coercion of their pets and injection of unknown chemicals into the little animals, slamming them against vehicle panels only to find out later that the ones who had survived the initial brutality had been hurled to their death from a bridge commonly known as "El Paseo del Indio" approximately 60 to 80 feet. A few pets survived.

1.8 Indeed, Defendants' conduct is shocking to the conscience of ordinary and reasonable men and women; even of the more hardened individuals. In fact, the Defendants conduct and their callous and reckless disregard for the Plaintiffs' Fourth and Fourteenth Amendment rights and the

subsequent brutality against their pets, culminating in plunging them to their deaths shows a cold and depraved heart and has stirred the public outrage around the whole world.

1.9 A declaratory judgment and permanent injunction will protect the Plaintiffs from the Defendants' custom, policy and practice of systematic civil rights violations and to ensure that the Plaintiffs are afforded fundamental rights of, namely, pre-deprivation and post-deprivation remedies, the compliance of due process requirements and to prevent such wanton cruelty to Plaintiffs and their pets. The injunctive relief is also to prevent Defendants from taking reprisals against Plaintiff for the exercise of seeking redress for their injuries.

1.10 Plaintiffs also request compensatory damages and judgment ruling upon their rights under the Constitution and Laws of Puerto Rico where the Constitution affords them a right to their privacy, dignity, happiness; the general tort statute penalizes the conduct engaged in by defendants and where state laws prohibit the manners in which the defenseless pets were treated.

## **II. JURISDICTION AND VENUE**

2.1 This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 in that the claims involve Federal Question jurisdiction.

2.2 This Court has subject matter jurisdiction pursuant to the Fourth and Fourteenth Amendment of the United States Constitution. 42. U.S.C. § 1983.

2.3 This Court has subject matter jurisdiction pursuant to the supplemental jurisdiction statute (28 U.S.C. § 1367) to hear and decide a cause of action based on violations of the Commonwealth of Puerto Rico's law namely: The Constitution of Puerto Rico, Sections One (Human dignity and equality; discrimination prohibited), Four (Freedom of speech and press; peaceful assembly; petition for redress of grievances), Seven (Right to life, liberty, and enjoyment

of property; no death penalty; due process; equal protection of laws; impairment of contracts; exemption of property from attachment), Eight (Protection against attacks on honor, reputation, and private life), Nine (Just compensation for private property) and 10 (Searches and seizures; wire-tapping; warrants; Articles 1802 and 1803 of Civil Code; [31 LPRA § 5141 and 5142]; and 5 L.P.R.A. § 1652 (Acts of cruelty generally) and Law 67 of 1973 for the protection of animals.

2.4 Venue is proper in the instant case as all claims arise from events that have occurred and are occurring within the jurisdiction of this Court in the Commonwealth of Puerto Rico.

2.5 Pursuant to Federal Rule 65 (b) of the rules Civil Procedure, the Court has jurisdiction to issue a Permanent Injunction.

2.6 Plaintiffs request a trial by jury.

### III. PARTIES TO THE ACTION

3.1 Adult Plaintiffs named and identified in the caption to this Complaint and in the statement of facts of this Complaint are residents of public housing communities in the jurisdiction of the Municipality of Barceloneta of the Commonwealth of Puerto Rico.

3.2 Minor plaintiffs identified in the caption to this Complaint and in the statement of facts of this Complaint are the children of the adult plaintiffs.

3.3 The **Municipality of Barceloneta** is a legal entity created by the Commonwealth of Puerto Rico's Legislature with the power to sue and be sued and is a "person" under the definition of such for purposes of violations to the Civil Rights Act. 21 L.P.R.A. § 4051.

3.4 **Sol Luis Fontanes**: is the Mayor of the Municipality of Barceloneta and is being sued in his personal and official capacity. His intentional and illegal acts were done within the scope of his work, under color of law and as such, is responsible for the illegal actions and damages inflicted

upon Plaintiffs. "**JANE PUBLIC**" is the unknown spouse of **Sol Luis Fontanes** and the conjugal partnership between and as co-administrator of the marital estate.

3.5 **Carlos Laboy**: is the Chief of the Public Housing (Administracion de Vivienda Publica) of the Commonwealth of Puerto Rico. Mr. Laboy is sued in his **official capacity only** for purposes of the implementation of injunctive relief.

3.6 **Sylvia Riquelme**: is the Administrator of the Municipality Of Barceloneta who is being sued in her personal and official capacities. Her intentional and illegal acts were done within the scope of his work, under color of law and as such, is responsible for the illegal actions and damages inflicted upon Plaintiffs. "**JOE PUBLIC**" the unknown spouse of **Sylvia Riquelme** and the conjugal partnership between and as co-administrator of the marital estate.

3.7 **John Doe I**, is the Chief of the housing division or the federal programs division, whose identity is unknown at this time, under which the housing policies are planned and executed and is being sued in his/her personal and official capacities. His/her intentional illegal acts were done within the scope of his work, under color of law and, as such, is responsible for the illegal actions and damages inflicted upon Plaintiffs. "**JANE PUBLIC**" is the unknown spouse **John Doe I**, and the conjugal partnership between and as co-administrator of the marital estate.

3.8 **Amid Molina Morales**; is the Chief of the Civil Defense Division of the Municipality Of Barceloneta and is being sued in her personal and official capacities. He directly planned, supervised and executed all of the intentional illegal acts against the Plaintiffs. His participation in the planning and execution of the raids and taking of property of the residents without due process were done within the scope of his work, under color of law and as such, is responsible for the illegal actions and damages inflicted upon Plaintiffs. "**JOE PUBLIC**" the unknown spouse of **Amid Molina**

**Morales** and the conjugal partnership between and as co-administrator of the marital estate.

3.9 **Julio Diaz**; is the President of Animal Control Solutions, Inc., and contractor and agent of the Municipality Of Barceloneta who is sued in his personal and official capacities for his participation and involvement in all relevant acts which are of a governmental nature under the police power of the defendants Barceloneta and Fontanes. His intentional and illegal acts were done within the scope of his work for the municipality of Barceloneta, totally intertwined with government action and vested with government authority under color of law and as such, is responsible for the illegal actions and damages inflicted upon Plaintiffs. “**JANE PUBLIC**” is the unknown spouse **Julio Diaz**, and the conjugal partnership and as co-administrator of the marital estate.

3.10 **Animal Control Solutions, Inc (“ACS)**: upon information and belief, this company is a closely held corporation owned wholly or in part by Defendant **Julio Diaz. Animal Control Solutions, Inc**, through Mr. Diaz, undertook to execute intentional and illegal acts that were done within the scope of work of this entity for the Municipality of Barceloneta. The relevant acts executed by ACS which form the basis of the present claims were actions totally intertwined with governmental action under the police power of the Municipality and vested with government authority under color of law. ACS is responsible for the illegal actions and damages inflicted upon Plaintiffs.

3.11 **John Doe II And Jane Doe, et. al.**: are fictitious names for those individuals as yet unknown, who, together with the named Defendants participated in or acted in concert to carry out the acts complained of herein and who also acted intentionally, illegally and under color of law under the police power of the Municipality of Barceloneta and which caused damages to Plaintiff.

3.12 **Insurance agencies A, B, and C** are companies which may be providing insurance

to the above Defendants which may cover their liability for the violation of the Plaintiffs Federally protected rights, and whose names are heretofore unknown.

#### **IV. FACTS COMMON TO ALL PLAINTIFFS AND CAUSES OF ACTION**

4.1 The Municipality of Barceloneta (“Barceloneta”) is a legal entity created by the Commonwealth of Puerto Rico’s legislature with the power to sue and be sued.

4.2 Barceloneta is a “person” subject to the provisions of the federal Civil Rights Act.

4.3 Defendant Sol Luis Fontanes (“Fontanes”) is the Mayor of the Municipality of Barceloneta and Chief Executive Officer of the mentioned entity and a “person” subject to the provisions of the federal Civil Rights Act.

4.4 Fontanes is responsible for the day-to-day operation of Barceloneta.

4.5 Fontanes supervises, either directly or indirectly, the housing operations, the municipal police department, the municipal civil defense division, the municipal emergency responses and the like.

4.6 Fontanes planned, personally participated and executed, in concert with his employees, the raids within the public housing projects in Barceloneta which resulted in the loss of the residents’ defenseless animals, property and rights, intentionally creating a coercive environment and preventing the residents to know and exercise their rights out of fear.

4.7 Fontanes’ conduct on October 8, 2007 and October 10, 2007 and his official and personal involvement in the events which resulted in the deprivation of rights were under color of law and with the intention of depriving the residents of their constitutional rights and property without due process.

4.8 Sylvia Riquelme is the Administrator of the Residencial Plazuela of the Municipality

of Barceloneta.

4.9 Upon information and belief Ms. Riquelme is responsible for the day-to-day operation of the mentioned housing community in Barceloneta and she reports directly to the mayor, Sol Luis Fontanes.

4.10 Upon information and belief Miss Riquelme participated actively in the planning and execution of the events that led to violations claimed in this Complaint.

4.11 Miss Riquelme's actions and involvement in the raid were done under color of law in order to intentionally deprive the residents of their constitutional rights and property.

4.12 Upon information and belief, **John Doe I** is the Chief of the organizational unit of the Municipality where the housing policies of public housing are made and /or executed.

4.13 John Doe I is responsible for the day-to-day management of the housing operations and is supervised by the Mayor.

4.14 Upon information and belief John Doe I planed and executed the raids of October 8, 2007 and October 10, 2007 in the public housing communities which support the civil rights violations.

4.15 John Doe I's actions and involvement in such raids were intentional and illegal and destined to deprive the residents of their property and constitutional rights and done under color of law.

4.16 Upon information and belief the Civil Defense Division of the Municipality of Barceloneta is a governmental subunit that is responsible for the day-to-day management of any areas related to emergency, safety and/or security and is supervised by the city administrator and/or the Mayor.

4.17 Upon information and belief, **Amid Molina Morales**, (“**Molina**”) is the Chief of the Civil Defense Division of the Municipality responsible for the day-to-day management of the Civil Defense Division and is supervised by the Mayor.

4.18 Upon information and belief Molina directed the police-type operation during the raids of October 8, 2007 and October 10, 2007, and in concert with the other defendants deprived Plaintiffs from the Constitutional rights while acting under color of law and pursuant to the policy of the Municipality of Barceloneta.

4.19 John Doe II and Jane Doe are municipal employees who actively participated in the planning and execution of the raids executed by defendants on October 8 and 10, 2007 and done under color of law and with the intentional and illegal objective of depriving the residents of Barceloneta’s public housing communities to have, keep and care for animals and also directed at preventing them from exercising any rights, procedural and substantive, they could have raised.

4.20 Carlos Laboy is the Chief of Public Housing Administration (“PHA”) which transferred the administration of the public housing communities to Barceloneta.

4.21 The PHA has within its scope of functions the authority to investigate and audit municipal housing operations.

4.22 The PHA has a duty to oversee that the administrators be certified, trained and comply with federal housing policies and it also has the obligation to ensure that constitutional rights and statutes of the United States are enforced according to the law of the land.

4.23 Animal Control Solution, Inc. (ACS), is a corporation that was contracted by the Municipality of Barceloneta with the purpose of picking up and controlling the stray animal population of the Municipality. They actively participated in the events that give rise to this

complaint ,cloaked with the police power of the state and under color of law of the municipal officials with they acted closely and in concert with.

4.24 Julio Diaz is the President of ACS and upon information and belief, this company is a closely held corporation owned wholly by Diaz. They actively participated in the events that give rise to this complaint cloaked with the police power of the state and under color of law of the municipal officials with they acted closely and in concert with.

4.25 On October 1, 2007, the Municipality of Barceloneta assumed the control and responsibility of the day-to-day operations of the public housing communities in Barceloneta. Defendant Municipality of Barceloneta assumed the duties, obligations and responsibilities for the management of, among others, three public housing communities within the territorial jurisdiction of the Municipality of Barceloneta. These were: (1) Plazuela public housing community, (2) Antonio Davila public housing community and (3) Residencial Hector Ruiz, also known as Residencial Quintas de Barceloneta.

4.26 Upon information and belief before the assumption of such control, Barceloneta received training and information in order to qualify as a public housing administrator.

4.27 On October 2, 2007, the first order of business was to devise a plan to deprive the residents of the public housing communities of their domestic pets, mostly dogs and cats kept in the homes.

4.28 Barceloneta sent residents notices that if they did not surrender their little animals they would be evicted from their homes.

4.29 These notices were delivered to the residents between October 3 and 7 of 2007.

4.30 On Monday, October 8, 2007, ACS and municipal personnel arrived at the Plazuela

public housing community. Present were Sylvia Requelme, the Administrator of the public housing community, Mayor Sol Luis Fontanes, as well as other uniformed employees of the Municipality of Barceloneta apparently ascribed to the Civil Defense Division of the Municipality.

4.31 On Monday, October 8, 2007, ACS and municipal personnel also arrived at the Antonio Davila public housing community. Present were employees of the Municipality of Barceloneta, as well as other uniformed employees of the Municipality of Barceloneta and employees of ACS.

4.32 On the mentioned date and before the residents had an opportunity to respond, the defendants and ACS carried out a surprise law -enforcement operation similar to those conducted by Police in narcotics interdiction raids. The residents awoke on Monday, October 8, 2007, to find a police force of municipal employees, employees of ACS, the Mayor himself and the rest of defendants, except for Laboy, going from house to house and grabbing the pets, without distinction of the type of pet, whether the pet was marked as a pet with a collar, whether the pet was in the street or in the premises of individual housing units or even if they took them from children without their parent's presence. Defendants opened doors to laundry areas within the homes, took pets from children whose parents were not present, threatened residents to hand over their pets or face eviction, took pets whose owners were not present by going in to the enclosed patio which is also a laundry area and took possession of the animals and other similar actions.

4.33 While the raids were going on, children watched the brutality; pets soiled themselves out of sheer fear and trauma, people screamed or cried and watched as Defendants including employees of ACS, grabbed the pets with an instrument described as a stick with a metal ring at the end, they would catch the animal by the neck, pull on the string, choke the pet and slam the animal

inside a van. Even pregnant animals of very small size were brutalized.

4.34 In the presence of Plaintiffs and their children and others, the animals were injected with an unknown substance by the employees of Julio Diaz and ACS; and the workers said the purpose was to tranquilize the animal.

4.35 Some witnesses and/or Plaintiffs concluded some pets were killed in their presence.

4.36 None of the residents were afforded an opportunity to challenge the actions executed in these raids nor was there time enough in order to make arrangements to save their pets. During this process residents were constantly threatened with eviction.

4.37 During these raids there was no veterinary present in the housing communities.

4.38 Pleas and warnings from Plaintiffs including witnesses and/ or residents requesting time to challenge the actions were discarded, ignored and rejected by Defendants who culminated their cruelty by driving away as if nothing had happened.

4.39 The foregoing scenario was repeated in every housing community and again in October 10, 2007.

4.40 On Wednesday, October 10, 2007, ACS and Julio Diaz' personnel returned to the public housing communities. Present were all of the defendants, except for Carlos Laboy.

4.41 Again the community was raided and pets taken away in the same circumstances and without any regard for the rights and pleas of the Plaintiffs.

4.42 Defendants' have acted knowingly, intentionally, willfully, wantonly and/or with reckless disregard for Plaintiffs' Federal and State rights. Indeed, such actions and omissions by the Defendants shock the conscience.

4.43 All of the defendants actions are taken allegedly pursuant to the Municipality of

Barceloneta's housing policy which they implemented immediately upon taking the administration of the public housing facilities in Barceloneta.

4.44 Before October 1, 2007, the residents and Plaintiffs had their pets with the knowledge and consent of the housing administrators and there was no prohibition of the type of pets which were illegally and intentionally removed and killed by Defendants.

4.45 Defendants made a show of force and coercion, knocking on doors, entering the home premises in the laundry area or snatching pets from owners while threatening them with eviction if the pets were not surrendered to the government authorities and/or their agents executing the raid.

4.46 Plaintiffs later learned that their precious pets had been hurled off a 50 or 60 foot bridge known as Paseo del Indio.

4.47 Defendant ACS acted with the other Defendants with the purpose of killing the pets whether such acts were by hurling the pets from a bridge or by injecting them with chemicals. In all events ACS and Julio Diaz acted with the intention to kill the residents' pets without their valid consent and authorization and knowingly participating in a raid that was patently illegal to any observer, cloaked with the police power of the state and under of law of the municipal officials with which they acted closely and in concert.

4.48 Defendant ACS and Julio Diaz did not have the authorization of any Plaintiff to take their property; they acted in concert and as an extension of the government's police power of the municipality, or otherwise.

4.49 The Defendants failure and refusal to provide the Plaintiffs with a *pre-deprivation* remedy prior to taking the adverse action complained of herein violated their protected rights under the Fourteenth Amendment of the U.S. Constitution, namely guaranteeing them the right to some

form of hearing before the proposed actions were to be taken; the confiscation of their pet. As such the Defendants intentional actions constitutes a violation of their property rights secured under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution, namely, due process of law.

4.50 Defendants failure and refusal to provide the Plaintiffs with a *post-deprivation* remedy after taking the adverse action complained of herein violated their protected rights under the Fourteenth Amendment of the U.S. Constitution, namely guaranteeing them the right to some form of hearing after the actions were to be taken; the confiscation of their pet. As such the Defendants intentional actions constitutes a violation of their property rights secured under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution, namely, due process of law.

4.51 Defendants failure and refusal to obtain a properly authorized search warrant describing with particularity the place to be searched and the items to be seized - the pet(s) - supported by a sworn affidavit violated the Plaintiffs' Fourth Amendment rights of the U.S. Constitution *prior* to taking the pet(s)s; the right to be free from unreasonable searches and seizure. As such Defendants intentional actions and omissions constitutes a violation of their rights to be free from illegal and unreasonable searches and seizures of their property secured under 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendment of the United States Constitution.

4.52 All of the Plaintiffs have suffered greatly due to the deprivation of their beloved pets without any due process, the violent and inhumane manner in which the raids were conducted, the loss of privacy and dignity individually and collectively and the emotional impact upon learning that their pets had undergone a violent, cruel and illegal death when Defendants hurled the pets from a bridge causing their death or, in some cases broken backs or legs.

4.53 As a result of the events described above these Plaintiffs have suffered the loss of companionship, the loss of their property, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life. The Plaintiffs estimate their loss at no less than **Five Hundred Thousand dollars each.**

4.54 At the time of these events, Defendants' conduct violated clearly established law and the rights of the citizens and Plaintiffs afforded to them under the U.S. Constitution, the Commonwealth's Constitution and relevant case law.

4.55 Defendants' conduct has proximately and directly caused, and will continue to cause Plaintiffs' irreparable injury.

4.56 Defendants' unlawful conduct, if allowed to prevail, will cause Plaintiffs' permanent irreparable injury if an injunction does not issue, as discussed, *ante*.

4.57 The injuries to Plaintiffs far outweigh any harm, which may be caused to Defendants should the Court grant the injunctive relief.

4.58 A permanent injunction and a declaratory judgment will serve the public interest in that citizens will not be subjected to unlawful searches and seizures; will not be deprived of their personal property without due process of law and will be granted pre-deprivation and post-deprivation remedies before the herein complained of events occur.

**V. SPECIFIC FACTS RELATED TO EACH INDIVIDUAL FAMILY**

**FACTS RELATED TO MADELINE MALDONADO, ABRAHAM VALENCIA AND THEIR MINOR CHILDREN ALEX, EDGAR AND CHRISTIAN:**

5.1 Plaintiffs Maldonado and Valencia have three minor children Alex (age 10), Edgar (age 8) and Christian (age 6) respectively, who reside in *Residencial Plazuela*.

5.2 On October 10, 2007, during the raids in the Residencial Plazuela Defendants went to the Valencia-Maldonado residence during regular working hours; however, no one was home.

5.3 Plaintiffs had a four-month old black Labrador Retriever with a red collar and dog-tags on the collar.

5.4 At the time of raid the Valencia-Maldonado family was not home but the Defendants proceeded to enter the home premises, specifically in the laundry area, without authorization and without a duly obtained search warrant.

5.5 Neighbors and other Plaintiffs witnessed the removal of the Valencia family dog by Defendants.

5.6 When the family arrived later during the day they were informed by their neighbors that their dog had been confiscated by Defendants.

5.7 As a result of the events of removal described above and the events that followed the removal, these Plaintiffs have suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. Plaintiffs estimate their loss at no less than Five Hundred Thousand dollars each.

5.8 Later, Plaintiffs learned of the whereabouts of their dog. They proceeded to visit the area under the Paseo del Indio bridge and in fact recognized their dog, dead, under the bridge.

**FACTS RELATED TO CARMEN VAZQUEZ MINOR CHILDREN DEREK CRUZ AND ALEX JOEL VAZQUEZ:**

5.9 Ms. Vazquez and her children live in *Residencial Plazuela of Barceloneta*.

5.10 The Vazquez family owned and cared for a small dog, named Tyron. Tyron was kept in the laundry area on a leash.

5.11 On the day that the Vazquez's dog was illegally taken from them, Ms. Vazquez heard

her pet frantically barking; when she went to see the cause of the commotion, Defendants had entered into the laundry area of her home, without authorization and they had seized her dog.

5.12 She immediately investigated and found that municipal employees from Barceloneta the Mayor Sol Luis Fontáñez and employees from Animal Control Solution were snatching pets from owners in the housing project.

5.13 Ms. Vazquez protested the illegal entry and the seizure of her dog, to no avail. In fact, she was forewarned that if she attempted to resist she would face eviction and the specter of being homeless.

5.14 The elder child, Derek, aged nine was present and witnessed all the cruelty with which his pet was removed. All three have suffered greatly due to the loss of the pet and also due to the manner in which the municipality and the other defendants acted.

5.15 Ms. Vazquez later learned the dogs had been hurled from a bridge and that some had broken backs and legs and others had died. As a result of the events described above and the events that followed the removal these Plaintiffs have suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. The Plaintiffs estimate their loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED TO MARIA RIOS COLON AND HER CHILDREN CARLOS DAVID COLON, LEONIEL MELENDEZ, AND JESUS MELENDEZ:**

5.16 Ms. Maria Rios Colon lives with her children in *Residencial Plazuela*.

5.17 Mrs Rios and her children kept and cared for three very small dogs, Reina (year and half old), Princesa (three years-old) and Choco (five months-old).

5.18 Ms. Rios is mental health patient who suffers from depression.

5.19 On October 8, 2007 Ms. Rios and her children were victimized by all Defendants

when their pets were illegally removed from their homes with threats of eviction.

5.20 On the mentioned date Defendants executed a police raid in the housing project where Plaintiff Rios lives, with the objective of depriving them by force and coercion of their pets allegedly because Defendants cited a no-pet policy in the public housing project.

5.21 Ms. Rios contacted Defendant Riquelme and inquired as to why this was being done and to what shelter were the dogs being taken to. Riquelme advised Rios that she had no option, otherwise, she would face immediate eviction.

5.22 The Defendants went again to the Rios residence on October 10, 2007, and again in a commanding tone ordered Plaintiffs to hand over their dogs or face immediate eviction. Facing the specter of being homeless, with three small children, the fear prevented her from defending her rights and she surrendered her dogs.

5.23 Ms. Rios later learned the dogs had been hurled from a bridge and that some had broken backs and legs and others had died.

5.24 Defendants never explained to her or any other residents the procedural or substantive rights they had.

5.25 All four have suffered greatly due to the deprivation of the animals without any due process, the violent and inhumane manner in which the raids were conducted, the loss of privacy and dignity individually and collectively, the loss of the pet and the emotional impact upon learning that their pets had undergone a violent, cruel and illegal death when the defendants hurled the pets from a bridge causing their death or, in some cases broken backs or legs.

5.26 The Plaintiffs estimate their loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED TO RUTH VIDOT AND HER CHILDREN JAHAIRA SANTANA, MARIA LUISA SANTANA, LUISA MARIA SANTANA, GRACE SANTANA, VIRGEN RIVERA AND MARIA DAHLIA RIVERA:**

5.27 The Santana-Vidot family lives in Residencial Plazuela.

5.28 On October 8, 2007, Defendants went to the Vidot residence where she lived with her children and their eight year old, Blackie, as part of the raid to remove domestic animals from the residences.

5.29 Mrs. Vidot was not at home because she was in the hospital with one of her daughters. Upon her return she was informed by her other children that Defendants had raided the housing community and had removed Blackie without anyone's authorization.

5.30 At the time, her eldest daughter Brenda who does not live with Ms. Vidot was threatened with eviction, and Mrs. Vidot's dog was taken from their home.

5.31 Mrs. Vidot never had a chance to allege and protect her rights and her dog was taken without any due process of law.

5.32 The Vidot family later learned the dogs had been hurled from a bridge

5.33 As a result of the events of removal described above and the events that followed the removal these Plaintiffs have suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. The Plaintiffs estimate their loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED TO LUZ RODRIGUEZ AND JUDY ANGELIE:**

5.34 Mrs. Rodríguez and her child Judy Angelie live in the *Residencial Antonio Davila* in Barceloneta.

5.35 The family owned and cared for "Princess" a dog that was like a member.

5.36 At the time of the relevant events the small pet was pregnant.

5.37 On October 8, 2007, Ms. Rodriguez and her children were victimized by all Defendants when their pet was illegally removed from their home under threats of eviction. On that

day, several of the Defendants from ACS and the Municipality, some dressed in uniforms from the Civil Defense, in a commanding and intimidating tone, ordered Plaintiffs to surrender their dog or face immediate eviction.

5.38 Ms. Rodriguez and her family later learned that the dogs had been hurled from a 50 foot bridge.

5.39 As a result of the events described above and the events that followed the removal, these Plaintiffs have suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. The Plaintiffs estimate their loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED MAYRA VALLE HER CHILDREN THALIA PEREZ VALLE AND ENID PEREZ**

5.40 Mrs. Mayra Valle lives with her children Thalia (age 10) and Enid (age nine).

5.41 The family also had three cats Ceniza, Monty and Misibu.

5.42 On October 8, 2007 a raid was effected in the housing project and the child Thalia, age 10, was holding the cats when several of the Defendants from ACS and the Municipality in a commanding tone ordered the child to hand over their dog or her mother and sister would be thrown out of the housing project.

5.43 As expected, overwhelmed and out of fear, the child surrendered her cats resulting from Defendants' threats causing them to be homeless and the harm to her family.

5.44 The child witnessed the cruel removal of the family pets and later learned, as did her mother, that they had been thrown off a 50 ft. bridge nearby.

5.45 The child again saw her pets in the news in a pile of dead animals at the foot of the abyss from the television news.

5.46 As a result of the events of removal described above and the events that followed the removal these Plaintiffs have suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. The Plaintiffs estimate their loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED TO JENNIFER JIMENEZ AND HER CHILDREN JANICE TORRES AND JOEDNIEL TORRES**

5.47 Mrs. Jimenez and her children Janice Torres and Joedniel Torres, four and 1 years of age, respectively live in Residencial Plazuela in Barceloneta.

5.48 The Jimenez family were the owners of a one-year old puppy named Duque to which the children and their mother had grown very attached.

5.49 On October 8 , 2007, Defendants went to the Jimenez residence as part of a raid for the illegal removal of dogs without any search warrant.

5.50 On that day, the Defendants, some dressed in uniforms from the Civil Defense and some from the ACS, in a commanding tone ordered the Plaintiffs to hand over their dog or face immediate eviction.

5.51 Defendants never allowed Plaintiffs to learn or otherwise use any procedure that may have allowed them to challenge the action.

5.52 The dog was surrendered to Defendants in compliance with threats and orders and out of fear of being evicted.

5.53 Janice, the three-year old now says her pet was taken and killed by the "Police".

5.54 As a result of the events of removal described above and the events that followed the removal, these Plaintiffs have suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. The Plaintiffs estimate

their loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED TO MARIYUNAIRA RIVERA AND MINOR CHILD VICTOR MANUEL NEGRO.**

5.55 Mrs. Rivera lives in *Residencial Plazuela* with her minor child who suffers from multiple health conditions.

5.56 The family owned and cared for a pet cat named Chupy for more than a year.

5.57 During the raid of October 8, 2007, the Mayor himself and Defendant Riquelme knocked on Plaintiff Rivera's door in order to confiscate her cat.

5.58 Although Mrs. Rivera was able to hide her pet and prevent removal her five-year old child, visibly ill, began to throw up and remained ill for a period of time.

5.59 Mrs. Rivera and her child have great fear that her pet will be removed and killed at any time by defendants.

5.60 The child and Mrs. Rivera have been impacted by the nature of the raid, the ruthlessness of defendants and the collective violation of rights in a community of which she is part.

5.61 Both Plaintiff shave suffered damages as a result of the illegal and intentional acts of Defendants and estimate their damages at Five Hundred Thousand Dollars each.

**FACTS RELATED TO RAFET CANDELARIA**

5.62 Plaintiff Rafet Candelaria Perez lives in *Residencial Plazuela* with his pets.

5.63 Candelaria owned and cared for small dogs, Chispy, a pregnant female (four years old) and her offspring Broqui (two months old).

5.64 On Sunday October 7, 2007 Candelaria received a letter stating a no-pet policy and a warning of eviction, in spite of the fact that Candelaria's contract states otherwise.

5.65 On Wednesday October 10, 2007 and as part of the second raid against residents with

pets, Defendants illegally and through coercion and threats of eviction seized Chispi and Broqui.

5.66 The response to Candelaria's objections was that the dogs would be in a shelter and Candelaria surmised that he could retrieve his dogs in order to make arrangements for their safety. Defendants were lying, Candelaria later learned that the dogs had been hurled to their death and definitely the intentions of the ACS and Barceloneta was that the dogs would be put to death.

5.67 Since the events to which Defendants subjected the residents of public housing on October 8, 2007 and October 10, 2007, Candelaria is emotionally ill and especially since he was told a lie, that his dogs would be placed in a shelter. As a result of the events of removal described above and the events that followed the removal Candelaria has suffered emotional damages, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. Plaintiff estimates his loss at no less than Five Hundred Thousand dollars.

**FACTS RELATED TO JOANNA GONZALEZ AND HER MINOR CHILDREN JOSE E DE JESUS (AGE 10), MARIA DE LOURDES DE JESUS (AGE NINE), JESUS DE JESUS (AGE EIGHT) AND AGUEDA M SERRANO (AGE THREE).**

5.68 Mrs. Gonzalez and her children live in *Residencial Plazuela*.

5.69 Mrs. Gonzalez and family owned and cared for two pets, Chispa and Putin.

5.70 On October 8 and 10 of 2007, Defendants raided the housing complex in order to confiscate the residents' pets. As part of the raid, Mrs. Gonzalez's pets were removed.

5.71 Chispa was removed on October 8, 2007, when Ms. Gonzalez was in the hospital and Putin, a puppy was removed in her presence by threats and coercion.

5.72 Ms. Gonzalez witnessed the injections by Defendants on her neighbor's dogs, specifically the injections on Rafet Candelaria's dogs.

5.73 As a result of the events of removal described above and the events that followed, the removal Ms. Gonzalez has suffered emotional damages, great anguish, stress, anxiety, sadness

and a sense of loss of enjoyment of life from the illegal acts described above. Plaintiff estimates her loss at no less than Five Hundred Thousand dollars each.

5.74 Mrs. Gonzalez also witnessed that ACS employees participated jointly with municipal employees in the raids.

#### **FACTS RELATED TO ELVIA TIRADO**

5.75 Ms. Elvia Tirado is a resident of *Residencial Antonio Davila Freytes*.

5.76 Ms. Tirado is an elderly lady and the owner of a small pet named Lassie which is essential for Ms. Tirado well being and health.

5.77 Although Mrs. Tirado was able to hide and remove her dog from the premises, she witnessed all the abuses which resulted in the raid and later learned that the dogs had been hurled off a bridge impacting her greatly.

5.78 Mrs. Tirado, as with all the other Plaintiffs, was never given any opportunity to challenge the actions of defendants and she had to resort to hiding and secretly transferring her dog out of the housing complex even though Mrs. Tirado is quite elderly.

5.79 Mrs. Tirado now lives in fear that her precious companion of eight years will be removed abruptly from her home.

5.80 All the events surrounding these events have caused Ms. Tirado great pain and suffering. As a result of the events of removal described above and the events that followed, the removal Tirado has suffered emotional pain, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. Plaintiff estimates her loss at no less than Five Hundred Thousand dollars.

#### **FACT RELATED TO CARMEN VALLE**

5.81 Mrs. Valle is an elderly lady also a resident of *Residencial Antonio Davila*.

5.82 Mrs. Valle's claims are based on the removal of her small dog from her home in the *Residencial Antonio Davila Freitas* during the raid of October 8, 2007.

5.83 Ms. Valle's dog was removed from her apartment without her authorization and using police tactics normally used in drug raids.

5.84 Ms. Valle is also the grandmother of minor Thalia Perez Valle, a minor whose pets (cats) were illegally removed from her custody while her mother was not present.

5.85 As a result of the events of removal described above and the events that followed, the removal, Ms. Valle has suffered emotional pain, great anguish, stress, anxiety, sadness and a sense of loss of enjoyment of life from the illegal acts described above. Plaintiff estimates her loss at no less than Five Hundred Thousand dollars each.

**FACTS RELATED TO MARIBEL RIVERA VARELA AND MINOR CHILDREN  
KEYSHA AND NAYSHA**

5.86 Ms. Rivera lives with her daughter Keysha and Naysha, 15 and eight, respectively in *Residencial Plazuela in Barceloneta*.

5.87 The Rivera family owned and cared for a dog named Coyen (3 years old).

5.88 On October 8, 2007, while the Rivera family was not home Defendants invaded their premises and without authorization removed Coyen in order to kill him.

5.89 The family learned of the events of the raid and the fate of their beloved pet upon their return and have since then suffered for this loss great anxiety, pain, shock, disbelief, a sense of abuse and humiliation, apprehension and the like.

5.90 As a proximate result of the events and the harm inflicted upon the Rivera family the Plaintiff estimate their loss at Five Hundred Thousand dollars each.

**FACTS RELATED TO ANTONIA MORALES AND MINOR CHILDREN**

5.91 Mrs. Morales lives in *Residencial Plazuela* in Barceloneta.

5.92 She owned and cared for a small dog named Becky who was her constant companion for three years.

5.93 On October 8, 2007, Becky was taken as part of the raid described above when defendants threatened Morales that if she did not surrender the dog they would evict her.

5.94 Defendants were not authorized to take and much less kill Morales' dog.

5.95 Defendants never afforded Morales an opportunity to know her rights much less to exercise them.

5.96 Morales, as other Plaintiffs, have a contract which does not ban pets on her home.

5.97 Ms. Morales also suffered the removal of the community's darling pet Peludo who belonged to her son. She witnessed Peludo cruelly mistreated and handled, slammed into the van and later learned he was, in fact, one of the dogs found in the pile beneath the bridge El Paso del Indio.

5.98 As a proximate result of the events and the harm inflicted upon the Rivera family the Plaintiff estimate their loss at Five Hundred Thousand dollars each.

**FACTS RELATED TO JUDITH VARELA AND MINOR CHILDREN JOHAMED RIVERA (AGE EIGHT), JULIAN LOPEZ RIVERA (AGE 15) AND ASHLEY RIVERA (AGE 11).**

5.99 Varela lives in *Residencial Plazuela* in Barceloneta.

5.100 She owned and cared for a small dog named Chispi (five year old).

5.101 She was approached by Defendants and threatened by them to surrender her dog or face eviction.

5.102 Plaintiff Varela was not oriented about the proper procedural rules to be followed in relation to her challenge of such an action.

5.103 She never authorized the taking of her property and the killing of her dog.

5.104 The minor children named above are the grandchildren of Varela who are orphans and she has their custody.

5.105 Minor child Julian Lopez is a special education student who witnessed the raids and events and as a result threatened to kill himself.

5.106 As a proximate result of the events and the harm inflicted upon the Rivera family the Plaintiff estimate their loss at Five Hundred Thousand dollars each.

#### **FACTS RELATED TO SONIA KORTRIGHT-SANCHEZ' CLAIMS**

5.107 Kortright lives in *Residencial Plazuela Barceloneta*.

5.108 Kortright owned and cared for a four-year old female dog named Angelica who was her comfort and companion.

5.109 She never authorized the removal and taking of her dog much less the killing of her dog by ACS and the other defendants.

5.110 Plaintiff was not oriented about the proper procedural rules to be followed in relation to her challenge of such an action and her contract allows her to have such pet.

5.111 Plaintiff Kortright has suffered pain and anguish as well as anxiety as a direct result of the abusive and dictatorial conduct of Defendants, who took her dog when he was hiding under a car in front of her house and she could not get her dog back as she was threatened with eviction.

5.112 As a proximate result of the events and the harm inflicted upon the Rivera family the Plaintiff estimate their loss at Five Hundred Thousand dollars.

#### **VI. FIRST CAUSE OF ACTION**

6.1 The foregoing allegations are repeated and alleged herein.

6.2 Defendants acted with callous and reckless disregard for Plaintiff's rights and engaged

in conduct that shocks the conscience.

6.3 Plaintiffs have a property interest in the ownership of their pets.

6.4 The intentional acts by Defendants in their refusal to provide Plaintiffs with the *pre-deprivation* remedies prior to the confiscation of their pets constitutes a violation of Plaintiffs' property rights secured under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution, due process of law, namely notice requirements before such action was to occur and an opportunity to be heard.

6.5 Defendants should be enjoined from any continued or contemplated action where citizens of public housing communities, by decree would have to turn over their pets for subsequent slaughtering with out a *pre-deprivation* remedy, *before* the action occurs.

6.6 Defendants are all liable to Plaintiffs as a result of this cause of action.

## **VII. SECOND CAUSE OF ACTION**

7.1 The foregoing allegations are repeated and alleged herein.

7.2 Defendants acted with callous and reckless disregard for Plaintiff's rights and engaged in conduct that shocks the conscience.

7.3 Plaintiffs have a property interest in the ownership of their pets;

7.4 The intentional acts by Defendants in their refusal to provide Plaintiffs with the *post-deprivation* remedies *after* the confiscation of their pets constitutes a violation of Plaintiffs' property rights secured under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution, due process of law, namely notice requirements informing citizens of their right to challenging the government's conduct, at least prior to the slaughter of their pets.

7.5 Defendants should be enjoined from any continued or contemplated action where citizens of public housing communities, by decree would have to turn over their pets for subsequent

slaughtering with out a *post-deprivation* remedy, before the action occurs.

7.6 Defendants are all liable to Plaintiffs as a result of this cause of action.

### **VIII. THIRD CAUSE OF ACTION**

8.1 The foregoing allegations are repeated and alleged herein.

8.2 The requested declaratory relief centers on the fact that the Defendants' intentional actions and omissions in the confiscation of the Plaintiffs' pets constitutes a taking as it relates to the fact the Plaintiff were impeded from challenging the Defendants' conduct.

8.3 Therefore, a declaratory judgment finding such takings and policies as illegal will aid in prevent the repetition of such policies.

8.4 Defendants are all liable to Plaintiffs as a result of this cause of action.

### **IX. FOURTH CAUSE OF ACTION**

9.1 The Plaintiff reproduces and reaffirms as if alleged herein each and every one of the preceding allegations.

9.2 Defendants acted with callous and reckless disregard and in conduct that shocks the conscience regarding Plaintiffs' right to be free and secure in their homes, places of abode and their properties, papers and things. The intentional acts by Defendants in their coercion and the use of threats and intimidation demanding that they turn over their pets or face immediate eviction; in their actual invasion of Plaintiffs' homes where the Defendants penetrated their zone of safety within their homes, constitutes a violation of Plaintiffs' rights to be safe and secure from warrantless searches and seizures secured under 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution, namely the requirement of a warrant before they penetrated the Plaintiffs' homes and/or demanded and confiscated the pets with the intention of subsequently slaughtering them.

9.3 Defendants should be enjoined from any continued or contemplated actions where

citizens of public housing communities, by decree or arbitrary action would be subjected to such flagrant searches of their homes and seizures of their properties and/or pets for subsequent slaughtering without warrants.

9.4 Defendants are all liable to Plaintiffs as a result of this cause of action.

**X. FIFTH CAUSE OF ACTION**

10.1 The foregoing allegations are repeated and alleged herein.

10.2 This Cause of Action arises under the Puerto Rico tort statutes.

10.3 The defendants individually and through its agents and employees, subjected the Plaintiffs to harassment, persecution, intimidation breach of the peace and other extreme and outrageous conduct with the intent to cause, or reckless disregard of the probability of causing, Plaintiff to suffer emotional distress.

10.4 The Defendants had a duty towards the Plaintiffs and their pets and the conduct as described herein where the Plaintiffs' pets were subjected to wanton acts of cruelty and abuse by injecting them with unknown substances, slamming them against vehicle panels, conduct which shows a callous and reckless disregard for animals' rights to be treated in a humane manner has greatly affected the Plaintiff.

10.5 The Defendants' conduct culminating with the plunging of small dogs and cats to their deaths shows a cold and depraved heart; behavior specifically proscribed by statutes and in contravention of the Commonwealth's public policy. 5 L.P.R.A. § 1652 (Acts of cruelty generally).

10.6 The foregoing conduct caused Plaintiffs' to suffer severe mental, psychological moral and emotional pain, anguish and distress; and, to sustain a loss of happiness and the capacity to enjoy life, a diminishment of the capacity to love, and an impairment of the capacity to perform the activities common to a activities normal for their ages.

10.7 The defendants are liable to Plaintiffs' under this cause of action for compensation of their damages.

**XI. SEVENTH CAUSE OF ACTION**

11.1 The foregoing allegations are repeated and alleged herein.

11.2 This Cause of Action arises under provisions of the Commonwealth's Constitution's Bill of Rights.

11.3 Defendants individually and through its agents and employees, subjected Plaintiffs to harassment, persecution, intimidation breach of the peace and other extreme and outrageous conduct with the intent to cause, or reckless disregard of the probability of causing, Plaintiff to suffer emotional distress and infringing on their of right human dignity and equality. Article II Section One, Puerto Rico Constitution (Human dignity and equality; discrimination prohibited).

11.4 The foregoing conduct caused Plaintiffs' to suffer severe mental, psychological moral and emotional pain, anguish and distress; and, to sustain a loss of happiness and the capacity to enjoy life, a diminishment of the capacity to love, and an impairment of the capacity to perform the activities common to a activities normal for their ages.

11.5 Defendants are all liable to Plaintiffs as a result of this cause of action.

11.6 As consequence of the aforementioned illegal activity and practices and the resultant mental damages suffered by Plaintiffs, they have been and will continue to be in the future.

**XII. EIGHT CAUSE OF ACTION**

12.1 The foregoing allegations are repeated and alleged herein.

12.2 This Cause of Action arises under provisions of the Commonwealth's Constitution's

Bill of Rights.

12.3 Defendants individually and through its agents and employees, subjected Plaintiffs to harassment, persecution, intimidation breach of the peace and other extreme and outrageous conduct with the intent to cause, or reckless disregard of the probability of causing, Plaintiffs to suffer emotional distress and infringing on their right to liberty and enjoyment of property due process and for the petition for redress of grievances. Article II Section Four, Puerto Rico Constitution (Freedom of speech and press; peaceful assembly; petition for redress of grievances).

12.4 The foregoing conduct caused Plaintiffs' to suffer severe mental, psychological moral and emotional pain, anguish and distress; and, to sustain a loss of happiness and the capacity to enjoy life, a diminishment of the capacity to love, and an impairment of the capacity to perform the activities common to a activities normal for their ages.

12.5 Defendants are all liable to Plaintiffs as a result of this cause of action.

### **XIII. NINTH CAUSE OF ACTION**

13.1 The foregoing allegations are repeated and alleged herein.

13.2 This Cause of Action arises under provisions of the Commonwealth's Constitution's Bill of Rights.

13.3 Defendants individually and through its agents and employees, subjected Plaintiffs to harassment, persecution, intimidation breach of the peace and other extreme and outrageous conduct with the intent to cause, or reckless disregard of the probability of causing, Plaintiff to suffer emotional distress resulting from their deprivation of Plaintiffs' property without due process violation of Plaintiffs' equal protection of laws and exemption of property from attachment. Article

II Section Seven, Puerto Rico Constitution (Right to life, liberty, and enjoyment of property; no death penalty; due process; equal protection of laws; impairment of contracts; exemption of property from attachment).

13.4 Defendants are all liable to Plaintiffs as a result of this cause of action.

#### **XIV. TENTH CAUSE OF ACTION**

14.1 The foregoing allegations are repeated and alleged herein.

14.2 This Cause of Action arises under provisions of the Commonwealth's Constitution's Bill of Rights.

14.3 Defendants, individually and through its agents and employees, subjected the Plaintiffs to harassment, persecution, intimidation breach of the peace and other extreme and outrageous conduct with the intent to cause, or reckless disregard of the probability of causing, Plaintiffs to suffer emotional distress resulting from Defendants' invasion of Plaintiffs' privacy. Article II Section Eight, Puerto Rico Constitution (Protection against attacks on honor, reputation, and private life).

14.4 Defendants are all liable to Plaintiffs as a result of this cause of action.

#### **XV. ELEVENTH CAUSE OF ACTION**

15.1 The foregoing allegations are repeated and alleged herein.

15.2 This Cause of Action arises under provisions of the Commonwealth's Constitution's Bill of Rights.

15.3 Defendants individually and through its agents and employees, subjected Plaintiffs to harassment, persecution, intimidation breach of the peace, searches and seizures and other extreme

and outrageous conduct with the intent to cause, or reckless disregard of the probability of causing, Plaintiffs to suffer emotional distress resulting from Defendants' actions. Article II Section Ten, Puerto Rico Constitution (Searches and seizures; wire-tapping; warrants).

15.4 Defendants are all liable to Plaintiffs as a result of this cause of action.

#### **XVI PRAYER FOR RELIEF**

**WHEREFORE**, it is respectfully requested that Judgment be entered by this Honorable Court in favor of the Plaintiff and against Defendants:

- a. granting the Plaintiff all the sums and remedies requested in the complaint, specifically an amount not less than FIVE HUNDRED THOUSAND DOLLARS for each Plaintiff.
- b. the issuance of a declaratory judgment finding the Defendants conduct illegal;
- c. the issuance of a permanent injunction barring the Defendants abject violations of the Plaintiffs' civil rights and protection of animals;
- d. imposing upon the Defendants the payment of all costs and expenses to be incurred in this lawsuit;
- e. imposing upon the Defendants the payment of Attorneys Fees under 42 USC § 1988 and any other applicable statute.
- f. awarding the Plaintiff pre-judgment and post-judgment interests
- g. granting the Plaintiffs punitive damages and/or any other relief that she may be entitled to as a matter of law.

Respectfully Submitted on this 19<sup>th</sup> of October of 2007.

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