

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YOMARE POLANCO  
28 Goldfields Avenue  
Langhorne, PA 19047

Plaintiff

**V.**

DOMINICAN REPUBLIC  
1501 Broadway, Suite 410  
New York, NY 10036

And

CENTRAL ELECTORAL BOARD  
OF THE DOMINICAN REPUBLIC  
1501 Broadway, Suite 410  
New York, NY 10036

And

DOMINICAN LIBERATION PARTY  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

PARTIDO DE LA LIBERACION  
DOMINICANA PLD GROUP INC.  
12209 SW 14 LN, 1203  
Miami, FL, 33184

And

CONSULATE OF THE DOMINICAN  
REPUBLIC  
1501 Broadway, Suite 410  
New York, NY 10036

**CIVIL ACTION NO: 22-CV-02598-ER**

**JURY DEMAND**

And

GILBERTO CRUZ HERASME  
Former Overseer of Dominican  
Elections Abroad  
1501 Broadway, Suite 410  
New York, NY 10036

And

JULIO CESAR CASTAÑOS GUZMAN  
Former president of the Dominican  
Central Electoral Board  
1501 Broadway, Suite 410  
New York, NY 10036

And

YOHANNA LEONIDAS TINEO ESTEVEZ  
Former Coordinator of Overseas Dominican  
Elections in New Jersey  
1501 Broadway, Suite 410  
New York, NY 10036

And

FERNANDO NUÑEZ  
Former Coordinator of Overseas Dominican  
Elections in New Jersey  
1501 Broadway, Suite 410  
New York, NY 10036

And

SARA LINA MACHADO  
Former Coordinator of Overseas Dominican  
Elections in New Jersey  
1501 Broadway, Suite 410  
New York, NY 10036

And

GISELA ALMONTE §  
Former Coordinator of Overseas Dominican §  
Elections in Pennsylvania §  
1501 Broadway, Suite 410 §  
New York, NY 10036 §

And §

SUBLIME LARANCUENT §  
Former Coordinator of Overseas Dominican §  
Elections in the District of Columbia §  
1501 Broadway, Suite 410 §  
New York, NY 10036 §

And §

TEMISTOCLES MONTAS §  
Former President of the Dominican §  
Liberation Party §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And §

ALEXIS LANTIGUA §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And §

FRANK CORTORREAL §  
President for the Dominican Liberation §  
Party of New York §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And §

FRANCISCO FERNANDEZ §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And

FELIX ANTONIO MARTINEZ  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

JUAN AQUINO  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

JOSE MOTA  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

WILSON DIAZ  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

CARLOS CASTILLO  
Former Consul to the Dominican  
Republic in the United States  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

GONZALO CASTILLO  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

LUIS LITHGOW  
Representative for the Dominican  
Liberation Party  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

MARCOS MONTILLA  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

ANTONIO AYALA  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

ANA GRATEREAUX  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

FRANCISCO CRUZ  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

MANUEL EMILIO GALVAN  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

LOURDES FERNANDEZ  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

JESUS CASANOVA  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

PABLO LOPEZ  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

MIRIAM MARMOLEJO  
Representative for the Dominican  
Liberation Party in the U.S.  
12209 SW 14 L.N., 1203  
Miami, FL, 33184

And

RAFAEL PEÑA §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And §

EMILIANO PEREZ §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And §

EDUARDO SELMAN §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
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And §

JOSEFINA SUERO §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

And §

PEDRO GONZALES §  
Representative for the Dominican §  
Liberation Party in the U.S. §  
12209 SW 14 L.N., 1203 §  
Miami, FL, 33184 §

### **FIRST AMENDED COMPLAINT**

Plaintiff, Dr. Yomare Polanco by and through his attorneys' files this First Amended Complaint and avers as follows.

## **I. INTRODUCTION**

The Defendants, including the Dominican Republic itself, constitute a criminal enterprise whose purpose and *raison d'être* is bribery. Plaintiff Doctor Yomare Polanco was one of its victims having contributed millions of dollars between 2010 and 2020, millions for his political campaigns only to have a majority of those monies purloined, diverted, and used by the Enterprise to bribe election officials in assisting opposition candidates. In short, Doctor Polanco's legitimate political campaign directed at Dominican citizens resident in the United States, who had the right to vote for Dominican legislative candidates, was obstructed and thwarted by the Enterprise. In fact, the Enterprise exists for the sole purpose of bribing election officials. Doctor Polanco was just one of its many victims. The consequence of the bribery included, but was not limited to, using Doctor Polanco's campaign funds for the opposition, refusal to count ballots because the majority who are in Doctor Polanco's favor, and burning ballots so there could be no 'recount.' By fraudulently soliciting political contributions of money from Doctor Polanco through the mail, faxes, and email and then accepting them through Doctor Polanco's wire transfers, the Enterprise, through the mail and wire fraud, engaged in numerous predicate acts of racketeering. As if this were not enough, Doctor Polanco was a victim of the same Enterprise many years before when he contributed money to advance his preferred political candidates, only to learn much later that a majority of those monies had been used to bribe officials and others in an attempt to prevent those candidates from being elected. Disturbingly, all this happened on United States soil and is due to happen again in the Dominican Republic's next election.

## **II. JURISDICTION & VENUE**

### **A. Jurisdiction over the Dominican Republic**



1. In respect of the Dominican Republic itself and entities related to it, this Court has subject matter jurisdiction and personal jurisdiction pursuant to 28 U.S.C. § 1330 and the Foreign Sovereign Immunities Act (the "FSIA"), 28 U.S.C. §§ 1602, et seq., because of the multiple tortious injuries occurring within the territory of the United States as alleged in this First Amended Complaint.

2. Specifically, this Court has subject matter jurisdiction over the Dominican Republic under 28 U.S.C. §§1603(a), 1605(a)(5), and §1606 as Defendant is a foreign state, which is not immune from any suit seeking money damages for "personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment"; and where the claim is not based on the lawful exercise of a "discretionary function," and does not arise out of "malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights."

3. As alleged in this Complaint, Defendant Dominican Republic through its official Gilberto Cruz Herasme and its other employees, agents, and assigns, caused injury, in the United States, to Doctor Polanco's property. Doctor Polanco is a U.S. citizen and resident of the United States.

4. The amount of controversy exclusive of interest and costs exceeds the sum of Four million dollars. (\$4,000,000.00).

**B. Jurisdiction over the other Defendants**

5. As far as the other Defendants are concerned, this Court may properly maintain personal jurisdiction over Defendants because Defendants' contacts with this state and this judicial district are sufficient for the exercise of such jurisdiction to comply with traditional notions of fair

play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945) and its progeny.

6. The United States District Court for the Eastern District of Pennsylvania may exercise original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 18 U.S.C. §1962 (c) because it arises under the laws of the United States and seeks redress for racketeering (RICO).

7. The Court may also maintain supplemental jurisdiction over the state law claims set forth herein pursuant to 28 U.S.C. § 1367(a) and Rule 18(a) of the Federal Rules of Civil Procedure because they are sufficiently related to the claim(s) within the Court's original jurisdiction that they form part of the same case or controversy.

8. The United States District Court for the Eastern District of Pennsylvania may also exercise diversity jurisdiction over the instant action pursuant to 28 U.S.C. §1332 because the parties are completely diverse and the matter in controversy exceeds \$75,000.00.

9. Venue is properly laid in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2) because Defendants conducted business in this judicial district where a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred.

### **III. PARTIES**

10. Plaintiff alleges and incorporates the allegations in the above paragraphs as fully as though the same were set forth herein at length.

11. Plaintiff Doctor Yomare Polanco (hereinafter referred to as "Plaintiff" or "Doctor Polanco") is a Dominican-born citizen of the United States who, at all times relevant to this

Complaint, resides in Langhorne, PA 19047, and owns homes and substantial business interests within the state of Pennsylvania.

12. Defendant Dominican Republic is a sovereign state in the Caribbean with a consulate located at 1501 Broadway, Suite 410, New York, NY 10036, from which it conducted the affairs set forth herein.

13. Defendant Central Electoral Board of the Dominican Republic (hereinafter referred to as "J.C.E." after its Spanish name) is a quasi-independent institution under the Dominican state.

14. Defendant Dominican Liberation Party (hereinafter referred to as 'PLD after its Spanish name) is a Dominican entity that conducts regular business in the United States via its agents, the Florida Entity Defendant Partido de La Liberacion Dominicana PLD Group, Inc.

15. Defendant Partido de La Liberacion Dominicana PLD Group, Inc. is allegedly a nonprofit organization based out of Miami, Florida.

16. Defendant Gilberto Cruz Herasme (Hereinafter referred to as 'Herasme') is a Dominican Citizen and former Overseer of Dominican Elections in the United States.

17. Defendant Julio Cesar Castaños Guzman (Hereinafter referred to as 'Guzman') is a Dominican Citizen and former president of the Dominican Central Electoral Board.

18. Defendant Yohanna Leonidas Tineo Estevez (Hereinafter referred to as 'Estevez') is a Dominican Citizen and former coordinator of overseas Dominican Elections in New Jersey.

19. Defendant Fernando Nuñez (Hereinafter referred to as 'Nuñez') is a Dominican Citizen and former coordinator of overseas Dominican Elections in New Jersey.

20. Defendant Sara Lina Machado (Hereinafter referred to as 'Machado') is a Dominican Citizen and former coordinator of overseas Dominican Elections in New Jersey.

21. Defendant Gisela Almonte (Hereinafter referred to as 'Almonte') is a Dominican Citizen and former coordinator of overseas Dominican Elections in Pennsylvania.

22. Defendant Sublime Larancuent (Hereinafter referred to as 'Larancuent') is a Dominican Citizen and former coordinator of overseas Dominican Elections in the District of Columbia.

23. Defendant Temistocles Montas (Hereinafter referred to as 'Montas') is a Dominican Citizen and former president of the Dominican Liberation Party.

24. Defendant Alexis Lantigua (Hereinafter referred to as 'Lantigua') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

25. Defendant Francisco Fernandez (Hereinafter referred to as 'Fernandez') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

26. Defendant Felix Antonio Martinez (Hereinafter referred to as 'Martinez') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

27. Defendant Juan Aquino (Hereinafter referred to as 'Aquino') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

28. Defendant Jose Mota (Hereinafter referred to as 'Mota') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

29. Defendant Wilson Diaz (Hereinafter referred to as 'Diaz') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

30. Defendant Carlos Castillo is a Dominican Citizen and former consul to the Dominican Republic in the United States.

31. Defendant Gonzalo Castillo is a Dominican Citizen and representative of the Dominican Liberation Party.

32. Defendant Luis Lithgow (Hereinafter referred to as 'Lithgow') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

33. Defendant Marcos Montilla (Hereinafter referred to as 'Montilla') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

34. Defendant Felix Martinez (Hereinafter referred to as 'Martinez') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

35. Defendant Antonio Ayala (Hereinafter referred to as 'Ayala') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

36. Defendant Ana Grateraux (Hereinafter referred to as 'Grateraux') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

37. Defendant Lourdes Fernandez (Hereinafter referred to as 'Fernandez') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

38. Defendant Jesus Casanova (Hereinafter referred to as 'Casanova') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

39. Defendant Pablo Lopez (Hereinafter referred to as 'Lopez') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

40. Defendant Miriam Marmolejo (Hereinafter referred to as 'Marmolejo') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

41. Defendant Rafael Peña (Hereinafter referred to as 'Peña') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

42. Defendant Emiliano Perez (Hereinafter referred to as 'Perez') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

43. Defendant Eduardo Selman (Hereinafter referred to as 'Selman') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

44. Defendant Josefina Suero (Hereinafter referred to as 'Suero') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

45. Defendant Pedro Gonzales (Hereinafter referred to as 'Gonzales') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

46. Defendant Wilson Diaz (Hereinafter referred to as 'Diaz') is a Dominican Citizen and representative of the Dominican Liberation Party in the United States.

#### **IV. BACKGROUND**

47. Plaintiff alleges and incorporates the allegations in the above paragraphs as fully as though the same were set forth herein at length.

48. Following a constitutional amendment in 2010, the Dominican Republic has held elections and assigned congressional seats meant to represent the substantial population of Dominican citizens who nevertheless reside outside the territorial boundaries of the Dominican Republic.

49. While many countries (including the United States) hold their overseas elections solely within consular spaces to avoid foreign states from executing their authority over or otherwise influencing electoral will, the Dominican Republic has opted to hold its overseas elections at the mercy of its host nation.

50. Over the years, the Dominican Republic has held overseas ballot sites and voting booths in schools, restaurants, and convention centers, all within the absolute and undisputed territorial authority of the United States of America.



51. Votes are cast, stored, and counted within these extraterritorial electoral precincts, as Dominicans all across the United States vote geographically assigned representatives to serve as "deputies" within the Dominican Congress.

52. The present action stems from the election of 2020 for the first overseas district of the Chamber of Deputies of the Dominican Republic.

53. The first overseas district represents the northeastern states of the United States where Plaintiff resides.

54. In 2010, when the Dominican constitution was amended, Defendants Cortorreal, Aquino, Montas, and others, representing the PLD approached the Plaintiff with promises of power and influence if he supported their operations in the United States. Defendants made several false promises, including the idea that he would eventually become an elected official.

55. The PLD and its agents promised that if Doctor Polanco provided significant financial contributions to the PLD to fund its political campaigns, he would be given a seat in the Chamber of Deputies (the Democratic Republic's legislature).

56. He was further promised a direct line of communication to the executive branch of government and the possibility of recouping his financial contribution to the PLD through business opportunities that, otherwise, would not be available to him.

57. Between 2010 and 2020, Plaintiff was led to believe that he was the sole source of funding for many PLD operations in the United States, including but not limited to televised events, cross-country tours, and voting drives. In fact, Plaintiff funded an entire infrastructure designed to push the PLD's interests in the United States.

58. Between the years 2010 and 2020, Defendants Montas, both Castillo Defendants, Lantigua, Cortorreal, Fernandez, Aquino, Castillo, Lithgow, Montilla, Martinez, Ayala, Mota,

Grateraux, Cruz, Galvan, Fernandez, Casanova, Lopez, Marmolejo Pena, Espinoza, Selman, Suero, and Gonzales solicited and received funds from Plaintiff as part of the common scheme to bribe election officials and others in order to defraud the Plaintiff from the benefit of votes in his favor.

59. All the PLD Defendants knew that Plaintiff's financial contributions to the PLD were to be used for his political campaign and those of others he supported.

60. Instead of utilizing Doctor Polanco's money as promised, the Defendants bribed election officials to sabotage Plaintiff's political prospects.

61. In bribing election officials and others, the Defendants not only sabotaged and defrauded the Plaintiff, but *ipso facto* assisted his competitors.

62. Since 2010, Doctor Polanco has contributed between 3.5 and \$4 million to the PLD, \$300,000 of which were in direct checks from him to various PLD agents, employees, and assigns who are defendants in this case.

63. Plaintiff continued to be the primary source of funding for the PLD pursuant to the Defendants' representations that his donations would be used to assist him in his political campaigns.

64. As Plaintiff recently discovered, a large portion of his financial contributions to PLD was embezzled and was used in 2012, 2016, and 2020 Dominican Republic elections on American soil to bribe election officials and others.

65. In 2017 and pursuant to the representations of some of the PLD Defendants, as described hereinabove, Plaintiff set out to run as a Deputy for the First Overseas District (the United States).



66. As they always had, the PLD Defendants represented that they would give Plaintiff their full backing and use Plaintiffs' campaign funds for, *inter alia* advertising, campaign expenses and to hire honest vote watchers and monitors who would ensure that none of the electoral precincts engaged in fraud.

67. Overall, pursuant to Defendants' promises and representations, Plaintiff spent a considerable amount of his own money (~USD\$3,500,000.00) to run various campaigns in 2012, 2016 and his own in 2020.

68. Plaintiff is a renowned figure within the Dominican community and, in his long career, made several political enemies, including Defendant Gilberto Cruz Herasme, a Dominican Government employee appointed to oversee the Dominican Elections within the United States.

69. Plaintiff did not know that his political opponents had set up an enterprise to bribe election officials and those designated to count, and if necessary, recount, ballots.

70. The Enterprise also included using Plaintiff's money to bribe the party officials in various districts, instructing them to persuade voters, by false pretenses, to vote against Plaintiff and, before he stood for office, the candidates he had endorsed.

71. However, in 2020, the Enterprise's bribery failed, and the ballots revealed that Plaintiff, and many of his endorsed candidates, had won a majority.

72. The PLD and PLD affiliated Defendants approached Defendant Herasme and other opposing parties to arrange for Plaintiff's election loss via alternative means.

73. Herasme, in concert with PLD, bribed Defendants Estevez, Nuñez, Machado, Almonte, Laracuent, and others to steal the ballots cast for Plaintiff in the various precincts where Plaintiff had received the most votes and systematically torched them before any ballot could be officially recounted.

74. Once the bribery and its effects had become apparent, Defendant PLD and PLD officers, many of whom are Defendants in this case, refused to support Plaintiff in the Dominican electoral courts, forcing him to hire his attorneys to challenge the election results.

75. Notably, Defendants Dominican Republic, J.C.A., and PLD have publicly admitted the foregoing facts regarding the bribery and all events leading up to and including the torching of the ballots.

76. In an attempt to distance itself from the Enterprise and demonstrate its innocence, Defendant J.C.E. dismissed Herasme from his position, fingering him and his associates as the culprits and referring the matter to Dominican Authorities for a criminal investigation, which is still ongoing.

77. After Plaintiff learned that the ballots had been torched, he discovered by lengthy investigation the facts on which this action is based.

78. In doing so, Plaintiff learned that Defendant PLD, its employees, agents, and assigns were primarily involved in the bribing Enterprise.

**FIRST CAUSE OF ACTION**  
**FRAUDULENT MISREPRESENTATION**

***Plaintiff v. Dominican Republic, JCE, PLD, Montas, Lantigua, Cortorreal, Fernandez,  
Martinez, Aquino, Mota, Diaz***

79. Plaintiff alleges and incorporates the allegations in the above paragraphs as fully as though the same were set forth herein at length.

80. Defendants Dominican Republic and J.C.E. promised free and fair elections in 2020.

81. Defendant PLD and PLD affiliated Defendants also promised that Defendant would receive the party's full support and that they would "fight" for him until the end.

82. These claims were false and known to be false.

83. In reliance on these representations, Plaintiff spent millions of dollars in anticipation of a free and fair election under the support of what was, at the time, the most popular and influential party in the Dominican Republic.

84. Plaintiff spent over \$2 million between 2018 and 2020 based on Defendants' promises.

85. The Defendants made the promises to persuade Doctor Polanco to finance the PLD and his campaign.

86. The Defendants, the Dominican Republic, and Defendant J.C.E. tasked Defendant Herasme and his agents, employees, and assigns for the purposes of bribing election officials and anyone else in order to defraud Plaintiff out of a full and fair election that he would have won.

87. In fact, Defendant Dominican Republic, and Defendant J.C.E. knew that Plaintiff had spent millions of dollars in pursuit of an electoral position because, through their fraudulent misrepresentations, they had encouraged him to spend it.

88. The money the Plaintiff from 2010 through 2020 contributed was not used for his political as promised but instead, was largely embezzled and diverted so it could be used for bribery.

WHEREFORE, Plaintiff requests the relief set forth in the ad damnum clause to the end of this Complaint.

**SECOND CAUSE OF ACTION**  
**FRAUDULENT CONCEALMENT**  
***Plaintiff v. All Defendants***

89. Plaintiff alleges and incorporates by reference the allegations contained in all of the above paragraphs, as fully as though the same were set forth herein at length.

90. When Plaintiff requested an accounting of how his contributions had been used, Defendants deliberately concealed their actual use.

91. Defendants assured Plaintiff that his contributions were being used for his benefit when they were financing a racketeering enterprise primarily engaged in bribery.

92. Plaintiff has suffered a significant economic loss because of the Defendants' fraudulent concealment.

WHEREFORE, Plaintiff requests the relief set forth in the ad damnum clause to the end of this Complaint.

**THIRD CAUSE OF ACTION**  
**FRAUDULENT INDUCEMENT**  
***Plaintiff v. All Defendants***

93. Plaintiff alleges and incorporates the allegations in the above paragraphs as fully as though the same were set forth herein at length.

94. As described more fully hereinabove, the Defendants made a false misrepresentation to induce Plaintiff to provide funds, concealing the information that those funds would be used, in large part, to finance a racketeering enterprise.

95. Plaintiff and defendants were in a fiduciary capacity because the Defendants had custody and control of Plaintiff's money and therefore had a duty to spend it as promised and fully account for it.

96. Defendants continued to make false representations in order to conceal or prevent Plaintiff from discovering that his money was being used for criminal purposes.

97. Defendants created a false impression to avoid suspicion and thereby deceive Plaintiff from further inquiry.

98. Plaintiff has suffered a significant economic loss because of the Defendants' fraudulent inducement.

WHEREFORE, Plaintiff requests the relief set forth in the ad damnum clause to the end of this Complaint.

**FOURTH CAUSE OF ACTION**  
**FEDERAL RICO 18 U.S.C. § 1964(c)**  
***Plaintiff v. All Defendants***

99. Plaintiff alleges and incorporates the allegations in the above paragraphs as fully as though the same were set forth herein at length.

100. The Co-Conspirator Defendants are each a liable 'person' within the meaning of §1961 (3) and 1962 (c )of RICO.

101. Plaintiff alleges that the Co-Conspirator Defendants' conduct, and the conduct of each Defendant named herein, constituted racketeering activity within the meaning of 18 U.S.C. §1961(5).

102. Each Co-Conspirator Defendant directly or indirectly participated in the conduct of an "enterprise" as that term is defined in 18 U.S.C. §1961(4).

103. As detailed below, Plaintiff alleges three different causes of action for federal RICO violations. In summary, Section 1962(c) provides relief against parties who engage in a pattern of racketeering activity, Section 1962(a) provides relief against parties who use income generated through a pattern of racketeering activity, and Section 1962(d) provides relief against those who conspire to violate the racketeering laws. Co-Conspirator Defendants are liable under each of these three sections of the statute.

104. 18 U.S.C. § 1964(c) allows "any person injured in his business or property by reason of a violation of section 1962 of this chapter" to "sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee ...."

**Count 1: Violation of 18 U.S.C. § 1962(c)**

105. Plaintiff alleges and incorporates by reference the allegations contained in all of the above paragraphs, as fully as though the same were set forth herein at length.

106. 18 U.S.C. § 1962(c) makes it "unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to

conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity . . ." 18 U.S.C. § 1962(c).

107. Each Defendant, at all relevant times, is and has been a "person" within the meaning of 18 U.S.C. § 1961(3) because each Defendant is capable of holding, and does hold, "a legal or beneficial interest in property."

108. Defendants' activities include at least two acts of racketeering activity since at least 2010. Accordingly, The Co-Conspirator Defendants' conduct constitutes a "pattern" of racketeering activity. 18 U.S.C. § 1961(5).

109. Plaintiff alleges that the acts of racketeering activity by the Co-Conspirator Defendants are myriad because the purpose of the "enterprise" is to facilitate bribery.

110. One such act took place in September 2019 when the PLD acting as agents, employees, and assigns of the Co-Conspirator Defendants approached Plaintiff for donations under the pretense that the money he donated would be used to aid in his campaign when in fact, it was used to bribe election officials, monitors, and ballot collectors.

111. A second such act took place on July 9, 2020, when the PLD acting as agents, employees, and assigns of the Co-Conspirator Defendants and, in furtherance of the bribery activities by the "enterprise," misappropriated the donations provided by Plaintiff and used them to bribe officials to rig the election against him.

112. There are hundreds of such predicate acts by the "enterprise" whose sole existence was to bribe anyone to facilitate its political goals.

113. The Co-Conspirator Defendants acting through the PLD consist of a group of "persons" associated together for the common purpose of bribing election officials and anyone else who has the opportunity to participate in rigging an election.



114. The Co-Conspirator Defendants acting through the PLD is a *de facto* organization that, in its bribery, functions as a continuing unit.

115. The Co-Conspirator Defendants agreed to and did conduct a pattern of racketeering activity through the agency of the PLD.

116. The Co-Conspirator Defendants conducted their affairs through a pattern of racketeering activity facilitated by wire fraud as defined by 18 U.S.C. § 1343.

117. The Co-Conspirator Defendants made telephone calls, authored emails, sent faxes, and received payments from the Plaintiff transferred over the wires from his bank to their banks.

118. The Co-Conspirator Defendants facilitated their racketeering activity by mail as defined by 18 U.S.C. § 1341. Ballots, election material, voter registration cards, and solicitation for funds were sent to the recipients by the United States Postal Service.

119. The wire transmissions and mailing through the U.S. Postal Service, as described herein were made in furtherance of the Co-Conspirator Defendants' racketeering conduct.

120. The activities of the "enterprise" affected interstate commerce by transferring money across state orders.

121. As a direct and proximate consequence of the Co-Conspirator Defendants' racketeering conduct and each Co-Conspirator Defendant as alleged herein, Plaintiff has been injured in his business and property, causing him to suffer monetary damages in an amount of approximately \$4 million (\$4,000,000).

122. The Co-Conspirator Defendants' violations of 18 U.S.C. § 1962(c) make them legally liable to Plaintiff for three times the damages Plaintiff has sustained, plus the cost of this suit, including reasonable attorneys' fees as set forth in the *ad damnum* clause at the end of this First Amended Complaint.



**Count 2: Violation of 18 U.S.C. § 1962(a)**

123. Plaintiff alleges and incorporates by reference the allegations contained in all of the above paragraphs, as fully as though the same were set forth herein at length.

124. 18 U.S.C. § 1962(a) makes it "unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity . . . to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce." 18 U.S.C. § 1962(a).

125. As alleged above, each Co-Conspirator Defendant, is and has been a "person" within the meaning of 18 U.S.C. § 1961(3).

126. As alleged in the preceding section, the Co-Conspirator Defendants' conduct constitutes a "pattern" of racketeering activity. 18 U.S.C. § 1961(5).

127. At all times relevant hereto, beginning in or around September 2010 and continuing at least through the year 2021, the Co-Conspirator Defendants received income derived from their pattern of racketeering activity to use or invest a part of that income or the proceeds of the in the establishment and operation of an enterprise that is engaged in, or the activities of which affect, interstate or foreign commerce, in violation of 18 U.S.C. § 1962(a).

128. The Co-Conspirator Defendants agreed to and did use income received directly from a pattern of racketeering activity to control, establish, and operate an ongoing scheme to rig elections, in the United States, of Dominican Republic, legislative candidates.

129. The mail and wire fraud used by Co-Conspirator Defendants has been set forth in the preceding section and is incorporated by reference herein.

130. As a direct and proximate consequence of the Co-Conspirator Defendants' racketeering conduct and of each Co-Conspirator Defendant as alleged herein, Plaintiff has been injured in his business and property, causing him to suffer monetary damages in an amount of approximately \$4 million (\$4,000,000).

131. The Co-Conspirator Defendants' violations of 18 U.S.C. § 1962(c) make them legally liable to Plaintiff for three times the damages Plaintiff has sustained, plus the cost of this suit, including reasonable attorneys' fees as set forth in the *ad damnum* clause at the end of this First Amended Complaint.

**Count 3: Violation of 18 U.S.C. § 1962(d)**

132. Plaintiff alleges and incorporates by reference the allegations contained in all of the above paragraphs, as fully as though the same were set forth herein at length.

133. 18 U.S.C. § 1962(d) makes it "unlawful for any person to conspire to violate any of the provisions of subsection (a), (b) or (c) of this section."

134. As alleged in the preceding sections, each Co-Conspirator Defendant, at all relevant times, is and has been a "person" within the meaning of 18 U.S.C. § 1961(3).

135. At all relevant times, beginning in or around 2010 and continuing at least through the year 2021, the Co-Conspirator Defendants and each Co-Conspirator Defendant agreed to and did conspire to violate 18 U.S.C. §§ 1962 (a) and (c), as alleged above and incorporated herein, in violation of 18 U.S.C. § 1962(d).

136. The object of this conspiracy has been and remains bribery and to receive income derived from that pattern of racketeering activity and to use that income or the proceeds of that income in the establishment and operation of that "enterprise," namely the bribery operation as described hereinabove.

137. The Co-Conspirator Defendants have knowingly, willfully, and intentionally conspired and agreed to conduct and participate in the conduct of the affairs of the Enterprise as described previously through a pattern of racketeering activity (wire fraud).

138. The Co-Conspirator Defendants have knowingly, willfully, and intentionally conspired and agreed to receive income derived from a pattern of racketeering activity (wire fraud) and to use such income or the proceeds of such income in the establishment and operation of the Enterprise described previously.

139. The Co-Conspirator Defendants knew that their actions as alleged above were part of a pattern of racketeering activity and agreed to the commission of those acts to further the conspiratorial scheme described above.

140. The Co-Conspirator Defendants' conduct constitutes a conspiracy to violate 18 U.S.C. §§ 1962(c) and (a), in violation of 18 U.S.C. § 1962(d).

141. As a direct and proximate consequence of the Co-Conspirator Defendants' conspiracy, the overt acts taken in furtherance of that conspiracy, and violations of 18 U.S.C. § 1962(d), Plaintiff has been injured in his business and property, causing him to suffer monetary damages in an amount of approximately \$4 million (\$4,000,000).

142. The Co-Conspirator Defendants' violations of 18 U.S.C. § 1962(c) make them legally liable to Plaintiff for three times the damages Plaintiff has sustained, plus the cost of this suit, including reasonable attorneys' fees as set forth in the *ad damnum* clause at the end of this First Amended Complaint.

**FIFTH CAUSE OF ACTION**  
**Request for Preliminary Injunctive Relief**  
***Plaintiff v. All Defendants***

143. Plaintiff alleges and incorporates by reference the allegations contained in all of the above paragraphs, as fully as though the same were set forth herein at length.

144. As alleged above, Plaintiff suffered and continues to suffer severe and irreparable damage due to Defendants' violations.

145. By continuing to campaign and hold elections for the year 2024, Defendants are further compounding the damage suffered by Plaintiff.

146. As such, Plaintiff respectfully requests, in light of the racketeering activity described herein that this Honorable Court enjoins Defendants from holding elections or campaigning for Dominican Republic elections within U.S. jurisdiction.

147. For a party to succeed on a petition for a preliminary injunction, the moving party must show (1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.

148. Plaintiff contends he is likely to succeed on the merits. As outlined above, little factual dispute exists in the case at bar; there is no dispute that the PLD acting through Defendant Cruz Herasme and other agents, employees, and assigns, bribed election officials and many others, in order to rig the Dominican Republic 2020 congressional election.

149. It is also clear that the Enterprise, whose sole purpose is bribery, will continue to function illegally in the United States unless stopped.

150. The relief sought would not unjustly harm the interests of any Defendants, all of whom should have a bona fide interest in holding a fair and legal election.

151. Conversely, they should not be permitted to use the territory of the United States to commit the crimes of bribery, and there is a benefit to the American public in stopping the bribery by stopping the Dominican Republic elections, which gave rise to it.

152. The public is deeply interested in curbing and preventing bribery and fraud on United States soil.

153. As such, Plaintiff is entitled to a preliminary injunction to preserve and protect his interest against the consequences of Defendants' actions.

**AD DAMNUM CLAUSE / PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court enter an order providing that:

A. Defendant Dominican Republic is to be permanently enjoined from ever holding funding or advertising an election within U.S. jurisdiction;

B. Defendants are to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay, and benefits Plaintiff would have received had it not been for Defendant's illegal actions;

C. A judgment finding one or more violations of 18 U.S.C. § 1962(d) by conspiracy to violate 18 U.S.C. § 1962(a) and 18 U.S.C. § 1962(c) is to be entered, with the sum awarded being duly trebled in accordance with 18 U.S.C. § 1964(c) and with legal fees awarded.;

D. Plaintiff is to be awarded actual damages, as well as damages for the pain, suffering, and humiliation caused to him by Defendants' actions;

E. Plaintiff is to be awarded punitive damages as permitted by applicable law in an amount believed by the trier of fact to be appropriate to punish Defendants and other employees from engaging in such misconduct in the future;

F. Plaintiff is to be accorded any, and all other equitable and legal relief the Court deems just, proper, and appropriate;

G. Plaintiff is to be awarded the costs and expenses of this action and reasonable attorneys' fees as provided by applicable federal and state law;

H. The Court will maintain jurisdiction over the instant action to ensure Defendants' compliance with its Orders therein;

I. Plaintiff's claims are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

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And

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Date: September 28, 2022,

