

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

LUIS RIGAU,

Plaintiff,

v.

**MARÍA T. QUINTANA, in her official
capacity as Chair of the Puerto Rico
Industrial Commission; PUERTO RICO
INDUSTRIAL COMMISSION;
FEDERACIÓN CENTRAL DE
TRABAJADORES, UFCW LOCAL 481,**

Defendants.

Civil No. 25-1630 (PAD-HRV)

**RE: Constitutional Violation Action (42
U.S.C. § 1983), Declaratory Judgment,
Injunctive Relief, Compensatory, and
Nominal Damages**

**MOTION TO SUPPLEMENT THE PUERTO RICO INDUSTRIAL COMMISSION
AND ITS CHAIR'S MOTION TO DISMISS AT DOCKET NO. 53**

TO THE HONORABLE COURT:

COME NOW codefendants María T. Quintana, in her official capacity as Chair of the Puerto Rico Industrial Commission, and the Puerto Rico Industrial Commission, through the undersigned attorneys, and without waiving any right or defense and without submitting to the Court's jurisdiction, very respectfully state, allege and pray as follows:

I. INTRODUCTION

On March 16, 2026, the Puerto Rico Industrial Commission and its Chair ("Defendants") filed a Motion to Dismiss for Failure to State a Claim Pursuant to Federal Civil Procedure Rule 12(B)(6). (Dkt. No. 53). On March 30, 2026, Plaintiff filed his Opposition to the Motion to Dismiss (Dkt. No. 61) and Defendants filed their Reply to his

Opposition on April 14, 2026 (Dkt. No. 70). Finally, Plaintiff filed his Surreply on April 27, 2026 (Dkt. No. 77).

After the filings made by the parties, an additional ground to dismiss the case against the Defendants has recently arisen. This is because the Puerto Rico Industrial Commission has stopped deducting union dues from Plaintiff's wages, starting on the payment cycle covering April 16 to 30, 2026. This is a result of the Settlement Agreement Concerning the Motion for Preliminary Injunction executed by all the parties in this case. (See Dkt. No. 66 at 2 for its terms and conditions).

On April 15, 2026, the Federación Central de Trabajadores (Union) sent an email to the PRIC Chair, copying Plaintiff's legal representative, with a letter informing her that the Plaintiff is no longer a member of the Union and requesting the PRIC to stop union dues deductions from his wages. On that same day, the PRIC confirmed receipt of the communication to the Union, copying the Plaintiff's legal representative, and advised that Plaintiff's union dues deductions will stop starting on the second half of April. Effectively, the PRIC is no longer deducting union dues from Plaintiff's wages.¹ In view of this, the instant case has become moot against the Puerto Rico Industrial Commission and its Chair because the Court can no longer provide the Plaintiff any meaningful relief concerning these Defendants. Even though Defendants still argue that dismissal is warranted based on the grounds raised in the Motion to Dismiss at Docket No. 53

¹ See, **Exhibit 1** of this motion, *Certification* issued by the Puerto Rico Industrial Commission on April 30, 2026.

pursuant to Fed. R. Civ. P. 12(b)(6), dismissal is proper under Fed. R. Civ. P. 12(b)(1) as well.

I. STANDARD OF REVIEW

A. Fed. R. Civ. P. 12(b)(1)

Pursuant to Fed. R. Civ. Proc. 12(b)(1), a party may raise as a defense that the court lacks subject matter jurisdiction. It is a well-established legal principle that a federal court must inquire *sua sponte* into its own subject matter jurisdiction. *McCulloch v. Vélez*, 364 F.3d 1, 5 (1st Cir. 2004). Federal courts are obligated to resolve questions pertaining to subject-matter jurisdiction before addressing the merits of a case. *Acosta-Ramírez v. Banco Popular de Puerto Rico*, 712 F.3d 14, 18 (1st Cir. 2013); *Lebrón v. Reyes-Rosado*, 2025 WL 89140, at *2. “Subject-matter jurisdiction” means the power to resolve the parties’ dispute. *Toddle Inn Franchising, LLC v. KPJ Associates, LLC*, 8 F.4th 56, 60 n.4 (1st Cir. 2021). The First Circuit has explained that when a court is confronted with motions to dismiss for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted, it ordinarily ought to decide the former before entertaining the latter. *Deniz v. Municipality of Guaynabo*, 285 F.3d 142, 149 (1st Cir. 2002). This is because a dismissal for failure to state a cause of action on which relief could be granted is a question of law which must be decided after and not before the court has assumed jurisdiction over a controversy. *Id.* (citing *Bell v. Hood*, 327 U.S. 678, 682 (1946)).

Rule 12(b)(1) provides a “large umbrella, overspreading a variety of different types of challenges to subject-matter jurisdiction,” **including challenges grounded in considerations of mootness.** *Valentin v. Hospital Bella Vista*, 254 F.3d 358, 362-363 (1st Cir.

2001). Although a party invoking the jurisdiction of a federal court bears the burden of proving the existence of subject-matter jurisdiction, the burden of establishing mootness rests with the party invoking the doctrine. *Am. Civil Liberties Union of Mass. v. U.S. Conference of Catholic Bishops*, 705 F.3d 44, 52 (1st Cir. 2013). If the mootness defense raised is due to the defendant's voluntary conduct, the burden of establishing mootness is heavy. *West Virginia v. EPA*, 597 U.S. 697, 719 (2022). The threshold is met when it is "absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur." *United States v. Concentrated Phosphate Export Ass'n*, 393 U.S. 199, 203 (1968).

II. LEGAL ANALYSIS

A. Mootness deprives the court of subject-matter jurisdiction over this case.

1. Article III "Case or Controversy" Requirement.

Federal courts have jurisdiction only over live "cases" and "controversies." U.S. Const., Art. III, § 2; *Baker v. Carr*, 369 U.S. 186, 198 (1962). When a plaintiff gets all the relief he might have obtained, the case becomes moot and must be dismissed. *Federal Bureau of Investigation v. Fikre*, 601 U.S. 234, 240 (2024). Federal courts, due to their limited authority, cannot issue advisory opinions or freely decide hypothetical disputes. Thus, a case is moot when no effectual relief can be granted. *Campbell-Ewald v. Gomez*, 577 U.S. 153, 161 (2016). *See also Lowe v. Gagné-Holmes*, 126 F.4th 747 (1st Cir. 2025).

Mootness arises when any change in the facts ends the live controversy, as an actual dispute must exist throughout the case. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 68 n.22 (1997). A plaintiff must maintain a personal stake from start to finish; otherwise, the case becomes unjudicial. *Steir v. Girl Scouts of the USA*, 383 F.3d 7 (1st

Cir. 2004); *Sierra-Morales v. Sistema Universitario Ana G. Méndez Incorporado*, 18-cv-01159 (MAJ), 2023 WL 2926243, at *4 (D.P.R. April 13, 2023). A case becomes moot when there is no longer a “Case” or “Controversy” under Article III, and dismissal is mandatory. *United States v. Sanchez-Gomez*, 584 U.S. 381, 385-386 (2018) (quoting *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013)); *Cruz v. Farquharson*, 252 F.3d 530, 533 (1st Cir. 2001). This doctrine prevents advisory opinions. *Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66 (2013). The “live controversy” and “personal stake” requirements ensure federal courts resolve only disputes capable of judicial resolution. *U.S. Parole Commission v. Geraghty*, 445 U.S. 388, 396 (1980). The “live controversy” requirement is met when a plaintiff is currently affected by a statute. *Id.*

2. This case is moot and, consequently, must be dismissed against the PRIC and its Chair.

Plaintiff’s claim arose from a challenge to union membership with the Union and Plaintiff alleged that the PRIC has forced him to become a member of a labor organization as a condition of employment. (Dkt. No. 1 at 2). After several procedural events, all parties executed a settlement agreement concerning the motion for preliminary injunction (Dkt. No. 66). The Parties agreed that the Union would categorize Plaintiff as a non-member for all purposes and cease all claims to union dues from Plaintiff’s wages. Afterwards, the Union would provide written notice to the PRIC, notifying that Plaintiff is no longer a member of the Union and that all union dues deductions from his wages must cease at the next pay period. In turn, the PRIC would stop dues deductions from Plaintiff’s wages at the next pay period following receipt of the Union’s notice. Plaintiff would withdraw

the pending Motion for Preliminary Injunction within four business days of receipt of his paystub demonstrating that union dues deductions have ceased. *Id.* As explained in this motion, the PRIC is no longer deducting union dues from Plaintiff's wages after the Union notified that Plaintiff is no longer a member.²

In view of this, the controversy—PRIC's alleged unconstitutional action—no longer exists, and thus Plaintiff lacks any legally cognizable interest in the case because he has already obtained the relief he is requesting from the Court. Moreover, there is no reasonable expectation that the challenged conduct will be repeated if the case is dismissed. The Plaintiff is no longer part of the Union, and his membership status is tied to union deductions. Because there is no "case" or "controversy" under Article III, this Court lacks jurisdiction and must dismiss against Defendants.

III. CONCLUSION

Plaintiff's claims against the Defendants are moot since the PRIC is no longer deducting union dues from his wages. Accordingly, this Court lacks subject-matter jurisdiction, and Defendants move to dismiss this case with prejudice pursuant to Fed. R. Civ. P. 12(b)(1). The Plaintiff is no longer a member of the Union, the PRIC was duly notified of this fact by the Union, and the PRIC acted accordingly.

Even if the case is not considered moot by the Court, dismissal with prejudice is warranted pursuant to Fed. R. Civ. P. 12(b)(6) as discussed in the Defendants' Motion to Dismiss filed at Docket No. 53. As argued, the PRIC is entitled to Eleventh Amendment

² See, **Exhibit 1** of this motion.

immunity and is therefore not subject to suit under 42 U.S.C. § 1983. The claims against the PRIC Chair, in her official capacity, also do not fall within the narrow exception recognized in *Ex Parte Young* because said official did not have some connection to enforcement of the alleged constitutional violation. Declaratory relief or “notice relief” is also unavailable because this is not the type of remedy designed to prevent ongoing violations of federal law and there is no continuing violation of federal law to enjoin.

WHEREFORE, it is respectfully requested that this Honorable Court grant this Motion to Supplement the Defendants’ Motion to Dismiss filed at Docket No. 53 to include mootness as a ground for dismissal pursuant to Fed. R. Civ. Proc. 12(b)(1).

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties subscribing to the CM/ECF system.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico on the 4th day of May 2026.

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Secretary of Justice

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