

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

**ORLANDO MÉNDEZ LÓPEZ;
JOSÉ COTTO MELÉNDEZ;
JOSÉ A. RAMOS RAMOS;
CIPRIÁN CENTENO RODRIGUEZ;
JULIO OLIVARI;
ANDRÉS SANTIAGO RIVERA;
ÁNGEL CLASS SANTIAGO;
DANIEL MALDONADO;
JAVIER RODRIGUEZ SANTIAGO;
JUAN A. VELAZQUEZ RIVERA;
JAVIER MEJÍAS;
REINALDO SANTOS;
ENRIQUE LEÓN RODRIGUEZ;
JAVIER RAMIREZ RIVERA;
ELISAMUEL ROBLES SÁNCHEZ;
DAVID RODRIGUEZ;
FÉLIX PÉREZ ANDÚJAR;
RIGOBERTO LÓPEZ;
RENÉ SANTIAGO GARCIA,**

Plaintiffs,

v.

**UNIVERSITY OF PUERTO RICO;
ZAYIRA JORDÁN**, in her official
capacity as President of the University of
Puerto Rico; **UNIVERSITY OF
PUERTO RICO WORKERS' UNION**

Defendants.

CIVIL NO. 25-01682 (SCC)

Constitutional Violation Action (42
U.S.C. § 1983), Declaratory Judgment,
Injunctive Relief, Compensatory,
Nominal, and Punitive Damages. Jury
Trial Demanded.

**MOTION TO DEEM ECF NO. 27 (MOTION FOR JUDGMENT ON THE
PLEADINGS) UNOPPOSED**

TO THE HONORABLE COURT:

Plaintiffs Orlando Méndez López (“Méndez”), José Cotto Meléndez (“Cotto”),
José A. Ramos Ramos (“Ramos”), Ciprián Centeno Rodriguez (“Centeno”), Julio

Olivari (“Olivari”), Andrés Santiago Rivera (“Santiago Rivera”), Ángel Class Santiago (“Class”), Daniel Maldonado (“Maldonado”), Javier Rodriguez Santiago (“Rodriguez Santiago”), Juan A. Velaquez Rivera (“Velazquez”), Javier Mejías (“Mejías”), Reinaldo Santos (“Santos”), Enrique León Rodriguez (“León”), Javier Ramirez Rivera (“Ramirez”), Elisamuel Robles Sánchez (“Robles”), David Rodriguez (“Rodriguez”), Félix Pérez Andújar (“Pérez”), Rigoberto López (“López”), and René Santiago Garcia (“Santiago Garcia”) (collectively, “Plaintiffs”), through the undersigned counsel, hereby file this Motion to deem ECF No. 27 (Motion for Judgment on the Pleadings) Unopposed.

I. Background

On March 17, 2026, Plaintiffs filed their Amended Complaint, seeking declaratory judgment, injunctive relief, and compensatory, nominal, and punitive damages stemming from violations of their First Amendment right to be free from coercion and discrimination based on their choice not to associate with a labor union. ECF No. 23, Am. Compl., at 14–15. On April 21, 2026, Defendants University of Puerto Rico (“UPR”) and Zayira Jordán Conde (collectively, “Government Employer”) filed one answer, while Defendant University of Puerto Rico Workers’ Union (“the Union”) filed a separate answer. While the Union argued that it should not be obligated to pay damages to Plaintiffs, *see* ECF No. 26, the Union’s Answer to First Amended Complaint, at 7 ¶ 58, the Government Employer did not. Instead, it conceded that Plaintiffs had not been paid the \$3,000 given to members of the Union and stated: “The UPR is in the process of processing the payment of \$3000 to

plaintiffs.” ECF No. 27, Government Employer’ Answer to First Amended Complaint, at 2 ¶ 4, 44. It then repeated this line—“The UPR is in the process of processing the payment of \$3000 to plaintiffs”—another *ten* times. *Id.* at 45–51, 56–58.

On May 29, 2026, with the promised payments still yet to arrive, Plaintiffs filed a Motion for Judgment on the Pleadings on Count I of their First Amended Complaint. ECF No. 27, Motion for Judgment on the Pleadings. Over ten weeks have passed since Plaintiffs filed their motion, and none of the Defendants have filed any response. In fact, Defendants have not filed anything since their answers to the Amended Complaint on April 21, 2026. Therefore, Plaintiffs respectfully request that this Court deem their motion unopposed.

II. Argument

A. Defendants’ Refusal to Respond Waives Their Right to Controvert the Facts Already in Record

Local Rule of Civil Procedure 7(b) states: “unless within fourteen (14) days after the service of a motion the opposing party filed a written opposition to the motion, the opposing party shall be deemed to have waived any objection to the motion.” In accordance with this rule, courts routinely deem motions, including motions for judgment on the pleadings brought under Fed. R. Civ. P. 12(c), unopposed if a party declines to timely “oppose the motion.” *Jardin De Las Catalinas Ltd. P’ship v. Joyner*, 861 F. Supp. 2d 12, 17 (D.P.R. 2012); *see also Total Petroleum P.R. Corp. v. Villa Caparra Esso Serv. Ctr.*, 2018 U.S. Dist. LEXIS 198879, at *10 (D.P.R. 2018); *Hernandez-Festa v. Fernandez-Cornier*, 2007 U.S. Dist. LEXIS 59254, at *3 (D.P.R. 2007).

The Government Employer's refusal to respond is part of a pattern of disregard and disrespect for both Plaintiffs and this Court.

While courts will occasionally excuse failure to timely reply, this is an exception to the Rules of Civil Procedure and is only done for good cause. *See, e.g., Perez-Cordero v. Wal-Mart P.R.*, 440 F.3d 531, 534–35 (1st Cir. 2006) (reluctantly admitting a reply due to counsel's confusion from an "unfair surprise" that she had rushed to rectify). In contrast, Defendants are all sophisticated parties that have blown past their deadline by several months. Meanwhile, Plaintiffs continue to suffer injury from violations of their First Amendment right to be free from coercion and discrimination based on their choice not to associate with a labor union, and this Court continues to be burdened by having this litigation drag on needlessly. These are not special circumstances where an exception is warranted.

Furthermore, taking the pleadings as uncontested does not mean Defendants will not have been heard: the Court can still credit the assertions in their respective answers. *See Principe v. M 2 M Global Corp.*, 2018 U.S. Dist. LEXIS 168521, at *12–13 (D.P.R. 2018). The only thing deeming Plaintiffs' motion unopposed means is that further time will not be wasted waiting on Defendants to take these proceedings seriously.

III. Conclusion

Based on these arguments and controlling law, Plaintiffs respectfully request that the Court deem their Motion for Judgment on the Pleadings unopposed and grant all requested remedies. **WHEREFORE**, Plaintiffs respectfully request that the

Court grant their Motion to Deem Unopposed their Motion for Judgment on the Pleadings against Defendants, and grant all requested remedies.

Respectfully submitted,

In San Juan, Puerto Rico, this tenth day of August, 2026.

s/ TIMOTHY KILCULLEN

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Ángel J. Valencia

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of Court, using the CM/ECF System, which will send notification of such filing to all appearing parties and counsel using the Court's electronic filing system.

Respectfully submitted,

In San Juan, Puerto Rico, this tenth day of August, 2026.

s/ TIMOTHY KILCULLEN

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