

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

**VANESSA E. CARBONELL;
ROBERTO A. WHATTS OSORIO;
ELBA Y. COLÓN NERY;
BILLY NIEVES HERNÁNDEZ;
NÉLIDA ÁLVAREZ FEBUS;
LINDA DUMONT GUZMÁN;
SANDRA QUIÑONES PINTO;
YOMARYS ORTIZ GONZÁLEZ;
CARMEN BERLINGERI PABÓN;
MERAB ORTIZ RIVERA;
JANET CRUZ BERRIOS,**

Plaintiffs,

v.

JOSEPH GONZÁLEZ in his official capacity as Commissioner of the Puerto Rico Police Bureau;
MICHELLE MOURE, in her official capacity as Human Resources Manager of the Puerto Rico Police Bureau;
UNION OF ORGANIZED CIVILIAN EMPLOYEES,

Defendants.

CIVIL NO. 22-1236 (WGY)

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

**MOTION REQUESTING ORDER ON PENDING
MOTION FOR CONTEMPT AND FOR SANCTIONS
AGAINST PUBLIC EMPLOYER;
MOTION FOR EXECUTION OF JUDGMENT**

Come now, Plaintiffs Vanessa E. Carbonell (“Carbonell”), Roberto A. Whatts Osorio (“Whatts”), Elba Y. Colón Nery (“Colón”), Billy Nieves Hernández (“Nieves Hernández”), Nélide Álvarez Febus (“Álvarez”), Linda Dumont Guzmán (“Dumont”), Sandra Quiñones Pinto (“Quiñones”), Yomarys Ortiz González (“Ortiz González”), Carmen Berlingeri Pabón (“Berlingeri”), Merab Ortiz Rivera (“Ortiz Rivera”), and

Janet Cruz Berrios (“Cruz”) (collectively, “Plaintiffs”), on their own behalf, through the undersigned counsel, and respectfully state and allege, as follows:

I. Background

On September 19, 2024, the Court issued a Memorandum and Order, granting Plaintiffs’ Motion for Summary Judgment against Defendants Joseph González, in his official capacity as Commissioner of the Puerto Rico Police Bureau, and Michelle Moure, in her official capacity as Human Resources Manager of the Puerto Rico Police Bureau (collectively, “the Public Employer”). The Court declared the Public Employer’s practice of withholding the \$25 supplemental health benefit from non-union members based solely upon their lack of union membership as unconstitutional. (Dkt. 147). The Court also issued an order of Permanent Injunction: “The Public Employer, its officers, agents, servants, employees, attorneys, and all persons who are in active concert or participation with them, are prospectively ENJOINED from withholding the \$25.00 supplemental health benefit paid to Union members from non-union members eligible to be part of the Union, based solely upon union membership.” Memorandum and Order at 53–54.

On December 8, 2024, Plaintiffs filed a Motion for Contempt and for Sanctions (Dkt. 151), seeking to enforce the Court’s September 19, 2024 Memorandum and Order (Dkt. 147) and November 18, 2024 Judgment (Dkt. 148) because the Public Employer had not awarded (paid) the \$25.00 monthly supplemental health benefit to Plaintiffs and all other eligible non-union member employees as the Court ordered. (Dkt. 147 at 53–54).

II. Argument

A. Request for Order on Pending Motion for Contempt and for Sanctions.

Approximately seventeen months have now passed since Plaintiffs filed their Motion for Contempt and for Sanctions and the Public Employer still has not awarded (paid) one month of the \$25.00 monthly supplemental health benefits to Plaintiffs and the other non-members as the Court ordered in its Injunction and Judgment on September 19, 2024 and November 18, 2024, respectively. Plaintiffs respectfully bring this matter to the Court's attention, mindful of the Court's substantial docket and commitments, and respectfully request that the Court issue a ruling on the pending Motion for Contempt and for Sanctions (Dkt. 151) because the Public Employer has no intention of complying with the Court's lawful orders and judgments.

The Public Employer continues to openly defy the Court's Memorandum and Order (Dkt. 147) and Judgment (Dkt. 148) to this day—nineteen months after the Court issued its Memorandum and Order, eighteen months since the Court entered Judgment and seventeen months since Plaintiffs filed their Motion for Contempt and Sanctions. This past non-compliance is inexcusable and has not been remedied—it is an ongoing, willful defiance of the Court's direct order. The Public Employer has never provided the \$25.00 monthly supplemental health benefit to Plaintiffs as ordered, and its continued refusal to comply constitutes an open flouting of the Court's authority.

This sustained and deliberate defiance over nearly two years further underscores why a finding of contempt and imposition of sanctions are warranted. “Compliance with an order from a federal judge is not optional. Federal courts have authority to impose civil contempt sanctions ‘to coerce compliance with a court order or to compensate a party harmed by non-compliance’” *Almeida-León v. WM Capital Mgmt.*, 2021 U.S. Dist. LEXIS 152304, at *43 (D.P.R. 2021) (quoting *United States v. Puerto Rico*, 642 F.3d 103, 108 (1st Cir. 2011)).

Each passing day without compliance compounds the harm to Plaintiffs, who remain deprived of their First Amendment rights against unlawful union coercion and of the supplemental health benefit this Court ordered them to receive. The Public Employer’s persistent and willful failure to comply with this Court’s directives, and its demonstrated disregard for the authority of this Court, has compounded the harm Plaintiffs have suffered—harm that is independent of the underlying claims and for which additional compensation is both warranted and necessary. The Court may “compensate a party harmed by non-compliance.” *See Almeida-León*, 2021 U.S. Dist. LEXIS 152304, at *56 (quoting *United States v. Puerto Rico*, 642 F.3d at 108). Plaintiffs understand the Court has many demands on its time and attention. Given the passage of time and the ongoing impact on Plaintiffs, however, they respectfully request that the Court rule on the pending Motion for Contempt and for Sanctions (Dkt. 151).

B. Execution of Judgment.

Together with the pending Motion for Contempt and for Sanctions, Plaintiffs respectfully request that the Court issue a writ of execution or other appropriate order directing the enforcement and execution of the Judgment entered on November 18, 2024 (Dkt. 148). The authority to execute upon a judgment is a fundamental and independent remedy available to a prevailing party, particularly when, as here, nineteen months have elapsed since the Court's September 19, 2024 Memorandum and Order (Dkt. 147) first declared the Public Employer's conduct unconstitutional and ordered prospective injunctive relief.

Federal Rule of Civil Procedure 69 expressly provides that “[a] money judgment is enforced by a writ of execution, unless the court directs otherwise.” Fed. R. Civ. P. 69(a)(1). In addition, Federal Rule of Civil Procedure 70 authorizes the Court to compel compliance with judgments requiring specific acts, including through contempt proceedings, writs of execution or assistance, or by appointing another person to perform the act at the disobedient party's expense. Fed. R. Civ. P. 70(a)–(e); *see Bd. of Com'rs of Stark Cnty v. Cape Stone Works, Inc.*, 206 F. Supp. 2d 100, 102 (D. Mass. 2002) (Fed. R. Civ. P. 70 authorizes a district court to issue orders to ensure that equitable relief is accomplished). Here, the Judgment requires the Public Employer to perform specific acts—namely, to award the \$25.00 monthly supplemental health benefit to Plaintiffs and all other eligible non-union members. The Public Employer's persistent failure to comply for nineteen months warrants

immediate execution of the Judgment with post-Judgment interest through all available remedies.

The U.S. Supreme Court has long recognized that federal courts possess both the inherent authority and the obligation to ensure that their judgments are enforced and respected. Once a constitutional violation is established, “the scope of the district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.” *Milliken v. Bradley*, 433 U.S. 267, 281 (1977). The execution of judgment is not merely a procedural formality—it is the means by which the Court’s constitutional mandate is given force and effect. The First Circuit has also highlighted the necessity of inherent powers to manage litigation and enforce compliance with court orders. *See Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 11 (1st Cir. 1985).

The Public Employer's failure to comply is not due to an inability to perform, but, instead, reflects a deliberate choice not to obey this Court’s clear directive. Such extended defiance of a federal court’s judgment cannot be countenanced and demands immediate action through execution of the Court’s Judgment, along with contempt proceedings and sanctions. The availability of contempt proceedings does not preclude or supplant the right to seek execution.¹ Rather, both remedies serve complementary purposes in ensuring that court judgments are given full effect.

¹ Although Federal Rules of Civil Procedure 69 and 70 are silent on the matter of criminal contempt, courts have considered both civil and criminal contempt sanctions. *See Philips Md. Sys. Cleveland, Inc. v. Quinn*, 2025 U.S. Dist. LEXIS 122870, at *3 (D. Mass. 2025) (“[a]n individual who refuses obedience to a valid order is subject to both civil and criminal contempt for the same acts”) (internal citations omitted); *see also Serenity Alpha, LLC v. Northway Mining, LLC*, 531 F. Supp. 3d 512, 518 (N.D.N.Y. 2021) (generally evaluating whether to impose criminal contempt for an alleged violation of a court order in a civil case). The Public Employer’s nineteen-month campaign of willful defiance of

WHEREFORE, Plaintiffs respectfully yet urgently request that the Court (1) issue a ruling on the Motion for Contempt and for Sanctions filed on December 8, 2024 (Dkt. 151), (2) that the Court enter an Order compelling the Public Employer to fully compensate Plaintiffs for all injuries proximately caused by the Public Employer's continued and deliberate non-compliance with the Court's orders, (3) that the Court issue a writ of execution or other appropriate order directing the Public Employer to immediately execute upon and satisfy the Judgment entered on November 18, 2024, and (4) that the Court initiate criminal contempt proceedings against the Public Employer for its willful defiance of this Court's authority and its orders.

CERTIFICATE OF SERVICE

It is hereby certified that the undersigned attorney electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties and attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of May, 2026.

the Court's orders—deliberately denying Plaintiffs the constitutional rights this Court vindicated—demands that the Court now initiate criminal contempt proceedings.

s/ ÁNGEL J. VALENCIA

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