

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

**ORLANDO MENDEZ LOPEZ; JOSE
COTTO MELENDEZ ; JOSE A.RAMOS
RAMOS ;CIPRIAN CENTENO RODRIGUEZ**

Plaintiffs

v.

**UNIVERSITY OF PUERTO RICO ; ZAYIRA
JORDAN** in his official capacity as President of
the University of Puerto Rico; **SINDICATO DE
TRABAJADORES DE LA UNIVERSIDAD
DE PUERTO RICO**

Defendants

CIVIL NO. 25-01682

42 USC 1983

ANSWER TO THE COMPLAINT

TO THE HONORABLE COURT:

COMES NOW, Codefendant, Sindicato de Trabajadores de la Universidad de Puerto Rico (referred to hereinafter as THE DEFENDANT or the Union), through the undersigned attorneys and respectfully STATE and PRAY as follows:

BACKGROUND

1. Paragraph 1 of the Complaint is an issue of law; thus, it does not require a responsive pleading. If a response is required, the same is then denied.
2. Paragraph 2 of the Complaint is an issue of law; thus, it does not require a responding pleading. If a response is required, the same is then denied.
3. Paragraph 3 of the Complaint is an issue of law; thus, it does not require a responsive pleading. If a response is required, the same is then denied.
4. Paragraph 4 is denied as stated. It is true that the employees of the appropriate unit represented by the Union received salary increases approved by the Financial Oversight and Management

Board created by PROMESA. However, the Union does not know whether plaintiffs received or not those salary increases. Plaintiff never went to the Union to inform of that fact nor request the filing of a grievance.

5. Paragraph 5 is denied because is false.

PARTIES

6. Paragraph 6 does not require a responsive pleading because is the personal information of the plaintiffs. In the alternative is denied.

7. Paragraph 7 does not require a responsive pleading because is the personal information of the plaintiffs. In the alternative is denied.

8. Paragraph 8 does not require a responsive pleading because is the personal information of the plaintiffs. In the alternative is denied.

9. Paragraph 9 does not require a responsive pleading because is the personal information of the plaintiffs. In the alternative is denied.

10. Paragraph 10 does not require a responsive pleading because is the information of codefendant UPR. In the alternative is denied.

11. Paragraph 11 does not require a responsive pleading because is the information of codefendant President of the UPR. In the alternative is denied.

12. Paragraph 12 is admitted.

JURISDICTION AND VENUE

13. Paragraph 13 has to do with the Jurisdiction of this Court therefore it does not require a responsive pleading for it is a matter of law. To the extent that a response is required, the same is denied.

14. Paragraph 14 has to do with the Jurisdiction of this Court therefore it does not require a responsive pleading for it is a matter of law. To the extent that a response is required, the same is denied.

15. Paragraph 15 has to do with the Jurisdiction of this Court therefore it does not require a responsive pleading for it is a matter of law. To the extent that a response is required, the same is denied.

16. Paragraph 16 has to do with the venue of this District Court. Whether venue is proper is a matter of law to be considered by the Court, provided it has jurisdiction over this claim, therefore it does not require a responsive pleading. To the extent that a response is required, THE DEFENDANT admit that it is a resident of Puerto Rico. However, the rest of the averments are denied. THE DEFENDANT specifically denies having committed any violation of plaintiffs' constitutional rights.

17. Paragraph 17 has to do with the Jurisdiction of this Court therefore it does not require a responsive pleading for it is a matter of law. To the extent that a response is required, the same is denied.

18. Paragraph 18 has to do with the Jurisdiction of this Court therefore it does not require a responsive pleading for it is a matter of law. To the extent that a response is required, the same is denied.

FACTUAL ALLEGATIONS

19. Paragraph 19 is denied as stated. However it is admitted that in 2024 plaintiffs were not members of the Union and did not paid dues.

20. Paragraph 20 it is admitted.

21. Paragraph 21 is denied for lack of knowledge.

22. Paragraph 22 is denied for lack of knowledge.

23. Paragraph 23 is admitted insofar as the salary increased was awarded to member of the appropriate unit.

24. Paragraph 24 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

25. Paragraph 25 is denied for lack of knowledge.

26. Paragraph 26 is admitted.

27. Paragraph 27 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

28. Paragraph 28 is denied because we don't understand what public fisc. means.

29. Paragraph 29 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

30. Paragraph 30 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

31. Paragraph 31 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

32. Paragraph 32 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

33. Paragraph 33 is denied for lack of knowledge. Plaintiffs never went to the Union requesting to file a grievance.

34. Paragraph 34 is denied. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance.

35. Paragraph 35 is denied. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance.

36. Paragraph 36 is denied. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance.

37. Paragraph 37 is denied. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance.

38. Paragraph 38 is denied. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance.

39. Paragraph 39 is denied insofar as this is an allegation against other codefendant. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance.

40. Paragraph 40 is denied. The Union was not aware that plaintiffs did not received the salary increase. Plaintiffs never went to the Union requesting to file a grievance. The Union did not act under color of state law.

COUNT I

41. Paragraph 41 is an issue of law; thus, it does not require a responsive pleading. If a response is required, the same is then denied. THE DEFENDANT specifically denies any violation of the statutes mentioned therein, as well as the description that THE DEFENDANT that they have violated Plaintiffs' constitutional rights.

42. Paragraph 42 is an issue of law; thus, it does not require a responsive pleading. If a response is required, the same is then denied. THE DEFENDANT specifically denies any violation of the statutes mentioned therein, as well as the description that THE DEFENDANT that they have violated Plaintiffs' constitutional rights.

43. Paragraph 43 is an issue of law; thus, it does not require a responsive pleading. If a response is required, the same is then denied. THE DEFENDANT specifically denies any violation of the statutes mentioned therein, as well as the description that THE DEFENDANT that they have violated Plaintiffs' constitutional rights.

PRAYER FOR RELIEF

44. All the contents in this section are denied in its totality.

AFFIRMATIVE AND/OR SPECIAL DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted against any of the mentioned Defendants, with regards to all legal provisions cited therein.

2. All of Defendants' actions or those of its officers, agents and/or employees were based on legitimate reasons, related to the scope and direction of union business.

3. THE DEFENDANT specifically denies any violation of the statutes mentioned therein

4. THE DEFENDANT has not violated any of plaintiffs' constitutional rights.

5. The Union is a private entity and there is not state action.

6. Union membership is not a requirement for employment.

7. The Union was never aware that the plaintiffs did not received the salary increase and plaintiffs never requested the filing of a grievance from the Union under the collective bargaining agreement.

7. All acts or omissions which might be the proximate cause to Plaintiffs alleged injuries are the sole responsibility of Plaintiff's.

8. Plaintiffs are estopped from pursuing his claims by his own conduct and applicable laws.

9. Plaintiffs are not entitled to any remedy under the statute or regulation, be it federal or local.

10. Plaintiffs have failed to mitigate damages.

11. Defendants have not acted or failed to act in any way that could be considered the proximate cause of Plaintiff's alleged damages.

12. Plaintiffs lack standing.
13. Plaintiff is not entitled to liquidated, compensatory and/or punitive damages, or any other kind of redress for damages.
14. The instant case is a collusive action lawsuit filed by plaintiffs.
15. In the alternative, damages claimed by Plaintiff do not exist or are grossly exaggerated.
16. Defendant acted in good faith and without malice or willfulness.
17. The alleged incidents did not take place. In the alternative, the alleged events, which are denied, were isolated or genuinely trivial. The alleged conduct, which is denied, was not severe or pervasive enough to constitute violation of plaintiffs 'rights.
18. In the alternative, Plaintiffs alleged damages were caused by him or other persons not related to defendant and/or out of the control of these.
19. In the alternative, Plaintiff engaged in contributory negligence and his alleged damages, if any, should be reduced in direct proportion to his negligence.
20. Plaintiff failed to adequately plead special damages, as required by Fed. R. Civ. P. 9(g).
21. Plaintiff's damages are barred in whole or in part by the doctrine of after acquired evidence.
22. There is duplicity in the remedies that the Plaintiff is seeking.
23. Plaintiff failed to exhaust remedies that were applicable and available to him.
24. Any averment not specifically accepted is hereby denied.
25. All or part of Plaintiffs' claim are time barred.
26. Plaintiffs incurred in laches in pursuing their claim.

27. Defendant reserve the right to raise any other defenses that may arise from the discovery proceedings.

28. Any averment not specifically accepted is hereby denied.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff be afforded nor awarded nothing by reason of the Complaint and accordingly the same be dismissed in its entirety with prejudice and that judgment be entered for defendant.

2. That defendant be awarded its reasonable costs and attorney's fees; and

3. That the defendant be awarded such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED, this 24th of February 2026.

I HEREBY CERTIFY that on 24th of February 2026, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the attorneys in this case.

s/ Jorge L. Marchand Heredia
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