

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

PABLO E. ROSADO-SANCHEZ,
Plaintiff,

v.

CIV. No. 22-01461 (GMM)

PABLO CRESPO-CLAUDIO, ET AL.,
Defendants.

MINUTES

The case was called for a Status Conference on July 14, 2023, in Courtroom 5. Present were attorney Mariana García-García ("attorney García") on behalf of Plaintiff, Pablo E. Rosado-Sánchez ("Mr. Rosado") and attorney Carol Janice Tirado-López, on behalf of Asociación de Empleados del Estado Libre Asociado de Puerto Rico ("AEELA"), Mr. Pablo Crespo-Claudio, and Ms. Iritza Ortiz-Echevarría (jointly, "Defendants"). Plaintiff, Mr. Rosado, was also present, accompanied by his mother, Mrs. Sánchez.

The Court commenced the hearing by reviewing certain procedural events such as the May 16, 2023 and July 10, 2023 hearings to explain to Mr. Rosado the need for his appearance. The Court shared with Mr. Rosado the decision-making process, in the interest of justice, to

appoint him pro-bono counsel. The Court reiterated that its decision relied on 18 U.S.C. § 1915(e)(1) and PR Local Civil Rule 83L, foreseeing upcoming procedural events, such as discovery (with emphasis on depositions, answer to interrogatories and request for production of documents), dispositive motions, possible settlement negotiations, among others, which inevitably, would become more complicated.

Further, the Court explained to Mr. Rosado that while he has the right to represent himself, such right is not absolute. The Court indicated to Mr. Rosado the factual basis for its decision, including:

- 1) the complexity of his claim under the Fair Credit Reporting Act and amount and technical nature of documentary evidence to date;
- 2) Mr. Rosado's inability to adequately oppose AEELA's dispositive motion (Motion to Dismiss) which, in turn, required the Court's intervention and scheduling of the May 16, 2023 hearing; and
- 3) Mr. Rosado's failure to understand judicial proceedings; evidenced by noncompliance with Rules of Civil Procedure and Court orders, including his filing of over 18 letters or motions before the Court while represented by counsel and despite admonishments by the Court to abstain from this practice, among others.

Citing DesRosiers v. Moran, 949 F.2d 15, 23 (1st Cir. 1991) the Court explained that in determining

whether to appoint counsel, the Court examined the totality of circumstances considering the merits of the case, the complexity of the legal issues before the Court, including amendments to the Complaint, as advised by his counsel, and Plaintiff's ability to represent himself. The Court indicated, in detail, its understanding that allowing Mr. Rosado to continue prose will result in fundamental unfairness affecting – adversely and irreversibly – Mr. Rosado's due process rights.

Mr. Rosado was reminded of his responsibility to assist his attorney. The Court clarified that, as a litigant represented by counsel, he could not proceed on his behalf. The Court also indicated that the attorney of record has exclusive charge of proceedings on behalf of his client, and while a litigant may appear in his own person or by an attorney, he cannot do both. Furthermore, the Court reminded Mr. Rosado that it had been very lenient with him because it understands his lack of knowledge of the legal proceedings but warned that this is not an excuse for repeated disregard with the Court's orders and federal rules of procedure. Mr. Rosado was also advised of the consequences of future

disregard of the Court's orders, which may include sanctions and/or dismissal of the case.

In addition, the Court untangled the upcoming judicial process and potential timetable and need of Mr. Rosado's assistance of counsel to conduct discovery and respond to dispositive motions.

Mr. Rosado was advised as to the dangers and disadvantages of self-representation at this stage and the impact of allowing appointed attorney García to withdraw from his legal representation. The Court further emphasized that the case's prompt resolution would be affected since it: (1) would have to appoint new counsel; and (2) by disposition of the Local Rules, an automatic stay of 30 days would operate to allow the new attorney an opportunity to confer with Plaintiff and familiarize with his case. The Court explained to Mr. Rosado that attorney García already knew Mr. Rosado's case and had expressed, as an officer of the Court, that she believed in his cause of action.

Attorneys from both parties were heard as to their efforts in resolving the case. Plaintiff's mother, Mrs. Sánchez, was also heard. The Court explained to her, in

Spanish, what had taken place up until that moment in the hearing.

Considering the Parties' arguments, the Court reiterated the need for Mr. Rosado to be represented by counsel to protect his rights and to ensure the fairness of the judicial process. Therefore, **the Court DENIED – in open court– his request to continue pro se.** Until the Court issues a ruling authorizing the withdrawal of attorney García as Plaintiff's legal representative, she remains Mr. Rosado's counsel of record.

After hearing the parties, the Court referred the case for settlement negotiations before Magistrate Judge Marshal D. Morgan. **A Settlement Conference was set for August 30, 2023 at 9:00am in the Chambers of Magistrate Judge Marshal D. Morgan. The Parties' legal representatives and Plaintiff, Mr. Rosado, are ordered to appear before the Magistrate Judge at said date and time.**

If Parties are unable to reach a settlement agreement, the Court will promptly adopt a Case Management Order.

s/Migdalia Garcia-Cosme
Courtroom Deputy Clerk

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

PABLO E. ROSADO-SANCHEZ
Plaintiff,

v.

CRESPO CLAUDIO, ET AL.,
Defendants.

CIVIL NO. 22-1461 (GMM-MDM)

MINUTE

On December 7, 2023, at 9:00AM, the Court held a Settlement Conference in the chambers of U.S. Magistrate Judge Marshal D. Morgan. During the Settlement Conference, the plaintiff appeared pro se while the defendant AEELA appeared represented by counsel Carol Janice Tirado-López and Javier Vilariño-Santiago. Also present during the conference was plaintiff Rosado's mother, Ms. Conchita Sánchez, and Mr. José Pérez, Director of Legal Affairs for the defendant AEELA.

The conference began with the parties explaining to the Court the strengths and weaknesses of their respective cases. The Court then met separately with each party to discuss their goals in settlement. After approximately 3 hours, the parties finally announced that they had reached a settlement.

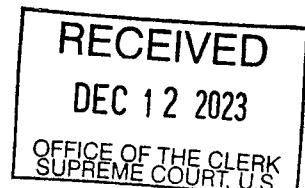
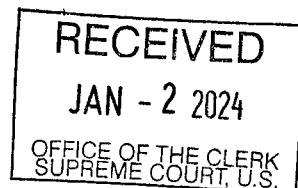
The parties are therefore ORDERED to file the necessary dismissal documents within the next fourteen (14) calendar days, or on or before Thursday, December 21, 2023.

In San Juan, Puerto Rico, this 7th day of December 2023.

s/Marshal D. Morgan

MARSHAL D. MORGAN
United States Magistrate Judge

Conference began at 9:00AM
Conference ended at 11:55AM



United States Court of Appeals For the First Circuit

No. 23-1661

PABLO E. ROSADO SÁNCHEZ,

Plaintiff - Appellant,

v.

PABLO CRESPO-CLAUDIO, Director, A.E.E.L.A.; ASOCIACIÓN DE EMPLEADOS DEL ESTADO LIBRE ASOCIADO DE PUERTO RICO; IRITZA ORTIZ-ECHEVARRIA, Manager, A.E.E.L.A.,

Defendants - Appellees.

ORDER OF COURT

Entered: October 10, 2023

In this interlocutory appeal of an order denying Appellant Pablo Rosado-Sánchez's motion to proceed pro se in the underlying district court matter, Appellant has filed multiple motions for "Rule 2 Suspension of Rules," presumably referring to Federal Rule of Appellate Procedure 2. Rule 2 authorizes the court to suspend most rules of court for "good cause."

While Appellant references in the motions a requested but unproduced district court transcript and the district court's appointment of pro bono counsel, he has not specified which rules he would have this court suspend, nor has he given any clear reasons for such suspension. Therefore, these motions are denied.

To the extent Appellant is concerned about being unable to access a transcript of the May 16, 2023, district court hearing at which pro bono counsel was appointed, the court notes that Appellees also recently requested this transcript, and the district court granted their request. Therefore, this issue seemingly is in the process of being addressed. In light of the foregoing, a copy of this order shall be transmitted to the district court for docketing.

Regarding the continued appointment of pro bono counsel, if Appellant intends to seek a stay of the district court proceedings during the pendency of this appeal, he should file any such motion promptly with the district court in the first instance, consistent with Fed. R. App. P. 8.

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Appellant has tendered an opening brief and is encouraged to refrain from filing further motions regarding the merits. A briefing schedule will be entered in due course, and the tendered opening brief will be addressed at that time.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Gina R. Méndez-Miró
Ada Garcia-Rivera, Clerk, United States District Court for the District of Puerto Rico
Pablo Enrique Rosado-Sánchez
Javier Francisco Vilariño Santiago
Carol Janice Tirado-López

**Additional material
from this filing is
available in the
Clerk's Office.**