

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

3           LAURA RIVERA-CORNISH

4                       Plaintiff

5                       v.

**CIVIL NO. 07-1672 (GAG)**

6           NORRIS SQUARE UNITED  
7           PRESBYTERIAN CONGREGATION, et. al.

8                       Defendants

9                                   **MEMORANDUM OPINION AND ORDER**

10           Pro se plaintiff, Laura Rivera-Cornish, has brought suit against the following defendants:

- 11           1)       Norris Square United Presbyterian Congregation, a Pennsylvania entity,  
12           2)       Presbytery of Philadelphia, a Pennsylvania entity,  
13           3)       The Superior Court of New Jersey, and,  
14           4)       Mr. Theodore Frederick Cornish, plaintiff's former spouse, a New Jersey resident.

15           Upon review of plaintiff's allegations, viewed in the light most favorable to her, the Court  
16           is compelled by law to dismiss all the claims against the Superior Court of New Jersey and Mr.  
17           Theodore Frederick Cornish.

18           In the first instance, a federal court cannot order a superior court of a state to change  
19           plaintiff's name, nor obtain victim compensation. These matters must necessarily be petitioned  
20           directly to the New Jersey Court. Accordingly, plaintiff's federal claim against the New Jersey Court  
21           is dismissed.

22           Next, plaintiff requests this federal court to review her new Jersey divorce decree, and  
23           modify the same in regards to alimony and other related matters. This matter, as well, cannot be  
24           heard by a federal court, since the federal judiciary is required to abstain from entertaining domestic  
25           relations matters, which are in this case exclusively under the purview of state tribunals. See  
26           Mooney v. Mooney, 471 F. 3d 246 (1<sup>st</sup> Cir. 2006). Since this court has no jurisdiction to modify a  
27           New Jersey divorce judgment against plaintiff's former spouse, the claims against him must also be  
28           dismissed.

Civil 07-1672 (GAG)

2

1 In addition, the Court notes that plaintiff also seeks \$1.5 million dollars minimum  
2 compensation for pain and suffering caused by Mr. Cornish. This claim as pleaded, however, is  
3 time-barred. The allegations which give rise to the same occurred during the late 1990s and into  
4 2004, when plaintiff divorced. In Puerto Rico tort actions must be filed within one year, see P.R.  
5 Laws Ann. tit. 31 § 5298. In Pennsylvania this prescriptive period is two years, see Haugh v.  
6 Allstate Ins. Co., 322 F. 3d 227, 233 (3d Cir. 2003). And, in New Jersey, this period is also two  
7 years, see N.J.S.A. § 2 A:14-2. Consequently, in any of the three jurisdictions in which plaintiff and  
8 her spouse may arguably have had contacts, the tort cause of action is time-barred. The Court notes  
9 that plaintiff's only post-2004 allegation against her spouse is that at the beginning of 2006 he called  
10 her in Puerto Rico to see if he could stay at her home with her new female friend (Docket No. 2 at  
11 page 12 ¶ 19, lines 10-11). A claim for this incident in and of itself, would likewise be time-barred  
12 under Puerto Rico law, and could not reasonably exceed the jurisdictional amount for diversity  
13 jurisdiction, see 28 U.S.C. § 1332.

14 Plaintiff's remaining claims are brought against the Norris Square United Presbyterian  
15 Congregation and the Presbytery of Philadelphia, both Pennsylvania religious entities. These claims  
16 sound in tort and employment law, and are based on alleged conduct by defendant running until July,  
17 2005. This court cannot, on the basis of the complaint alone, rule that plaintiff does not have a cause  
18 of action against these Pennsylvania religious entities. However, Puerto Rico is not the appropriate  
19 venue for said claims which took place exclusively in Pennsylvania and involve defendants and  
20 witnesses from said state. Accordingly, the Court shall order the transfer of this case to the Eastern  
21 District of Pennsylvania, in Philadelphia, pursuant to 28 U.S.C. § 1404(a). This Court, expresses  
22 no opinion on the merits of these claims.

23 Finally, the Court notes that plaintiff makes several requests in the Court pertaining to an  
24 investigation of defendants, and assisting her in matters such as seeking grants. Since these matters  
25 do not present a case and controversy suitable for adjudication, the Court must deny said request.

26 Given the Court's previous *sua sponte* rulings, plaintiff is hereby given twenty (20) days to  
27 respond to this order. Absent a response, the Court will enter partial judgment and transfer the  
28 remaining claims to the Eastern District of Pennsylvania, accordingly.

Civil 07-1672 (GAG)

3

**SO ORDERED.**

In San Juan, Puerto Rico this 1<sup>st</sup> day of August, 2007.

*S/ Gustavo A. Gelpi*

GUSTAVO A. GELPI  
United States District Judge

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