

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 ASOCIACION DE SUSCRIPCION  
4 CONJUNTA DEL SEGURO DE  
5 RESPONSABILIDAD OBLIGATORIO,

Civil No. 08-1707 (JAF)

6 Plaintiff,

7 v.

8 TREASURY SECRETARY ÁNGEL A.  
9 ORTIZ-GARCÍA,

10 Defendant.

11 **O R D E R**

12 Before the court is the request by the Asociación de  
13 Suscripción Conjunta del Seguro de Responsabilidad Obligatorio  
14 ("Plaintiff" or "JUA") for interim relief, filed on October 15,  
15 2008, Docket No. 57. Defendant, the Secretary of the Treasury of  
16 the Commonwealth of Puerto Rico, opposed on October 20, 2008, Docket  
17 No. 60, and Plaintiff replied on October 24, 2008, Docket No. 64.

18 Under our August 15, 2008 Opinion and Order, Docket No. 38, the  
19 parties have been meeting in an attempt to comply with our ruling  
20 that Defendant must not continue to deposit compulsory insurance  
21 premiums into the Commonwealth General Fund. The parties have  
22 agreed that, ultimately, compulsory premiums will be collected in  
23 a way that eliminates the collection centers currently in use, and  
24 that bypasses the Treasury Department. Docket Nos. 60, 64-1.  
25 However, the parties acknowledge that this system will not be fully  
26 ready for implementation until June 30, 2009. Docket 64-2.

1 Plaintiff now requests that we order Defendant to transfer  
2 premiums collected on Plaintiff's behalf within twenty-four hours  
3 of receipt. Docket No. 57. Defendant responds, without explanation,  
4 that "it is technically impossible to segregate funds at the point  
5 of collection for the Department of the Treasury," and portrays  
6 Plaintiff's motion as an attempt to circumvent the negotiation  
7 process carried out by the parties per our Opinion and Order.  
8 Docket No. 60. Defendant does not clarify why it is impossible to  
9 either segregate the compulsory insurance premiums at the point of  
10 collection or to perform the reconciliations more quickly, in order  
11 to transfer the funds to Plaintiff more frequently and  
12 expeditiously. We understand that the ultimate solution may take  
13 some months to carry out, but we see no reason to delay any and all  
14 corrective measures until June 2009.

15 Accordingly, we hereby **ORDER** Defendant to respond **by**  
16 **November 13, 2008**, explaining why it cannot either (1) segregate the  
17 compulsory insurance funds and transfer them to Plaintiff within  
18 twenty-four hours of receipt, or (2) speed up the reconciliation  
19 process and transfer funds on a weekly or bi-weekly basis until the  
20 final corrective measure is implemented by June 2009.

21 A Hearing will be held on **November 18, 2008, at 9:30 A.M.**

22 **IT IS SO ORDERED.**

23 San Juan, Puerto Rico, this 31<sup>st</sup> day of October, 2008.

24 S/José Antonio Fusté  
25 JOSE ANTONIO FUSTE  
26 Chief U.S. District Judge