

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

JOSÉ CARLOS VÉLEZ-COLÓN

Plaintiffs,

v.

T-MOBILE USA; T-MOBILE PUERTO
RICO LLC

Defendants.

CIVIL NO. 09-1179 (SEC)

INFORMATIVE MOTION

TO THE HONORABLE COURT:

COMES NOW, Defendant T-Mobile Puerto Rico, LLC (“Defendant”), through the undersigned counsel in a special appearance without waiving jurisdiction, and very respectfully states and prays:

On February 24, 2009 Plaintiff José Vélez Colón filed a pro se Complaint against T-Mobile USA, Inc. and T-Mobile Puerto Rico, LLC for alleged violations of Fair Credit Reporting Act. The case was assigned to Honorable Judge Salvador E. Casellas under the following case number: 3:09-cv-01179-SEC. See Docket 2 in Velez-Colon v. T-Mobile USA, Inc. et al, Civil No. 3:09-cv-01179-SEC. Along with the Complaint, Plaintiff filed a Motion for Leave to Proceed *In Forma Pauperis* (Docket 1) and a Motion for Request for Service and to Appoint Counsel (Docket 3).

On April 17, 2009, the Honorable Court denied Plaintiff’s request to proceed *in forma pauperis* (Docket 5), declared moot Plaintiff’s supplemental motion regarding the same (Docket 6) and denied Plaintiff’s request to appoint Counsel (Docket 7). On April 24, 2009, Plaintiff filed a Motion for Reconsideration (Docket 8) that was never resolved by the Court, because on July 6, 2009, Plaintiff filed a notice of voluntary dismissal. (Docket 9).

On the same day that Plaintiff filed his notice of voluntary dismissal of the case before Hon. Salvador Casellas, Plaintiff re-filed *exactly the same factual claim, against exactly the same parties*.

This time, the case was assigned to Honorable Judge Aida M. Delgado-Colón under case number: 3:09-cv-01623-ADC. See Docket 1, Velez-Colon v. T-Mobile USA, Inc. et al, Civil No. 3:09-cv-01623-ADC.

Today Defendant T-Mobile Puerto Rico, LLC has filed a “Motion to Transfer and for Sanctions” requesting that the Honorable Court transfer the case back to Honorable Judge Salvador E. Casellas pursuant to Local Rule 3.2(b) and impose the sanctions against Plaintiff it may deem just and proper for attempting to judge-shop. EXHIBIT 1, Docket 6 in Velez-Colon v. T-Mobile USA, Inc. et al, Civil No. 3:09-cv-01623-ADC.

WHEREFORE, Defendant T-Mobile Puerto Rico, LLC respectfully requests that this Honorable Court take note that the Complaint in above-captioned case, which was voluntarily dismissed on July 6, 2009, was re-filed on the same date, and that Defendant filed a “Motion to Transfer and for Sanctions” (Docket 6 in Velez-Colon v. T-Mobile USA, Inc. et al, Civil No. 3:09-cv-01623-ADC) which is currently before Honorable Judge Aida M. Delgado-Colón.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28th day of July, 2009.

/s/Jaime E. Toro-Monserrate

JAIME E. TORO-MONSERRATE
USDC-PR No. 204,601
jetoro@tcmrslaw.com

/s/Joanne A. Tomasini-Muñiz

JOANNE A. TOMASINI-MUÑIZ
USDC-PR No. 218,809
jtomasini@tcmrslaw.com

**TORO, COLÓN, MULLET, RIVERA
& SIFRE, P.S.C.**

PO Box 195383
San Juan, PR 00919-5383
Tel: (787) 751-8999
Fax: (787) 763-7760

Attorneys for
T-Mobile Puerto Rico, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 28, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel and/or parties of record.

In San Juan, Puerto Rico, this 28th day of July, 2009.

/s/Joanne A. Tomasini-Muñiz

JOANNE A. TOMASINI-MUÑIZ

USDC-PR No. 218,809

jtomasini@tcmrslaw.com

**TORO, COLÓN, MULLET, RIVERA
& SIFRE, P.S.C.**

PO Box 195383

San Juan, PR 00919-5383

Tel: (787) 751-8999

Fax: (787) 763-7760

Attorneys for

T-Mobile Puerto Rico, LLC