

3 policy of federalism is embodied in the Rule of Decision Act, which commands federal courts to
4 apply relevant state law in civil actions unless displaced by specific federal legislation on point. See
5 28 U.S.C. § 1652. Even if this court disagrees with the reasoning of the Puerto Rico Supreme Court,
6 this court cannot overrule the Commonwealth court on issues pertaining to local substantive law.
7 See Suzuki Motor Corp., 570 F.3d at 406.

8 Certification of unsettled questions of Puerto Rico law to the Puerto Rico Supreme Court is
9 a helpful aid in finding the correct substantive law for application and avoiding unnecessary rulings
10 on such matters. See Romero v. Colegio de Abogados de P.R., 204 F.3d 291, 305-06 (1st Cir.
11 2000). Because certification is premised upon deference to the Commonwealth’s judicial autonomy,
12 see id., it is not a vehicle to force the high court to revisit settled matters of Puerto Rico law.

13 The Puerto Rico legislature enacted PRAA in 1964. Pressure Vessels of P.R., Inc. v. Empire
14 Gas de P.R., 137 P.R. Dec. 497, 519 (1994).¹ Since then, federal precedents have limited standing
15 in private antitrust actions under federal law to direct purchasers. See Ill. Brick Co. v. Illinois, 431
16 U.S. 720, 746 (1977). Without citing Illinois Brick explicitly, the Puerto Rico Supreme Court
17 rejected such limitations on standing for the purpose of private antitrust actions under PRAA. See
18 Pressure Vessels, 137 P.R. Dec. at 519 (citing federal precedents limiting antitrust standing that
19 postdate enactment of PRAA in 1964). According to the Commonwealth court, the legislative intent
20 under PRAA must be inferred from the state of federal case law in 1964—when federal precedents
21 tended to favor liberal standing requirements in private antitrust actions. Id. Because the Puerto
22 Rico Supreme Court has unequivocally rejected limitations to private antitrust standing under
23 PRAA, this court must deny Defendants’ motion for certification.² See Romero, 204 F.3d at 305-06.

24 In view of the foregoing, this court hereby **DENIES** Defendants’ Joint Motion for
25 Certification (Docket No. 116).

26 ¹ For English translation, www.westlaw.com (Enter “1994 P.R.-Eng. 909,547” into search by citation).

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28 ² If Defendants wish to amend the standing requirements under PRAA, they must appeal to the Puerto Rico legislature or present their arguments in a proper judicial venue in the Commonwealth.

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Civil No. 09-2081 (GAG)

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SO ORDERED.

In San Juan, Puerto Rico this 13th day of September, 2010.

s/ Gustavo A. Gelpi

GUSTAVO A. GELPI
United States District Judge