



1 Plaintiffs’ motion to compel relying on Reyes Sanchez v. Eaton, 2013 PRSC 148 (2013) ( Docket  
2 No. 47-1) as precedent, limiting discovery to “information regarding seniority of employees within  
3 Puerto Rico and of transfers made within Puerto Rico.” (Docket No. 61 at 5.) The undersigned  
4 chooses the latter road.

5 Defendants oppose Plaintiffs’ motion to compel, arguing that Plaintiffs’ request regarding  
6 the seniority calculation under Law 80 is without merit, according to a recent opinion issued by the  
7 Puerto Rico Supreme Court. In Reyes Sanchez, 2013 PRSC 148 (2013) (Docket No. 47-1), the  
8 Puerto Rico Supreme Court discussed the scope of Law 80's seniority calculation and held that the  
9 provision does not extend to an employer’s overseas operations and transfer of employees.<sup>1</sup> Th e  
10 court finds this issue has already been decided by the Puerto Rico Supreme Court, therefore,  
11 certification is not necessary. Moreover, the court adopts and incorporates the R&R’s discussion  
12 regarding the scope of Law 80's seniority calculation and legislative intent. (See Docket No. 61 at  
13 5-7.)

14 As recommended by Magistrate Judge Lopez, the court **GRANTS in part and DENIES in**  
15 **part** Plaintiffs’ motion to compel. (See Docket No. 61 at 7-10.)

16 **SO ORDERED.**

17 In San Juan, Puerto Rico this 16th day of July, 2014.

18 *S/Gustavo A. Gelpí*

19 GUSTAVO A. GELPÍ

20 United States District Judge

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22 <sup>1</sup> As to the scope of Law 80's seniority calculation the Puerto Rico Supreme Court stated:  
23 As to the transfers alleged which arose from establishments in other jurisdictions,  
24 we believe Article 3 of the Law does not require an analysis of movement of  
25 personnel between the company’s establishments on an intentional level. This  
26 analysis is limited to determining the frequency of transfers of employees between  
27 the company’s establishments in the jurisdiction of Puerto Rico.  
28 Consequently, movement of personnel or transfers from Eaton’s plants in other  
jurisdictions is not considered a transfer for purposes of establishing the frequency  
of transfers between the company’s establishments in Puerto Rico.

Reyes Sanchez, at 24-25. (Docket No. 47-1 at 25.)