

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO  
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NOLASCO COMMUNICATIONS, INC.,

Plaintiff,

v.

BONNEVILLE CONTRACTING AND  
TECHNOLOGY GROUP, INC. et al.,

Defendants.

Civil No. 3:14-cv-01382 (JAF)

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6 **OPINION AND ORDER**

7 This matter is before the court on Defendant Bonneville Contracting and  
8 Technology Group, Inc.’s (“BCTG”) motion to dismiss Plaintiff Nolasco  
9 Communications, Inc.’s complaint. On August 29, 2014, BCTG moved to dismiss the  
10 complaint based on lack of complete diversity. (Docket No. 22.) Defendant Bonneville  
11 Group Virgin Islands, Corp (“BGVI”) joined BCTG’s motion. (Docket No. 30.) Plaintiff  
12 opposed both the original motion and BGVI’s joining motion. (Docket Nos. 25 and 33.)  
13 The matter is fully briefed and ripe for review. For the following reasons, Defendants’  
14 motions to dismiss are GRANTED.

15 The defendants moved to dismiss the amended complaint for, among other things,  
16 lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(b)(1). Plaintiff asserts the basis  
17 for federal jurisdiction over this case is diversity. *See* 28 U.S.C. § 1332(a) (conferring  
18 jurisdiction on federal courts to hear and determine suits between citizens of different  
19 states, as long as the amount in controversy exceeds \$75,000). “Diversity jurisdiction  
20 exists only when there is complete diversity, that is, when no plaintiff is a citizen of the

1 same state as any defendant.” *Gabriel v. Preble*, 396 F.3d 10, 11 (1st Cir. 2005) (citing  
2 *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267, 2 L.Ed. 435 (1806); *Am. Fiber &*  
3 *Finishing, Inc. v. Tyco Healthcare Group, LP*, 362 F.3d 136, 139 (1st Cir. 2004)).

4 According to Plaintiff’s Amended Complaint, Nolasco Communications, Inc., is a  
5 U.S. Virgin Islands corporation with its principal place of business located in St. Thomas,  
6 U.S. Virgin Islands (Docket No. 13, ¶4.) Defendant BCTG is incorporated in the  
7 Commonwealth of Puerto Rico and has a principal place of business in Puerto Rico.  
8 (Docket No. 13, ¶5.) Defendant BCVI is incorporated and has a physical location  
9 address in St. Croix, U.S. Virgin Islands (Docket No 13, ¶6.) Defendant Innovative  
10 Communications Corporation (“ICC”) has its “headquarters” in St. Croix, U.S. Virgin  
11 Islands. (Docket No. 13, ¶7.)

12 Defendants BCTG and BCVI assert that Plaintiff has not established complete  
13 diversity since Plaintiff, along with Defendants BCVI and ICC, are citizens of the U.S.  
14 Virgin Islands. Plaintiff does not dispute in either of its oppositions the fact that it,  
15 BCVI, and ICC are citizens of the U.S. Virgin Islands.

16 The court finds that there is not complete diversity since Plaintiff, Defendant  
17 BCVI, and Defendant ICC, are citizens of the U.S. Virgin Islands. The fact that Plaintiff  
18 is based out of St. Thomas while Defendants BCVI and ICC are allegedly based out of St.  
19 Croix is inconsequential.<sup>1</sup> Accordingly, Plaintiff’s Amended Complaint lacks complete  
20 diversity among the parties, thereby depriving this court of subject matter jurisdiction.

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<sup>1</sup> Plaintiff attempts to analogize each of the islands that make up the U.S. Virgin Islands as independent jurisdictions like those of the jurisdictions among the different states. Since Plaintiff is a citizen of St. Thomas,

1 Plaintiff Nolasco Communications, Inc.'s claims are hereby DISMISSED  
2 WITHOUT PREJUDICE for lack of jurisdiction.

3 **IT IS SO ORDERED.**

4 San Juan, Puerto Rico, this 16th day of October, 2014.

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S/José Antonio Fusté  
JOSE ANTONIO FUSTE  
U. S. DISTRICT JUDGE