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

IVETTE M. MARTINEZ-GONZALEZ, et al., **Plaintiffs,** **v.** **CATHOLIC SCHOOLS OF THE ARCHDIOCESES OF SAN JUAN PENSION PLAN, et al.,** **Defendants.**	**CIVIL NO. 16-2077 (GAG)**

ORDER ADOPTING REPORT AND RECOMMENDATION

Magistrate Judge Bruce McGiverin's Report and Recommendation (Docket No. 77) on Defendants' motion to dismiss is hereby **ADOPTED** in its entirety. Accordingly, Defendants' motion to dismiss the Amended Complaint (Docket No. 27) is **DENIED.**

The undersigned has received and reviewed the objection to the Report and Recommendation filed by Defendants Superintendence of Catholic Schools of the Archdioceses of San Juan (the "Superintendence") and the Trust of the Catholic Schools of the Archdiocese of San Juan Pension Plan ("Plan's Trust"). (Docket No. 79.) The Court also notes that co-Defendants Juan Santa and Rosa Figueroa have joined in Defendants' objection. (Docket No. 80.)

Applying a de novo standard of review, I hereby accept and adopt as my own Judge McGiverin's legal conclusions based on the allegations set forth in the Amended Complaint. The Court agrees that the factual record must be developed before the Court can consider a summary judgment motion. The case is hereby referred again to Judge Bruce McGiverin for an Initial Scheduling Conference, in which he will order and set a fast-track discovery schedule on the threshold issues at bar. A deadline for summary judgment filings will be set accordingly.

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The fact that Defendants' motion to dismiss has been denied does not necessarily entail that the same result will follow at summary judgment. The Court is aware of the litigation pending before the Supreme Court that relates to this threshold issue. The factual record must be developed. The parties will have the opportunity to address any new Supreme Court precedent at summary judgment. Once the Court rules on the summary judgment matter, if favorable to Plaintiffs, the matter of injunctive relief will be addressed at that time.

SO ORDERED.

In San Juan, Puerto Rico, this 27th day of January, 2017.

s/ Gustavo A. Gelpí
GUSTAVO A. GELPI
United States District Judge