

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

WM CAPITAL PARTNERS 53, LLC,

Plaintiff,

v.

BARRERAS, INC., et al.,

Defendants.

Civ. No. 17-1122 (ADC)

OPINION AND ORDER

On September 23, 2020, the Court of Appeals for the First Circuit entered judgment dismissing defendant's appeal for lack of jurisdiction. **ECF No. 95**. Mandate was entered on October 14, 2020. **ECF No. 96**. Since then, plaintiff has filed several motions. To wit, among others, an emergency motion for temporary restraining order at **ECF No. 130**. Due to the fact that the undersigned had "a criminal trial commencing on March 21, 2022, Crim No. 21-030," the Court referred plaintiff's the emergency motion for temporary restraining order at **ECF No. 130** and all related filings, to United States Magistrate Judge Giselle López-Soler for a Report & Recommendation. **ECF No. 133**.

On April 19, 2022, United States Magistrate Judge Giselle López-Soler entered a Report and Recommendation ("R&R") recommending that the Court denies plaintiff's motion for temporary restraining order at **ECF No. 130**. *See ECF No. 150*.

On May 5, 2022, the Court ordered plaintiff to inform on or before May 11, 2022, the grounds to establish diversity jurisdiction. Specifically, the Court explained that although plaintiff was a limited liability company the only information provided in the complaint is only relevant to corporations. **ECF No. 162**. On even date, after moving for a brief extension of time, plaintiff filed an “informative motion and objections” to the R&R. **ECF No. 164**. On May 9, 2022, defendant filed a response thereto.

In its “informative motion and objections,” plaintiff informed the Court that:

a day before the Report and Recommendation was issued, on April 18, 2022, Puerto Rico State Court Marshalls served WM Capital an Eviction Notice of the Citi Towers property issued on the State Court Case and forcefully evicted WM Capital from the property. It is WM Capital’s position that, as a result of this, **the issues raised in its request for a temporary restraining order are now moot**. **ECF No. 164** at 4 (emphasis added).

Accordingly, the emergency motion for temporary restraining order at **ECF No. 130 is DENIED AS MOOT**. The R&R at **ECF No. 150 is NOTED**.

The motions for extensions of time to file certified translations of Spanish language documents at **ECF Nos. 127, 129, 165 are MOOT**.

The motion for extension of time at **ECF Nos. 161 is MOOT**.

The informative motions at **ECF Nos. 126, 148, 164 are NOTED**.

The motion in compliance at **ECF No. 123 is NOTED**.

The motions submitting certified translations at **ECF Nos. 137, 139 are NOTED**.

The emergency motion for issuance of final declarations at **ECF No. 101 is MOOT** in light of the motion at **ECF No. 158**, which seeks the exact same relief and is currently under advisement.

Attorney's Tania Torres-Halais's motion to withdraw from legal representation at **ECF No. 132 is GRANTED** in light of the fact that plaintiff is represented by other attorneys of record. Accordingly, Clerk of Court is to update the docket.

SO ORDERED.

At San Juan, Puerto Rico, on this 10th day of May, 2022.

S/AIDA M. DELGADO-COLÓN
United States District Judge