

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

JOSEPHINE LICATINI KASYOUHANNON)
)
et ux.)
 Plaintiff,)
)
)
v.) No. 3:18-cv-01117-JAW
)
)
BARISTAS DEL CARIBE, LLC, d/b/a)
)
STARBUCKS PUERTO RICO,)
)
)
et als.)
 Defendant.)

ORDER ON DEFENDANT'S MOTION IN COMPLIANCE

On May 11, 2023, the Defendant Baristas Del Caribe, LLC, d/b/a Starbucks Puerto Rico (Baristas), filed a motion in compliance urging the Court to amend its preliminary jury instructions to include a specific instruction concerning the obligation of Ms. Josephine Licatini Kasyouhannon to prove the existence of a dangerous condition to sustain her negligence claim against Baristas. *Def. Baristas Del Caribe, LLC, d/b/a Starbucks Puerto Rico's Obj. to the Honorable Court's Proposed Jury Instructions and Verdict Form* (ECF No. 182). The Court overrules Baristas' objection and dismisses the motion.

The Court agrees with Baristas that the cited Puerto Rico caselaw establishes that Ms. Licatini Kasyouhannon is required to prove a dangerous condition on Baristas' premises to prove her case against Baristas and, in fact, the Court's final jury instructions contain an instruction on this principle of law. The question is how in depth the preliminary instructions should be. The Court has opted for a general

statement of the law of negligence to be supplemented in greater detail in the final instructions. The problem is that if the Court preliminarily instructs the jury on dangerous condition, it would also be proper to instruct the jury on a business' obligation to prevent harm to its customers, and if the Court instructed on the business obligation to prevent harm, the Court should logically instruct the jury on Ms. Licatini Kasyouhannon's duty to exercise due care. In effect, the preliminary instructions would become the final instructions. As the purpose of preliminary instructions is to give the jury a general idea of the legal issues to help the jurors follow the case and the evidence, the Court declines to give final instructions at the outset of the case.

The Court will address the final version of the jury instructions and verdict form as the trial progresses and in the charge conference once the parties have closed their cases and the case is ready for submission to the jury.

The Court OVERRULES Defendant Baristas Del Caribe, LLC, d/b/a Starbucks Puerto Rico's Objection to the Honorable Court's Proposed Jury Instructions and Verdict Form (ECF No. 182) and DISMISSES without prejudice its Motion in Compliance (ECF No. 182).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 15th day of May, 2023