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

JORGE DESSUS-MEDINA, et. al.

Plaintiffs,

v.

Civil No. 19-1492 (ADC)

HOTEL WYNDHAM SAN JOSÉ HERRADURA – COSTA RICA, et al.,

Defendants.

#### **OPINION AND ORDER**

Before the Court is defendant Hotel Wyndham San José Herradura - Costa Rica's ("Herradura") motion for attorney's fees and litigation costs. **ECF No. 50**. Plaintiffs Jorge Dessus-Medina, Jorge A. Dessus-Cascante and María T. Cascante-Vargas (together, "plaintiffs") responded in opposition. **ECF No. 51**. For the following reasons, Herradura's motion for fees and costs is **DENIED**.

The Court dismissed all of plaintiffs' claims against Herradura without prejudice because the Court did not have personal jurisdiction over the defendants. **ECF No. 48**.

The "basic point of reference when considering the award of attorney's fees is the bedrock principle known as the American Rule: Each litigant pays his own attorney's fees, win or lose, unless a statute or contract provides otherwise." *Baker Botts L.L.P. v. ASARCO LLC*, 576 U.S. 121, 126 (2015). Here, Herradura has failed to argue that a statute or contracts provides that it is entitled to attorney's fees, and has failed to substantially argue grounds sufficient for this Court Civil No. 19-1492 (ADC)

to deviate from the routinary application of the American Rule. See id. As such, Herradura's

motion for attorney's fees cannot prevail.

## I. Conclusion

For the reasons stated above, Herradura's motion for attorney's fees (ECF No. 50) is

DENIED.

### SO ORDERED.

In San Juan, Puerto Rico, on this 15th day of September, 2022.

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