

United States Court of Appeals
For the First Circuit

MANDATE

#57, #83, #108, #109
Nos. 08-2139, 09-1742, 09-1743

08-01918
USDC PR
Fuste, J.

SYLVIA DIFFENDERFER, on behalf of herself and as a representative of the class herein defined; ROBERT MCCARROLL, on behalf of himself and as a representative of the class herein defined,

Plaintiffs, Appellees/Cross-Appellants,

08-1918 (JAF)

v.

RAMON E. GOMEZ-COLON, President of the State Electoral Commission of Puerto Rico;
WALTER VELEZ-RODRIGUEZ, Secretary of the State Electoral Commission of the Commonwealth of Puerto Rico,

Defendants, Appellants,

GERARDO CRUZ-MALDONADO, Electoral Commissioner of Popular Democratic Party;
JUAN DALMAU-RODRIGUEZ, Electoral Commissioner of the Puerto Rican Independence Party; NELSON ROSARIO-RODRIGUEZ, Electoral Commissioner of the Puerto Ricans for Puerto Rico Party; EDWIN MUNDO-RIOS, Electoral Commissioner of the New Progressive Party; JOHN DOE,

Defendants.

JUDGMENT

Entered: November 19, 2009

This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Puerto Rico.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's judgment in Diffenderfer v. Gomez-Colon, 587 F. Supp. 2d 338 (D.P.R. 2008), is vacated, and the matter is remanded to the district court with instructions to dismiss the action. The district court's award of attorney's fees in the district court is affirmed. No costs are awarded on these appeals.

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U.S. DISTRICT COURT
SAN JUAN, P.R.

Appellant Gomez-Colon's motion to substitute parties is hereby granted.

By the Court:

/s/ Margaret Carter, Chief Deputy Clerk

Certified and Issued as Mandate
under Fed. R. App. P. 41.


Richard Cushing Donovan, Clerk

Deputy Clerk

Date: 12/18/09

cc: Hon. José A. Fusté, Ms. Frances de Moran, Clerk, United States District Court for the District of Puerto Rico, Mr. Nolla-Acosta, Mr. Gonzalez-Miranda, Mr. Rodriguez-Escudero, Mr. Martinez-Luciano, Ms. Cataldi-Malpica, Mr. Aldarondo-Ortiz, Mr. Aliff-Ortiz, Ms. Torres-Delgado, Mr. Castro-Ortiz, Ms. Edith-Torres, Mr. Walker-Merino, Mr. McCall, Mr. Pagan-Cordoliani, Mr. Aldarondo-Lopez.