



Client Alert

Goldman Antonetti & Córdova, P.S.C.

Attorneys at Law

American International Plaza, 14th Floor

250 Muñoz Rivera Avenue

San Juan, PR 00918

Tel. 787.759.8000 ≈ 1.866.284.0708

Fax 787.767.9333

www.gaclaw.com

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The Changing Face of Employment Litigation: *the Summary Judgment Approach*

The Puerto Rico Supreme Court has revived the traditional standard in the use of pretrial summary judgment in employment cases. The principal function of a motion for summary judgment is to demonstrate that the moving party is entitled to a judgment as a matter of law without the need for a full-blown trial. Summary judgment has evolved into a widely used pretrial motion permitted in all types of litigation. However, the Puerto Rico Supreme Court had drastically limited the summary judgment mechanism in employment cases which involve elements of intention or credibility issues.

In the recent opinion of the Puerto Rico Supreme Court in *María C. Ramos Pérez v. Univisión Puerto Rico, Inc.*, 2010 T.S.P.R. 15, plaintiff María Ramos, a 43 year-old “traffic manager” at *Univisión*, had confronted some difficulty in her training of a new programming system and had showed animosity towards her new supervisor. Shortly thereafter she was terminated from her employment.

María Ramos claimed that she was terminated from *Univisión* because of her age. She argued that she had been replaced by a younger employee. *Univisión* filed for summary judgment to dismiss the age discrimination and torts claim at the Superior Court. The lower court granted summary judgment in favor of *Univisión*.

María Ramos appealed and the Court of Appeals held that the Superior Court had departed from the established guidelines of the Supreme Court, which did not favor summary judgment in employment cases.

The Supreme Court took a different approach. It overturned the Court of Appeals and clarified that summary judgment is allowed in employment cases and not limited to extraordinary circumstances. The determining factor is that the court apply the particular facts of the case to comply with the Rules of Civil Procedure. The Supreme Court also explained that if the employee can show that the discharge was without good cause, she would enjoy a rebuttable presumption of discrimination.

María Ramos demonstrated the *prima facie* elements of discrimination. The Supreme Court, however, found that *Univisión* satisfied its burden in the context of a summary judgment motion by showing that the motive for the discharge was not discriminatory. Therefore, the Supreme Court decided to dismiss Ramos' discrimination claim.

In sum, the decision in *María C. Ramos v. Univisión Puerto Rico* can help employers defend against employment claims by using the procedural mechanism of a motion for summary judgment in order to effectively present before the trial court that the claim is not trial-worthy.

We at Goldman remain committed in assisting you and your business to adjust to these changes in the Law. For further information you may contact Luis F. Antonetti, Esq. or any of the attorneys in the Labor & Employment Law Department.



Luis F. Antonetti-Zequeira	787.759.4111	lantonetti@gaclaw.com
Vicente J. Antonetti-Zequeira	787.759.4112	vantonetti@gaclaw.com
Angel Berberena-Feliciano	787.759.4143	aberberena@gaclaw.com
José J. Fas-Quiñones	787.759.4156	jose.fas@gaclaw.com
Maritza I. Gómez-Fernández	787.759.4231	maritza.gomez@gaclaw.com
Michelle L. Holley-Vázquez	787.759.4216	michelle.holley@gaclaw.com
Heber E. Lugo-Rigau	787.759.4200	hlugo@gaclaw.com
Luis D. Ortiz-Abreu	787.759.4110	lortiz@gaclaw.com
Carlos R. Pastrana-Torres	787.759.4220	cpastrana@gaclaw.com
Howard Pravda	787.759.4101	hpravda@gaclaw.com
María Isabelle Ramos-Artunduaga	787.759.4210	mramos@gaclaw.com
Jorge Rodríguez-Micheo	787.759.4102	jrodriguez@gaclaw.com
Javier G. Vázquez-Segarra	787.759.4113	jvazquez@gaclaw.com



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