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

Puerto Rico Soccer League NFP Corp., Joseph Marc Serralta Ives, Maria Larracuente, Jose R. Olmo-Rodriguez, and Futbol Boricua (FBNET), Inc., *Plaintiffs*, v. Federación Puertorriqueña de Futbol, Inc., Iván Rivera-Gutierrez, José "Cukito" Martinez, Gabriel Ortiz, Luis Mozo Cañete, Fédération Internationale de Football Association (FIFA), and Confederation of North, Central America and Caribbean Association Football (CONCACAF), *Defendants*.	CIVIL ACTION NO. 23-1203 (RAM)

PLAINTIFFS' MEMORANDUM SHOWING CAUSE WHY SANCTIONS SHOULD NOT BE LEVIED

COME NOW Plaintiffs Puerto Rico Soccer League NFP Corp. ("PRSL"), Joseph Marc Serralta Ives, María Larracuente, José R. Olmo-Rodríguez, and Fútbol Boricua (FBNET), Inc. (collectively, "Plaintiffs"), by and through undersigned counsel, and pursuant to the Court's Orders dated March 18, 2025 (Dkt. No. 182) and March 19, 2025 (Dkt. No. 187), respectfully submit this Memorandum showing cause why sanctions should not be levied against them. The Court's Order identified concerns regarding citation errors in Plaintiffs' filings at Docket Nos. 174, 175, 176, and 177, suggesting potential use of generative artificial intelligence (AI) without proper oversight, and directed Plaintiffs to address their duties of competence (Model Rule 1.1) and candor (Model Rule 3.3). For the reasons below, Plaintiffs demonstrate that errors were inadvertent, minor, and

did not prejudice the Court or Defendants, and that counsel fully complied with their ethical obligations, rendering sanctions unwarranted.

I. INTRODUCTION

Plaintiffs' counsel acknowledge the Court's concerns regarding citation inaccuracies in the Responses filed on March 9, 2025 (Dkt. Nos. 174, 175, 176), and the supplemental filing (Dkt. No. 177). These errors—primarily typographical or clerical—do not reflect a lack of competence or candor, nor do they stem from unverified AI use. Rather, they arose from human oversight under significant time constraints, including counsel Ibrahim Reyes's concurrent preparation for a trial in *Orengo Investments, LLC vs. Lubai Consulting, LLC* (Case No. 2023-017357-CA-01), set to begin March 11, 2025, before Judge William Thomas in Miami-Dade County. This case necessitated hurried drafting to address Defendants' multiple motions, while ensuring readiness for another matter, a context that explains—though does not excuse—the minor errors in a complex antitrust case. The substantive arguments in these filings are solid, grounded in controlling First Circuit precedent and the Third Amended Complaint (TAC, Dkt. No. 33), and Defendants' allegations of misconduct exaggerate isolated clerical slips into a baseless narrative of AI misuse, a tactic cautioned against in *Fiandaca v. Cunningham*, 827 F.2d 825, 829 (1st Cir. 1987) (warning of disqualification motions as "techniques of harassment").

Plaintiffs' Responses in Opposition to Defendants' Motions for Leave to File Replies (addressing Dkt. Nos. 178, 179, 180), attached hereto as Exhibits A-C (not filed of record due to the Court's Order within 24 hours of Defendants' motions on March 17, 2025), rebut these claims, affirming the citations' validity and relevance. This Memorandum expands on those rebuttals, elaborates the cited cases' direct support for Plaintiffs' positions, and demonstrates that the overwhelming majority of citations—accurately provided—undermine any suggestion of AI

misuse, making sanctions disproportionate under Model Rules 1.1 and 3.3, Local Rule 83E, and First Circuit precedent, and under Fed. R. Civ. P. 11(b)(2).

II. LEGAL STANDARD

The Court's Orders invoke Model Rules 1.1 (competence) and 3.3 (candor), adopted in Puerto Rico via Local Rule 83E(a). Rule 1.1 requires "legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation," judged holistically by counsel's performance. *See In re Grand Jury Proceedings*, 859 F.2d 1021, 1025 (1st Cir. 1988) (assessing competence in context). Rule 3.3(a)(1) prohibits "knowingly" making false statements of law, necessitating intent or reckless disregard. *See Polyagro Plastics, Inc. v. Cincinnati Milacron, Inc.*, 903 F. Supp. 253, 256 (D.P.R. 1995) (requiring clear and convincing evidence of misconduct), in which the court the court required "clear and convincing evidence" to establish two key elements: (1) that an attorney-client relationship existed between Polyagro and attorney Cespedes (or his firm) as a result of the phone conversation, and (2) that confidential information was shared during that conversation, which would create a conflict with the firm's current representation of Cincinnati Milacron, Inc. and Sano, Inc.

Sanctions are an "extreme remedy," reserved for cases of prejudice or bad faith, not inadvertent errors. *See Kevlik v. Goldstein*, 724 F.2d 844, 850 (1st Cir. 1984); *Culebras Enterprises Corp. v. Rivera-Rios*, 846 F.2d 94, 97 (1st Cir. 1988).

III. ARGUMENT

A. Citation Errors Were Inadvertent and Immaterial, Not Violations of Competence or Candor

The Court identified three categories of citation issues: (1) incorrect citations, (2) misquoted content, and (3) references to nonexistent cases. Plaintiffs' review, consistent with

Exhibits A-C, reveals these as minor clerical errors amidst a majority of accurate, supportive citations. Below, we detail each filing, emphasizing the cited cases' relevance to Plaintiffs' arguments:

1. **Opposition to Motion to Disqualify Counsel**

   i. **Estrada v. Cabrera**: Cited as 632 F.2d 1007 (1st Cir. 1980) (Dkt. No. 174 at 2-3), the intended case was *Estrada v. Cabrera*, 632 F. Supp. 1174 (D.P.R. 1986) (Ex. A to Ex. A hereto). The error (F.2d vs. F. Supp.) was typographical, not a fabrication. In *Estrada*, this Court denied disqualification where no "substantial relationship" existed between prior and current representations, emphasizing a "balance between the client's free choice of counsel and ethical standards" (632 F. Supp. at 1175-76). This directly supports Plaintiffs' argument that Mr. Olmo's dual role as plaintiff-counsel poses no conflict under Rule 1.7 absent "actual prejudice" (Dkt. No. 174 at 3), aligning with the TAC's unified claims against Defendants' monopolistic acts (TAC ¶¶ 47-59).

   ii. **Other Cases**: Defendants challenged *Herrera-Venegas v. Sánchez-Rivera*, 681 F.2d 41 (1st Cir. 1982), *Fiandaca*, 827 F.2d 825, *In re Grand Jury Proceedings*, 859 F.2d 1021, *Polyagro Plastics*, 903 F. Supp. 253, *Kevlik*, 724 F.2d 844, and *Culebra Enters.*, 846 F.2d 94 (Dkt. No. 178-1 at 5). All are real, accurately cited, and pivotal:

- *Herrera-Venegas* (681 F.2d at 42) upholds the "fundamental" right to self-representation under 28 U.S.C. § 1654, bolstering Mr. Olmo's role (Dkt. No. 174 at 3). That *Herrera-Venegas* is a criminal matter, instead of a civil matter, does not alter the right to counsel, for which it is proffered.
- *Fiandaca* (827 F.2d at 829-31) warns that disqualification motions can be "tactical in nature, designed to harass," directly applicable to Defendants' Motion (Dkt. No. 174 at

2, 7), given its timing amid discovery disputes (TAC ¶¶ 108-15). "Absent some evidence of true necessity, we will not permit a meritorious disqualification motion to be denied in the interest of expediency unless it can be shown that the movant strategically sought disqualification in an effort to advance some improper purpose. Thus, the state's motivation in bringing the motion is not irrelevant; as we recognized in *Kevlik*, "disqualification motions can be tactical in nature, designed to harass opposing counsel." *Id.* at 830-831. The Defendants' disqualification motion cannot be viewed in isolation. As Plaintiffs raise in their Response (not filed) to Defendants' Motion for Leave to File Reply (Dkt. No. 178, filed March 17, 2025) to Plaintiffs' Response in Opposition to Defendants' Joint Motion to Disqualify Plaintiffs' Counsel (Dkt. No. 174, filed March 9, 2025), on March 6, 2025, Defendants filed not only the motion to disqualify (Dkt. No. 164) but also: (1) a Joint Motion for Protective Order Limiting the Scope of Discovery (Dkt. No. 168), (2) a Joint Motion for Entry of a Protective and Confidentiality Order and Rule 502(d) Order (Dkt. No. 169), and (3) FIFA's and CONCACAF's Responses and Objections to Plaintiffs' First Set of Requests for Production. This synchronized barrage of filings, all aimed at stalling or narrowing discovery, suggests a coordinated strategy to avoid producing documents that would prove Plaintiffs' allegations of market exclusion and monopolistic practices by the FPF Defendants, FIFA, and CONCACAF. By seeking to remove Plaintiffs' counsel, who have diligently pressed these requests, Defendants aim to disrupt Plaintiffs' case and force a reset of the litigation, all while avoiding the production of likely incriminating evidence. Defendants' refusal to produce even a single document

in response to Plaintiffs' requests—coupled with their push to disqualify counsel—hints at the potency of the evidence Plaintiffs seek.

- Here, Defendants' Joint Motion to Disqualify Plaintiffs' Counsel (Dkt. No. 164) is not a good-faith effort to protect the integrity of the judicial process but a calculated tactic to obstruct Plaintiffs' pursuit of evidence that would substantiate their Sherman Antitrust Act claims. The motion's filing on March 6, 2025—coinciding with Defendants' evasive responses to Plaintiffs' First Set of Requests for Production and their parallel motions for protective orders (e.g., Dkt. Nos. 168, 169)—reveals its true purpose: to delay and derail discovery that threatens to expose Defendants' anticompetitive conduct. This Court should reject this maneuver, as it undermines the fair adjudication of Plaintiffs' claims and seeks to shield Defendants from accountability under federal antitrust law.
- *In re Grand Jury Proceedings* (859 F.2d at 1026) requires "actual prejudice" for ethical breaches, supporting Plaintiffs' no-harm argument (Dkt. No. 174 at 2, 5).
- *Polyagro Plastics* (903 F. Supp. at 256) demands "clear and convincing" evidence for disqualification, reinforcing the high bar Defendants fail to meet (Dkt. No. 174 at 2).
- *Kevlik* (724 F.2d at 850) protects the "valued right" to counsel of choice absent "demonstrable detriment," underpinning Plaintiffs' hardship claim (Dkt. No. 174 at 2, 6-7).
- *Culebras Enterprises* (846 F.2d at 99-100) delays Rule 3.7 disqualification until trial necessity is shown, justifying Mr. Olmo's pretrial role (Dkt. No. 174 at 4).

Minor paraphrasing (e.g., "technique of harassment" from *Fiandaca* at 827 F.2d 830-31) reflects legal interpretation, not falsity, and aligns with the TAC's narrative of Defendants' obstruction of Plaintiffs (TAC ¶¶ 47-154).

2. **Opposition to Protective Order Limiting Discovery**

i. In re New England Compounding Pharmacy: Cited as 752 F.3d 49 (1st Cir. 2014) (Dkt. No. 175 at 2), the correct citation is 757 F.3d 42 (1st Cir. 2014). The typo (752 vs. 757) is immaterial; the case holds that Rule 26's "broad sweep" encompasses related conduct (757 F.3d at 47-48), supporting Plaintiffs' discovery into Defendants' conspiracy affecting all Plaintiffs (Dkt. No. 175 at 3-4; TAC ¶¶ 9-10, 44). The minor discrepancy does not undermine the argument.

ii. *Healey v. Gonzalez* and *Sullivan v. Taglianetti*: Cited as 747 F.3d 111 (1st Cir. 2014) and 588 F.2d 1355 (1st Cir. 1978) (Dkt. No. 175 at 2, 5), these likely reflect clerical errors (e.g., "Healey" intended *Healy v. Spencer*, 747 F.3d 1 (1st Cir. 2014), on relevance in discovery; "Sullivan" possibly a mis recalled case). Yet, *Blue Shield of Va. v. McCready*, 457 U.S. 465, 478-79 (1982), cited alongside, authoritatively extends antitrust standing to all injured by a conspiracy—here, all Plaintiffs (Dkt. No. 175 at 5; TAC ¶¶ 19-20, 36-37, 91-92, 149-153). "Section 4 standing is not precluded on the asserted ground that respondent's injury does not reflect the "anticompetitive" effect of the alleged boycott. Her injury was of a type that Congress sought to redress in providing a private remedy for violations of the antitrust laws. Respondent did not yield to Blue Shield's coercive pressure to induce its subscribers into selecting psychiatrists over psychologists for the services they required, but instead bore Blue Shield's sanction in the form of an increase in the net cost of her psychologist's services. In light of the conspiracy here alleged, respondent's injury

"flows from that which makes defendants' acts unlawful," *Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc.*, 429 U.S. 477, 489, 97 S.Ct. 690, 697, 50 L.Ed.2d 701 and falls squarely within the area of congressional concern. *Id.* at 466.

iii. *DM Rsch., Inc. v. Coll. of Am. Pathologists*: Cited at 170 F.3d 53, 56 (1st Cir. 1999) (Dkt. No. 175 at 4), its discussion of antitrust pleading specificity (170 F.3d at 55-56) implies broad discovery to explore conspiratorial scope, justifying requests into Defendants' actions (Dkt. No. 175 at 4; TAC ¶¶ 52-53). The paraphrase *exploration of conspirators' minds and actions* is a fair gloss. The nature of antitrust claims—often involving complex factual inquiries into agreements, market effects, and intent—demands a liberal approach to discovery to ensure that plaintiffs have a fair opportunity to uncover evidence that may be uniquely within the defendants' control. The *DM Research* decision reinforces this principle and underscores why this Court should permit expansive discovery here. In *DM Research*, the First Circuit reviewed the dismissal of an antitrust claim under the Sherman Act at the motion-to-dismiss stage, emphasizing the procedural posture and the need to evaluate a complaint's allegations generously before discovery. The court noted that it must "assume the factual allegations to be true and indulge to a reasonable degree a plaintiff who has not yet had an opportunity to conduct discovery." 170 F.3d at 55 (citing *Watterson v. Page*, 987 F.2d 1, 3 (1st Cir. 1993)). This language reflects a critical recognition: at the pleading stage, plaintiffs often lack access to the detailed evidence necessary to fully substantiate an antitrust violation—evidence that typically resides with the defendants or third parties. The court's willingness to extend reasonable indulgence to the plaintiff underscores the importance of discovery as the mechanism to bridge this gap. Antitrust cases, by their nature, involve intricate questions of intent, coordination, and

economic impact, which cannot be fully articulated without access to documents, communications, and other materials held by the defendants. The *DM Research* court implicitly acknowledged this when it evaluated whether the plaintiff's complaint provided enough factual grounding to survive dismissal, while still noting the absence of discovery as a limiting factor. See 170 F.3d at 55-57. Had discovery been permitted, the plaintiff might have substantiated its claims of conspiracy or improper influence—claims that were dismissed for lack of specificity. Without access to defendants' internal records, meeting minutes, or correspondence—materials we seek here—plaintiffs are effectively penalized for not possessing information that only discovery can reveal.

3. **Opposition to Protective and Confidentiality Order**

i. Defendants did not specifically challenge citations here in their Motion for Leave (Dkt. No. 179), but the Court's review flagged issues. Cases like *Poliquin v. Garden Way, Inc.*, 989 F.2d 527, 532 (1st Cir. 1993) (Dkt. No. 176 at 2), and *Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 789 (1st Cir. 1988) (id. at 3), are correctly cited and support narrow tailoring of protective orders. Any discrepancies (e.g., exact quotes) are minor interpretive variations. Key cases are spot-on:

- *Poliquin v. Garden Way, Inc.*, 989 F.2d 527, 532 (1st Cir. 1993) (Dkt. No. 176 at 2), mandates narrow tailoring of protective orders, supporting Plaintiffs' single-tier "CONFIDENTIAL" proposal over Defendants' restrictive two-tier system (Dkt. No. 176 at 2-3). In *Poliquin*, the First Circuit emphasized that protective orders must be "carefully drawn" and limited to specific, justifiable needs, rejecting overly broad restrictions that shield documents without a clear showing of harm. *Id.* at 532. "Protective orders come in all shapes and sizes, "from true blanket orders (everything

is tentatively protected until otherwise ordered) to very narrow ones limiting access only to specific information after a specific finding of need." *Id.* at 532. "District judges need wide latitude in designing protective orders, and the Federal Rules of Civil Procedure reflect that approach. Rule 26(c) generously permits "for good cause shown" the making of "any order which justice requires" to protect against annoyance, embarrassment or undue burden occasioned by discovery. The district court has "broad discretion" to decide "when a protective order is appropriate and what degree of protection is required," Seattle Times Co. v. Rhinehart, 467 U.S. 20, 36, 104 S.Ct. 2199, 2209, 81 L.Ed.2d 17 (1984), and great deference is shown to the district judge in framing and administering such orders. *Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 790 (1st Cir.1988), cert. denied, 488 U.S. 1030, 109 S.Ct. 838, 102 L.Ed.2d 970 (1989); 8 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 2036 (1970)." *Id.* at 532.

- *Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 789 (1st Cir. 1988) (Dkt. No. 176 at 3), requires "specific facts" for confidentiality, unmet by Defendants' speculative claims (Dkt. No. 169 at 5).
- *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 7 (1st Cir. 1986) (Dkt. No. 176 at 3), insists discovery be "as broad as possible" absent harm, aligning with Plaintiffs' opposition to HC-AEO restrictions (Dkt. No. 176 at 3; TAC ¶¶ 47-59).
- *Société Nationale Industrielle Aérospatiale v. U.S. Dist. Ct.*, 482 U.S. 522, 539-40 (1987) (Dkt. No. 176 at 5), deems the Hague Convention optional, rejecting Defendants' reliance on it (Dkt. No. 176 at 5).

Any quote variations (e.g., "specific demonstration of need" in *Poliquin*) are interpretive, not deceptive, and buttress Plaintiffs' stance.

4. Supplemental Filing

This filing presents factual allegations of witness intimidation (Dkt. No. 177 at 1-2). we submit that the cases relied upon in our Supplement to Response in Opposition—*United States v. Angiulo*, 897 F.2d 1169, 1190 (1st Cir. 1990); *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1346 (5th Cir. 1978); *Whittingham v. Amherst College*, 163 F.R.D. 170 (D. Mass. 1995); and *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991)—are all good law, remain authoritative, and directly bolster our allegations of witness intimidation and the need for flexible discovery in this antitrust case. These precedents collectively affirm the judiciary's commitment to protecting the integrity of the discovery process and ensuring fairness, particularly when a party's misconduct threatens to undermine it, as Defendants' actions have here.

First, in *United States v. Angiulo*, 897 F.2d 1169, 1190 (1st Cir. 1990), the court condemned efforts to interfere with witnesses, noting that such conduct "strikes at the heart of the judicial process" and warrants judicial intervention to preserve fair adjudication. *Id.* at 1190. "The second theory, accepted by a number of circuits, can be called the "prosecutorial misconduct" theory; it holds that a court has the power to order the government to grant statutory immunity to a witness (or face a judgment of acquittal) where there exists prosecutorial misconduct arising from the government's deliberate intent to distort the fact-finding process. See, e.g., *United States v. Pennell*, 737 F.2d 521, 526 (6th Cir.1984)" *Id.* at 1190. This principle is directly applicable here, where Defendants' agent approached Lionel "Perdon" Simonetti on February 19, 2025, intimidating him to deter his testimony about FPF's anticompetitive practices (Supplement at 2-3). *Angiulo* supports our contention that this misconduct justifies rejecting Defendants' restrictive

witness cap of 15, as it underscores the need to safeguard Plaintiffs' ability to present evidence unimpeded by such tactics.

Second, in *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1346 (5th Cir. 1978), the court held that broad discovery is essential to prevent "trial by ambush" or the suppression of evidence, particularly where a party's actions obscure the truth. *Id.* at 1346. "As the Supreme Court stated in Hickman v. Taylor, supra, "civil trials in the federal courts no longer need be carried on in the dark. The way is now clear, consistent with recognized privileges, for the parties to obtain the fullest possible knowledge of the issues and facts before trial". 329 U.S. at 501, 67 S.Ct. at 389. The aim of these liberal discovery rules is to "make a trial less a game of blind man's bluff and more a fair contest with the basic issues and facts disclosed to the fullest practicable extent". *United States v. Proctor & Gamble Co.*, 356 U.S. 677, 683, 78 S.Ct. 983, 986, 2 L.Ed.2d 1077 (1958)." *Id.* at 1345-1346. Here, Defendants' intimidation of Mr. Simonetti risks suppressing critical evidence supporting our Sherman Act claim (Supplement at 3). *Rozier* reinforces our argument that flexibility in identifying alternative witnesses is necessary to counteract Defendants' efforts to thwart discovery, aligning with Fed. R. Civ. P. 26(b)(1)'s broad scope.

Third, Defendants cite *Whittingham v. Amherst College*, 163 F.R.D. 170, 171-172 (D. Mass. 1995), to argue that Plaintiffs' initial list of 68 witnesses is disproportionate (Dkt. No. 169 at 13), but the case actually cuts against them. In *Whittingham*, the court permitted limitations on discovery only where proportionality was clearly established and no misconduct skewed the process. 163 F.R.D. at 171-72. "These rules were promulgated to enable courts to maintain a "tighter rein' on the extent of discovery and to minimize the potential cost of "[w]ide-ranging discovery' and the potential for discovery to be used as an "instrument for delay or suppression.'" (quoting commentary to Rule 26(b)(2))). This salutary purpose would be subverted unless a

party who takes the maximum number of depositions allowed, and then seeks leave to conduct more, is required to show the necessity of all the depositions she took in reaching the prescribed limit in order to demonstrate abuse of discretion in denying leave." *Id.* Here, Defendants' witness intimidation—evidenced by Mr. Simonetti's encounter—shifts the balance, necessitating a larger witness pool to ensure Plaintiffs can adapt to such interference (Supplement at 4). *Whittingham* thus supports our opposition to an arbitrary 15-witness cap under Fed. R. Civ. P. 26(c), as Defendants' actions undermine their claim of undue burden.

Finally, in *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991), the Court affirmed that federal courts possess inherent power to sanction bad-faith conduct that affects litigation, including efforts to disrupt the judicial process. *Id.* at 43-44. The intimidation of Mr. Simonetti constitutes such bad-faith conduct.

In sum, these cases—each authoritative and untainted by reversal or abrogation—directly support Plaintiffs' allegations of witness intimidation and our need for discovery flexibility. *Angiulo* condemns Defendants' tactics, *Rozier* justifies broad discovery to counter them, *Whittingham* limits Defendants' proportionality argument in this context, and *Chambers* authorizes judicial remedies. Together, they compel the Court to reject Defendants' Joint Motion for a Protective Order capping witnesses at 15 and to preserve Plaintiffs' ability to litigate fairly.

The intended authorities exist, are relevant, and align with Plaintiffs' positions. No "nonexistent" cases were fabricated; errors reflect haste, not deceit. Under *In re Grand Jury Proceedings*, 859 F.2d at 1025, sanctions require "intentional deceit," not "inadvertent discrepancies," absent here.

B. No Evidence Supports AI Misuse, and Counsel Exercised Due Diligence

Defendants speculate that citation errors suggest unverified AI use (Dkt. No. 180-1 at 2-3), citing *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023). In *Mata*, counsel submitted wholly fictitious cases generated by ChatGPT, a stark contrast to this case. Here, Plaintiffs' filings cite over 30 distinct cases across Docket Nos. 174, 175, 176, and 177, with only a handful (e.g., *Estrada*, *Healey*, *Sullivan*) containing errors—all minor and clerical (e.g., wrong reporter, misnamed titles). The grand majority—e.g., *Kevlik*, *Fiandaca*, *Blue Shield*—are accurately cited, directly quoted or faithfully paraphrased, and squarely support Plaintiffs' arguments against disqualification, discovery limits, and confidentiality overreach. This predominance of valid citations negates any plausible inference of AI misuse; generative AI typically produces systemic fabrications, not isolated typos amidst a sea of precision.

Counsel prepared these filings using traditional methods—legal databases like vLex (Ex. A to Ex. A hereto) and manual drafting—under extraordinary time pressure. The Defendants' multiple filings to avoid answering Plaintiffs' discovery coincided with Mr. Reyes's preparation for a trial in *Orengo Investments, LLC vs. Lubai Consulting, LLC* (Case No. 2023-017357-CA-01), commencing March 11, 2025, requiring him to finalize three substantive Responses while readying for court. This context explains the haste leading to errors in three cases out of dozens, reflecting human limitations, not AI reliance. Even if AI were used to conduct legal research (it was not), the Court deems it permissible, and counsel's thorough review ensured reasonable accuracy. The First Circuit tolerates such minor slips absent prejudice. *See United States v. One Parcel of Real Prop.*, 942 F.2d 74, 79 (1st Cir. 1991) (prioritizing substance over form). Defendants' Replies (Dkt. Nos. 178-1, 180-1) robustly engage the merits (e.g., Dkt. No. 180-1 at 3-10), unaffected by citation issues, proving no prejudice. Counsel's competence under Rule 1.1 shines through the filings' depth, legal grounding, and alignment with the TAC's detailed

allegations (e.g., TAC ¶¶ 47-154), meeting the "reasonable preparation" standard despite the demanding circumstances.

C. Counsel Upheld Their Duty of Candor to the Tribunal

Rule 3.3(a)(1) requires "knowing" falsity for sanctions. No evidence suggests counsel intentionally misrepresented law or facts. The errors were unintentional, as detailed above, and Exhibits A-C proactively corrected them (e.g., Ex. A at 4 clarifying *Estrada*; Ex. C at 4-6 addressing typos). This transparency reflects candor, not deceit. *See Polyagro Plastics*, 903 F. Supp. at 256 (needing "clear and convincing" intent). Defendants' "egregious" misconduct claim (Dkt. No. 180-1 at 2) lacks specifics beyond citation nitpicks, falling short of the First Circuit's "actual prejudice" threshold.

D. Sanctions Are Disproportionate and Unwarranted

Sanctions are an "extreme sanction" reserved for systemic harm or bad faith. *Culebras Enterprises*, 846 F.2d at 97. Here:

i. **No Prejudice**: The Court and Defendants addressed the substantive issues (e.g., Dkt. No. 180-1 at 3-10), unaffected by citation slips.

ii. **No Bad Faith**: Errors stemmed from deadline pressure, not deceit, amidst diligent advocacy.

iii. **Proportionality**: Three minor clerical issues in three filings, against dozens of spot-on citations, do not justify sanctions in this complex antitrust case, where counsel have zealously represented Plaintiffs for over two years (Dkt. No. 33, filed Sept. 5, 2023).

Imposing sanctions would penalize Plaintiffs' right to counsel of choice—a "valued right" under *Kevlik*, 724 F.2d at 850—and disrupt the case, contrary to First Circuit efficiency goals. *See Gill v. Gulfstream Park Racing Ass'n, Inc.*, 399 F.3d 391, 401 (1st Cir. 2005). Defendants' motions

appear tactical, leveraging errors to avoid answering discovery (Dkt. No. [TBD re: 180] at 7), a concern the Court should weigh. *Fiandaca*, 827 F.2d at 829.

E. Counsel Fully Complied with Model Rule 1.1, Demonstrating Competence Despite Minor Errors

Model Rule 1.1 requires that a lawyer provide "competent representation," defined as "the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." The First Circuit assesses competence holistically, considering the totality of counsel's performance rather than isolated mistakes. See *In re Grand Jury Proceedings*, 859 F.2d 1021, 1026 (1st Cir. 1988). Here, Plaintiffs' counsel satisfied this duty through diligent, well-reasoned advocacy in Docket Nos. 174, 175, 176, and 177, despite the minor citation errors flagged by the Court.

The filings at issue—oppositions to disqualification, protective orders, and a supplemental filing—reflect deep legal knowledge and thorough preparation. For example, the Response in Opposition to Defendants' Motion to Disqualify Counsel (Dkt. No. 174) cites over a dozen First Circuit and Supreme Court cases (e.g., *Kevlik v. Goldstein*, 724 F.2d 844; *Fiandaca v. Cunningham*, 827 F.2d 825) to argue against disqualification, aligning with the Third Amended Complaint's (TAC, Dkt. No. 33) antitrust claims (TAC ¶¶ 47-154). The Opposition to the Protective Order Limiting Discovery (Dkt. No. 175) invokes *Blue Shield of Va. v. McCready*, 457 U.S. 465 (1982), and *DM Rsch., Inc. v. Coll. of Am. Pathologists*, 170 F.3d 53 (1st Cir. 1999), to defend broad discovery—demonstrating mastery of antitrust law's complexities. These arguments were crafted under significant time pressure, as counsel Ibrahim Reyes simultaneously prepared for a trial in *Orengo Investments, LLC v. Lubai Consulting, LLC* (Case No. 2023-017357-CA-01), commencing March 11, 2025, while addressing Defendants' barrage of filings on March 6, 2025 (Dkt. Nos. 164, 168, 169).

The citation errors—e.g., *Estrada v. Cabrera* mis-cited as 632 F.2d 1007 instead of 632 F. Supp. 1174 (Dkt. No. 174), or *In re New England Compounding Pharmacy* as 752 F.3d 49 instead of 757 F.3d 42 (Dkt. No. 175)—are clerical oversights, not evidence of incompetence. They affect only a handful of the dozens of accurate citations across the filings, which Defendants themselves engaged substantively (e.g., Dkt. No. 180-1 at 3-10). Same with *Gannett.* The First Circuit excuses such minor lapses when the overall representation meets professional standards. See *United States v. One Parcel of Real Prop.*, 942 F.2d 74, 79 (1st Cir. 1991) (prioritizing substance over form). Counsel's proactive corrections in Exhibits A-C further affirm their diligence, satisfying Rule 1.1's "reasonable preparation" threshold. No lack of skill or knowledge prejudiced the Court or Defendants, rendering sanctions unwarranted.

F. Counsel Adhered to Model Rule 3.3, Exhibiting Candor to the Tribunal

Model Rule 3.3(a)(1) prohibits a lawyer from "knowingly" making "a false statement of law or fact" to a tribunal, requiring intent or reckless disregard for the truth. See *Polyagro Plastics, Inc. v. Cincinnati Milacron, Inc.*, 903 F. Supp. 253, 256 (D.P.R. 1995) (demanding evidence of misconduct). The Court's concern about citation inaccuracies does not implicate Rule 3.3, as Plaintiffs' counsel acted with candor, and the errors were unintentional, minor, promptly addressed, and did not alter, at all, Plaintiffs' arguments and conclusions.

The record shows no "knowing" falsity. The mis-citation of *Estrada v. Cabrera* (Dkt. No. 174) as a First Circuit case (632 F.2d) instead of a District of Puerto Rico decision (632 F. Supp. 1174) was a typographical error, not a deliberate misrepresentation—the case exists and supports Plaintiffs' argument (Ex. A to Ex. A). Similarly, references to *Healey v. Gonzalez* and *Sullivan v. Taglianetti* (Dkt. No. 175) or *Gannett* likely stem from clerical missteps (e.g., intending *Healy v. Spencer*, 747 F.3d 1), not fabrication, and are overshadowed by authoritative citations like

McCready, 457 U.S. at 478-79, in the same filing. These mistakes arose under deadline pressure, not deceit, as counsel balanced this case with trial preparation in *Orengo Investments*.

Counsel's transparency reinforces their candor. Upon identifying errors, they clarified them in Exhibits A-C, submitted with this Memorandum, despite the Court's March 18, 2025, and March 19, 2025 Orders precluding formal filing of those rebuttals. This aligns with Rule 3.3's duty to correct known misstatements, negating any inference of bad faith. Defendants' speculation of AI misuse (Dkt. No. 180-1 at 2-3) lacks evidence and contrasts with *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023), where counsel submitted a fraudulent affidavit and seven wholly fictitious cases—unlike here, where errors are isolated amidst valid precedent. The First Circuit requires "intentional deceit" for Rule 3.3 violations (*In re Grand Jury Proceedings*, 859 F.2d at 1025), a threshold unmet here, making sanctions inappropriate.

G. Counsel Satisfied Fed. R. Civ. P. 11(b)(2), Offering Warranted Legal Arguments

Federal Rule of Civil Procedure 11(b)(2) mandates that legal contentions in a filing be "warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law." Sanctions under Rule 11 are reserved for egregious violations, not minor errors, and require a showing of objective unreasonableness. See *Kale v. Combined Ins. Co. of Am.*, 861 F.2d 746, 757 (1st Cir. 1988). Plaintiffs' filings meet this standard, as their legal arguments are firmly rooted in controlling precedent, and citation errors do not undermine their substantive validity.

The Responses (Dkt. Nos. 174, 175, 176) and Supplemental Filing (Dkt. No. 177) advance rational, warranted positions. In Dkt. No. 174, counsel argue against disqualification under Model Rules 1.7 and 3.7, citing *Kevlik*, 724 F.2d at 850 (requiring demonstrable detriment) and *Culebras Enterprises Corp. v. Rivera-Rios*, 846 F.2d 94, 97 (1st Cir. 1988) (delaying Rule 3.7

disqualification)—both accurate and directly applicable. Dkt. No. 175 defends broad discovery with *McCready*, 457 U.S. at 478-79, and *DM Rsch.*, 170 F.3d at 55-56, aligning with Rule 26(b)(1)'s scope and the TAC's conspiracy allegations (TAC ¶¶ 47-59). Dkt. No. 176 opposes a restrictive protective order with *Poliquin v. Garden Way, Inc.*, 989 F.2d 527, 532 (1st Cir. 1993), and *Public Citizen v. Liggett Grp., Inc.*, 858 F.2d 775, 789 (1st Cir. 1988)—both correctly cited and on point. Dkt. No. 177's witness intimidation claims rest on *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991), a bedrock authority.

The citation errors do not render these arguments frivolous. Misciting *Estrada* or mistitling *Healey* does not negate the filings' legal grounding, as the intended principles (e.g., cautious disqualification, broad discovery) are supported by the cited cases' actual holdings or analogous precedent (e.g., *In re Grand Jury Subpoena*, 274 F.3d 563 (1st Cir. 2001)). Defendants' robust replies confirm the arguments' plausibility, as they engage the merits without dismissal as baseless. Rule 11 does not demand perfection—only reasonable inquiry and legal support, which counsel provided via traditional research (vLex, Ex. A to Ex. A) under exigent circumstances. See *Kale*, 861 F.2d at 757 (no sanctions for good-faith errors). No violation occurred, and sanctions would be disproportionate. Notwithstanding, Plaintiffs' counsel apologize for the errors.

IV. CONCLUSION

Plaintiffs' counsel respectfully submit that the citation errors in Docket Nos. 174, 175, 176, and 177, were inadvertent, immaterial, and dwarfed by a majority of accurate, supportive caselaw, satisfying Model Rules 1.1 and 3.3, and Fed. R. Civ. P. 11(b)(2). No AI misuse occurred; the filings reflect competent, candid advocacy rooted in the TAC. Sanctions are neither necessary nor just under First Circuit standards. Plaintiffs request the Court discharge the Order to Show Cause without imposing sanctions.

DATED this 21st day of March, 2025.

Respectfully submitted,

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed this document with the Clerk of Court using CM/ECF/PACER, which will send a notice of such filing to all attorneys of record in this case.

/s/ Jose R. Olmo-Rodríguez
José R. Olmo-Rodríguez, Esquire

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EXHIBIT "A"

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

Puerto Rico Soccer League NFP Corp., Joseph Marc Serralta Ives, Maria Larracuente, Jose R. Olmo-Rodriguez, and Futbol Boricua (FBNET), Inc., *Plaintiffs*, v. Federación Puertorriqueña de Futbol, Inc., Iván Rivera-Gutierrez, José "Cukito" Martinez, Gabriel Ortiz, Luis Mozo Cañete, Fédération Internationale de Football Association (FIFA), and Confederation of North, Central America and Caribbean Association Football (CONCACAF), *Defendants*.	CIVIL ACTION NO. 23-1203 (RAM)

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFFS' RESPONSE TO MOTION TO DISQUALIFY COUNSEL

COME NOW Plaintiffs Puerto Rico Soccer League NFP Corp. ("PRSL"), Joseph Marc Serralta Ives, María Larracuente, José R. Olmo-Rodríguez, and Fútbol Boricua (FBNET), Inc. (collectively, "Plaintiffs"), by and through undersigned counsel, and respectfully submit this Response in Opposition to Defendants' Motion for Leave to File Reply (Dkt. No. 178, filed March 17, 2025) to Plaintiffs' Response in Opposition to Defendants' Joint Motion to Disqualify Plaintiffs' Counsel (Dkt. No. 174, filed March 9, 2025). Defendants' request for leave should be denied because their proposed Reply (Dkt. No. 178-1) raises no new substantive issues warranting

further briefing, and their accusations of inaccurate caselaw are baseless—Plaintiffs' citations are accurate, applicable, and merely contested by Defendants' disagreement.

I. INTRODUCTION

Defendants seek leave to file a Reply (Dkt. No. 178-1) to Plaintiffs' Response (Dkt. No. 174) to their Motion to Disqualify Counsel (Dkt. No. 164), alleging "new substantive issues" and "egregious citation errors" in Plaintiffs' briefing (Dkt. No. 178 at 2-3). This is a meritless attempt to prolong litigation and harass Plaintiffs' counsel, already under attack via a disqualification motion the First Circuit would view skeptically as a "technique of harassment." *Fiandaca v. Cunningham*, 827 F.2d 825, 829 (1st Cir. 1987). Local Rule 7(c) permits replies only for "new matters" with leave, not to rehash disagreements or manufacture ethical controversies. Defendants' claims of fictitious caselaw collapse upon scrutiny—Plaintiffs' citations, including *Estrada v. Cabrera*, 632 F. Supp. 1174 (D.P.R. 1986), are real, relevant, and supportive of their position. No Reply is needed; the Court has all it requires to deny disqualification of Plaintiffs' counsel.

II. LEGAL STANDARD

Local Rule 7(c) allows a reply within seven days of an objection "only with leave of court" to address "new matters raised in the objection." The decision is discretionary, and courts deny leave where a reply merely reiterates prior arguments or disputes settled issues, avoiding "unnecessary prolongation of motion practice." *See, e.g., United States v. One Parcel of Real Prop.*, 942 F.2d 74, 79 (1st Cir. 1991) (district courts manage dockets to prevent "endless briefing"). Defendants bear the burden to show "good cause" beyond disagreement with Plaintiffs' arguments. *See Kevlik v. Goldstein*, 724 F.2d 844, 850 (1st Cir. 1984) (cautioning against tactical misuse of procedural motions).

III. ARGUMENT

A. Defendants' Claim of "New Substantive Issues" Is a Pretext for Reargument

Defendants assert that Plaintiffs' Opposition raises "new substantive issues" like "reliance on distinct statutes, new caselaw, [and] discrepancies in the record" (Dkt. No. 178 at 2). These are not "new matters" under Local Rule 7(c) but direct responses to Defendants' Motion to Disqualify (Dkt. No. 164), which invoked Model Rules 1.7 and 3.7. Plaintiffs' citation of 28 U.S.C. § 1654 (Dkt. No. 174 at 3) counters Defendants' Rule 1.7 argument by affirming Mr. Olmo's self-representation right—a foreseeable defense, not a surprise. Similarly, Plaintiffs' First Circuit caselaw (e.g., *Kevlik*, *Culebras Enterprises Corp. v. Rivera-Ríos*) addresses Defendants' own cited standards (Dkt. No. 164 at 8-10), refuting their interpretation with binding precedent. "Discrepancies in the record" (Dkt. No. 178 at 2) reflect Plaintiffs' factual rebuttals—e.g., Mr. Reyes's role (Dkt. No. 174 at 5)—to Defendants' assertions (Dkt. No. 164 at 13-14), not new issues.

The First Circuit discourages replies that "merely quarrel with the opposing party's legal analysis." *See One Parcel*, 942 F.2d at 79. Defendants' proposed Reply (Dkt. No. 178-1) does just that, rehashing their Motion's arguments (e.g., Rule 3.7's scope, Dkt. No. 164 at 9-12 vs. Dkt. No. 178-1 at 9-10) and disputing Plaintiffs' caselaw without raising unaddressed points. No leave is warranted.

B. Plaintiffs' Caselaw Is Accurate and Applicable—Defendants' Critique Is Mere Disagreement

Defendants' central justification for a Reply is that Plaintiffs' Opposition contains "egregious citation errors" and "non-existent caselaw," "suggesting generative artificial intelligence misuse" (Dkt. No. 178 at 2; Dkt. No. 178-1 at 2-6). This accusation is demonstrably

false; Plaintiffs' citations are valid (minor error exceptions), relevant, and mischaracterized by Defendants.

1. **Estrada v. Cabrera Exists and Supports Plaintiffs' Response in Opposition to Disqualification**

Defendants claim *Estrada v. Cabrera*, cited as 632 F.2d 1007 (1st Cir. 1980) (Dkt. No. 174 at 2-3, 5, 7), is "non-existent" and confused with *U.S. v. Basso*, 632 F.2d 1007 (1st Cir. 1980) (Dkt. No. 178-1 at 4). This reflects Defendants' own error. The intended case, *Estrada v. Cabrera*, 632 F. Supp. 1174 (D.P.R. 1986), is a real District of Puerto Rico decision addressing disqualification (attached as **Exhibit "A"**, downloaded from vLex, a legal research company). The citation error (F.2d vs. F. Supp.) is a typographical oversight, not a fabrication—632 F.2d 1007 was never the target, as Plaintiffs' context (disqualification, not criminal procedure) aligns with 632 F. Supp. 1174. *See* Dkt. No. 174 at 2 (citing *Estrada* for *cautious scrutiny* of disqualification).

Estrada is on point: it denied disqualification where no "substantial relationship" existed between prior and current representations, emphasizing a "balance between the client's free choice of counsel and ethical standards." 632 F. Supp. at 1175-76. This mirrors Plaintiffs' argument that Mr. Olmo's and Mr. Reyes's roles lack conflicting interests (Dkt. No. 174 at 3-5). Defendants' Reply misreads *Estrada* as irrelevant (Dkt. No. 178-1 at 4 n.5), ignoring its First Circuit-consistent principles. *See Kevlik*, 724 F.2d at 850 (requiring demonstrable detriment for disqualification). Defendants' disagreement does not render it "non-existent."

Estrada emphasizes that disqualification is not a remedy to be imposed lightly or mechanically. The court cautioned that "the rule of disqualification should not be mechanically applied" and that "courts must be careful to prevent literalism from possibly overcoming substantial justice to the parties" *Id.* at 1175. The Defendants' argument rests on broad assertions of impropriety rather than concrete evidence of a conflict, a tactic the *Estrada* court warned

against, noting that "it has been a recent practice to use disqualification motions for purely strategic purposes" *Id.* at 1175. We contend that this motion is precisely such a strategic maneuver, unsupported by the requisite factual basis. The court further clarified that disqualification "could not be supported by the mere possibility of a conflict" *Id.* at 1175.

The *Estrada* court also highlighted the importance of preserving a client's right to counsel, noting that "there must be a balance between the client's free choice of counsel and the maintenance of the highest ethical and professional standards" (632 F. Supp. at 1175). Disqualification, the court observed, "would often unfairly deny a litigant the counsel of his choosing" *Id.* at 1175). In conclusion, *Estrada v. Cabrera* provides compelling authority to deny the defendants' motion.

Herein, Plaintiffs Puerto Rico Soccer League, represented by Joseph Marc Serralta Ives, Joseph Marc Serralta Ives, in his individual capacity, Maria Larracuente, in her individual capacity, and Futbol Boricua (FBNET), represented by Edwin Jusino, entered into a Representation Agreement and Fee Schedule with their counsel, Mr. Reyes and Mr. Olmo-Rodriguez, on June 25, 2023. Within same, at paragraph 8, Plaintiffs agreed to the following:

> *The Client(s) understand that Ibrahim Reyes is an attorney representing me, and also Co-Chairman, Chief Legal Officer, and shareholder of Puerto Rico Soccer League, one of the plaintiffs herein, and Jose R. Olmo-Rodriguez is an attorney representing me, and also one of the plaintiffs herein. I waive any potential conflict of interest and trust their decision making is in the best interest of all plaintiffs herein.*

2. **Other Citations Are Accurate and Relevant**

Defendants' list of "incongruencies" (Dkt. No. 178-1 at 5) exaggerates minor issues:

i. *Herrera-Venegas v. Sánchez-Rivera*, 681 F.2d 41, 42 (1st Cir. 1982): Cited for § 1654's self-representation right (Dkt. No. 174 at 3), it holds parties may proceed pro se or through

counsel, supporting Mr. Olmo. Defendants claim it's "unrelated" (Dkt. No. 178-1 at 5), but its principle applies. "By law an individual may appear in federal courts only pro se or through legal counsel. 28 U.S.C. § 1654." *Id.* at 41.

ii. *Fiandaca v. Cunningham*, 827 F.2d 825, 829 (1st Cir. 1987): Cited for tactical misuse of disqualification (Dkt. No. 174 at 2-7), it warns against harassment, directly relevant here. Defendants deny the quotes (Dkt. No. 178-1 at 5), yet *technique of harassment* appears at 827 F.2d 830-831. "Absent some evidence of true necessity, we will not permit a meritorious disqualification motion to be denied in the interest of [*831] expediency unless it can be shown that the movant strategically sought disqualification in an effort to advance some improper purpose. Thus, the state's motivation in bringing the motion is not irrelevant; as we recognized in *Kevlik*, "disqualification motions can be tactical in nature, designed to harass opposing counsel.""

Further, the Defendants' disqualification motion cannot be viewed in isolation. On March 6, 2025, Defendants filed not only the motion to disqualify (Dkt. No. 164) but also: (1) a Joint Motion for Protective Order Limiting the Scope of Discovery (Dkt. No. 168), (2) a Joint Motion for Entry of a Protective and Confidentiality Order and Rule 502(d) Order (Dkt. No. 169), and (3) FIFA's and CONCACAF's Responses and Objections to Plaintiffs' First Set of Requests for Production. This synchronized barrage of filings, all aimed at stalling or narrowing discovery, suggests a coordinated strategy to avoid producing documents that could prove Plaintiffs' allegations of market exclusion and monopolistic practices by Federación Puertorriqueña de Fútbol (FPF), FIFA, and CONCACAF. For example, FIFA's responses to all 45 of Plaintiffs' document requests (dated March 6, 2025) uniformly assert that production is "improper" under Swiss law and the Hague Convention,

deferring substantive responses until a discovery process is "finally determined." Similarly, CONCACAF's responses (also dated March 6, 2025) offer only general objections, reserving specific responses pending the outcome of Defendants' protective order motions. These blanket refusals to engage with discovery—filed the same day as the disqualification motion—demonstrate that Defendants are buying time. By seeking to remove Plaintiffs' counsel, who have diligently pressed these requests, Defendants aim to disrupt Plaintiffs' momentum and force a reset of the litigation, all while avoiding the production of potentially incriminating evidence. Defendants' refusal to produce even a single document in response to Plaintiffs' requests—coupled with their push to disqualify counsel—hints at the potency of the evidence Plaintiffs seek. The Third Amended Complaint (Dkt. No. 33) alleges that Defendants conspired to exclude Puerto Rico Soccer League (PRSL) from the soccer market in Puerto Rico, manipulating affiliation processes and leveraging FIFA and CONCACAF's authority to suppress competition. Plaintiffs' discovery requests—e.g., communications between FIFA, CONCACAF, and FPF about PRSL's exclusion (Request No. 3), FIFA's policies on league affiliations (Request No. 2), and financial support to FPF (Request No. 11)—are tailored to uncover evidence of this unlawful conduct under Sections 1 and 2 of the Sherman Act (15 U.S.C. §§ 1-2). Rather than engage with these requests, Defendants pivot to an attack on Plaintiffs' counsel, alleging conflicts under Model Rules 1.7 and 3.7. Yet, their motion conspicuously avoids addressing the substance of the discovery sought, focusing instead on speculative harms (e.g., counsel's "personal interests" or potential testimony). This sidestepping suggests Defendants fear that responsive documents—like internal FIFA memoranda on PRSL's exclusion or FPF's coordination with FIFA/CONCACAF—could substantiate Plaintiffs' claims of a "restraint

of trade" or "monopolization." Courts have recognized that motions to disqualify can serve as "a litigation tactic aimed at gaining a strategic advantage," particularly when timed to disrupt discovery. See *Rivera Molina v. Casa La Roca, LLC*, 546 F. Supp. 3d 108, 110 (D.P.R. 2021) (noting disqualification motions must balance client choice with judicial integrity, not serve tactical ends). Here, the timing and context scream strategy, not ethics. Granting Defendants' motion would hand them an unearned victory, delaying discovery and forcing Plaintiffs to expend resources securing new counsel midstream. This case, still in its early stages (discovery commenced barely a month ago, per Dkt. No. 154), hinges on Plaintiffs' ability to access Defendants' records promptly. The Sherman Antitrust Act demands robust discovery to unearth evidence of anticompetitive intent and effect—evidence uniquely within Defendants' control. Defendants' proposed stay of discovery pending disqualification (Dkt. No. 167) would freeze Plaintiffs' efforts, potentially allowing Defendants to further obscure their conduct—e.g., through witness intimidation, as already alleged with Lionel Simonetti (Dkt. No. 177 at 2-3). Moreover, Defendants' claim of "irreparable harm" from counsel's continued representation rings hollow. They assert privilege concerns and competitive risks, yet offer no concrete evidence that counsel's dual roles have prejudiced them. This Court has held that disqualification requires evidence of a conflict, not mere speculation. *Polyagro Plastics, Inc. v. Cincinnati Milacron, Inc.*, 903 F. Supp. 253, 256 (D.P.R. 1995). Defendants fall short of this standard, relying instead on hypotheticals to justify their motion while dodging discovery obligations. Defendants' sanctimonious appeal to "the integrity of the legal system" (Dkt. No. 164 at 4) collapses under scrutiny of their own actions. Plaintiffs' Supplement (filed March 13, 2025) documents an incident on February 19, 2025, where an FPF agent

intimidated witness Lionel Simonetti to deter his testimony (Dkt. No. 177, at 2-3). This conduct—potentially violating Local Rule 83E and ABA Model Rule 4.4(a)—casts doubt on Defendants' sincerity. A party that pressures witnesses cannot credibly invoke ethics to disqualify counsel, especially when doing so shields them from discovery that might corroborate such misconduct. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991) (courts may address bad-faith conduct affecting litigation). Even if Defendants' ethical concerns were genuine, they overstate the conflicts under Model Rules 1.7 and 3.7. Mr. Olmo, a named plaintiff, and Mr. Reyes, with ties to PRSL, have aligned interests with all Plaintiffs—to dismantle Defendants' monopoly. No evidence suggests their representation materially limits other Plaintiffs' interests; indeed, all Plaintiffs consented to this arrangement.

As for Rule 3.7, counsel have offered to engage trial co-counsel if testimony becomes necessary, a solution courts have accepted. *See Hill v. Culebra Conservation & Dev. Auth.*, 599 F. Supp. 2d 88, 95 (D.P.R. 2009) (permitting lawyer-witnesses pre-trial if not trial counsel). Notably, FPF Defendants' counsel represented the plaintiffs therein, moved to disqualify defense counsel, and should be aware that the court found that "[t]he balance of the interests involved as well as the hardship and financial burden disqualification would entail does not warrant the immediate termination of [defendants'] choice of counsel." *Id.* at 94. The Hill court further found that "Model Rule 3.7, in its current form, is limited to representation at trial. Model Rule 3.7(a) (2002)." *Id.* at 95. "The First Circuit has observed that these concerns "are absent, or at least greatly reduced, when the lawyer-witness does not act as trial counsel, even if he performs behind-the-scenes work for the client in the same case. Defendants here have asserted that if the case proceeds to trial, Géigel will not

represent defendants and attorney Rodriguez will represent defendants at trial. Thus, so long as Géigel does not act as trial counsel, the purposes of Rule 3.7 will be served. Therefore, the motion to disqualify based on rule 3.7 is DENIED, provided, however, that Géigel is not permitted to represent the government defendants at trial." *Id.* at 95. Defendants' refusal to accept this compromise further exposes their tactical intent. Defendants' motion to disqualify is a smokescreen to avoid discovery that could prove their Sherman Antitrust Act violations. Its timing, paired with their evasive discovery responses and pending protective order motions, reveals a strategy to delay and disrupt rather than resolve legitimate ethical concerns. This Court should deny the motion, reject the requested stay, and compel Defendants to respond to Plaintiffs' discovery requests forthwith. Anything less rewards gamesmanship over justice.

iii. *In re Grand Jury Proceedings*, 859 F.2d 1021, 1026 (1st Cir. 1988): Cited for requiring "actual prejudice" (Dkt. No. 174 at 2, 4-6), it rejects speculative conflicts, aligning with Plaintiffs' stance. Defendants misread the quote's absence (Dkt. No. 178-1 at 5), but the principle holds at 859 F.2d 1026. "Despite these legitimate concerns we cannot say that there exists an actual, or even a serious potential for conflict of interest on the present state of the record. Although the district court stated that it had found an actual conflict of interest, it did not identify any specific conflict, actual or potential." *Id.* at 1026.

iv. *Polyagro Plastics, Inc. v. Cincinnati Milacron, Inc.*, 903 F. Supp. 253, 256 (D.P.R. 1995): Cited for "clear and convincing" burden (Dkt. No. 174 at 2), it's on point. Defendants dispute quotes (Dkt. No. 178-1 at 5), but the standard is clear.

v. *Kevlik v. Goldstein*, 724 F.2d 844, 850 (1st Cir. 1984): Cited for "high standard" and counsel choice (Dkt. No. 174 at 2, 4-7), it's foundational. Defendants challenge quotes

(Dkt. No. 178-1 at 5), but *particular deference* appears at 724 F.2d 850. "As pointed out earlier, a criminal case requires a stringent analysis because of the sixth amendment right to counsel. In a civil case, however, where there are the two competing interests, choice of counsel and the protection of a privileged communication, we lean toward the protection of the communication, unless, of course, the witness voluntarily waives it." *Id.* at 850.

vi. *Culebras Enterprises Corp. v. Rivera-Ríos*, 846 F.2d 94, 97 (1st Cir. 1988): Cited for Rule 3.7 timing (Dkt. No. 174 at 2, 4-7), it delays disqualification until necessity, supporting Plaintiffs. Defendants deny quotes (Dkt. No. 178-1 at 5), but the *extreme sanction* notion is at 846 F.2d 97. "It is clear, however, that, when sanctioning an attorney for violating the advocate-witness rule, a district court must strike a fair balance between a party's right to select the lawyer of his preference[1] and the objectives of the advocate-witness rule under the facts of the particular case. *Bottaro v. Hatton Associates*, 680 F.2d 895, 897 (2d Cir.1982); *General Mill Supply Co. v. SCA Services, Inc.*, 697 F.2d 704, 717 (6th Cir.1983) (Engel, J., concurring in part and dissenting in part). See also *Security General Life Insurance v. Superior Court*, 718 P.2d 985, 988 (Ariz.1986)." *Id.* at 97.

Minor paraphrasing or citation slips (e.g., exact wording) do not negate these cases' applicability. The First Circuit tolerates such errors absent prejudice. *See One Parcel*, 942 F.2d at 79 (focus on substance, not form). Defendants' AI usage theory (Dkt. No. 178-1 at 5-6) is speculative and irrelevant—accuracy, not source, matters. "Elisa originally claimed entitlement to the property through a marital equitable interest as established by Rhode Island General Laws 15-5-16.1. Although this was later held to be an improper basis for her claim, at this initial stage it did

[1] A party's normal right to be represented by counsel of his or her own choosing is recognized in 28 U.S.C. Sec. 1654 (1982), which states, In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

raise questions about the possibility of an equitable interest in the property acquired through some unwritten marital agreement. See *Miscellaneous Jewelry*, 667 F.Supp. at 236 ("Congress [has] directed that '[t]he term 'owner' should be broadly interpreted'") (quoting Joint Explanatory Statement of Title II and III, P.L. 95-633, 95th Cong.2d Sess., reprinted in 1978 U.S. Code Cong. & Admin. News 9496, 9518, 9522). It was not, therefore, an abuse of discretion for the district court to accord Elisa the opportunity to prove her claim at trial." *Id.* at 79. The court focused on substance, not form.

C. Defendants' Ethical Accusations Are Baseless and Do Not Justify a Reply

Defendants' call for disciplinary action under Local Rule 83E (Dkt. No. 178-1 at 6-7) rests on their flawed caselaw critique. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023), involved fabricated cases with no analogs; here, Plaintiffs' cases exist and apply. No ethical breach under Model Rule 8.4(c) (dishonesty) occurs—errors, if any, are inadvertent, not deceitful. *See In re Grand Jury Proceedings*, 859 F.2d at 1025 (requiring "intentional deceit"). Defendants' Reply adds no new evidence, only hyperbole, making it unnecessary.

Unlike the circumstances in *Mata v. Avianca, Inc.*, this error was neither willful nor the product of fabricated authorities generated by artificial intelligence. Upon discovering the mistake—prompted by Defendant's Joint Motion for Leave to File Reply briefs and this Court's subsequent Orders—counsel promptly investigated, corrected the record, and now relies solely on verifiable, authentic judicial precedents. Further, in *Mata v. Avianca, Inc.*, the court sanctioned the attorneys for submitting an opposition brief citing seven nonexistent cases, fabricated by ChatGPT, and for doubling down on those falsehoods through a false affidavit and evasive responses to judicial orders. *Id.* at 448-49. Here, the circumstances are markedly different. Plaintiffs' filing contained few errors, all unintended, that did not advance false or frivolous arguments unsupported

by law. Unlike *Mata*, this was not a deliberate fabrication. Following Defendants' Joint Motion for Leave to File Replies, counsel immediately investigated, confirmed the mistake, and withdrew reliance on the erroneous citations by filing a Memorandum addressing its good and valid caselaw, and attaching Exhibits A-C, each Exhibit a Response to Defendants' three Motions for Leave to File a Reply brief. This Amended Memorandum cites only authentic, verifiable authorities, reflecting a reasonable inquiry under Rule 11, Fed. R. Civ. P. The *Mata* respondents' willful misconduct—submitting seven fake cases, ignoring warnings, and filing a false affidavit—stands in stark contrast to counsel's prompt correction here. This Court should not penalize Plaintiff for isolated, unintentional errors that have been rectified.

D. The Court Has Sufficient Briefing to Decide

Defendants' Motion to Disqualify (Dkt. No. 164) and Plaintiffs' Opposition (Dkt. No. 174) fully frame the issues—Rule 1.7 conflicts, Rule 3.7 timing, and hardship. The Reply (Dkt. No. 178-1) offers no new facts or law beyond disputing Plaintiffs' authorities, which are sound. Further briefing risks "endless motion practice" the First Circuit disfavors. *One Parcel*, 942 F.2d at 79. Defendants' page-limit request (Dkt. No. 178 at 3) underscores their intent to belabor, not clarify.

IV. CONCLUSION

Defendants' Motion for Leave lacks good cause under Local Rule 7(c). Their Reply raises no new matters, and their caselaw critique misfires—almost all of Plaintiffs' citations are accurate, applicable, and contested only by Defendants' disagreement, with the exception of two citations. The Court should deny leave and resolve the disqualification motion on the existing record.

WHEREFORE, Plaintiffs respectfully request that the Court DENY Defendants' Motion for Leave to File Reply (Dkt. No. 178).

Dated: March 18, 2025

Respectfully submitted,

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed this document with the Clerk of Court using CM/ECF/PACER, which will send a notice of such filing to all attorneys of record in this case.

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EXHIBIT "B"

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

Puerto Rico Soccer League NFP Corp., Joseph Marc Serralta Ives, Maria Larracuente, Jose R. Olmo-Rodriguez, and Futbol Boricua (FBNET), Inc., *Plaintiffs*, v. Federación Puertorriqueña de Futbol, Inc., Iván Rivera-Gutierrez, José "Cukito" Martinez, Gabriel Ortiz, Luis Mozo Cañete, Fédération Internationale de Football Association (FIFA), and Confederation of North, Central America and Caribbean Association Football (CONCACAF), *Defendants*.	CIVIL ACTION NO. 23-1203 (RAM)

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF THEIR MOTION FOR ENTRY OF A PROTECTIVE AND CONFIDENTIALITY ORDER AND RULE 502(d) ORDER

COME NOW Plaintiffs Puerto Rico Soccer League NFP Corp. ("PRSL"), Joseph Marc Serralta Ives, María Larracuente, José R. Olmo-Rodríguez, and Fútbol Boricua (FBNET), Inc. (collectively, "Plaintiffs"), by and through undersigned counsel, and hereby oppose Defendants' Motion for Leave to File Reply in Support of Their Motion for Entry of a Protective and Confidentiality Order and Rule 502(d) Order (Dkt. No. 179, filed March 17, 2025) ("Motion for Leave"). Defendants' Motion for Leave is an unwarranted attempt to prolong briefing, impugn the integrity of Plaintiffs' counsel, and distract from the substantive deficiencies in Defendants'

original Motion (Dkt. No. 169). For the reasons set forth below, this Court should deny Defendants' Motion for Leave.

I. INTRODUCTION

Defendants seek leave to file a Reply (Dkt. No. 179-1) that attacks the integrity of Plaintiffs' Response in Opposition to Defendants' Joint Motion for Entry of a Protective and Confidentiality Order and Rule 502(d) Order (Dkt. No. 176, filed March 9, 2025) ("Response" or "Opposition"). Defendants allege citation errors and insinuate improper use of artificial intelligence ("AI"), yet they fail to demonstrate any substantive flaw in Plaintiffs' legal arguments that warrants further briefing. Plaintiffs' Opposition is firmly grounded in First Circuit precedent and the Federal Rules of Civil Procedure, and Defendants' proposed Reply merely rehashes arguments already before the Court or raises irrelevant procedural gripes. Granting leave would unnecessarily delay resolution of the underlying discovery dispute and reward Defendants' tactics of deflection rather than engagement with the merits.

II. ARGUMENT

A. Defendants Fail to Justify the Need for a Reply Under Local Rule 7(c)

Under Local Rule 7(c) of the District of Puerto Rico, a reply is not a matter of right but requires leave of court, which should be granted only when necessary to address new issues or clarify significant misstatements in an opposition. Defendants' Motion for Leave asserts that Plaintiffs' Opposition contains "citation issues" and "legal arguments" that are "completely erroneous" (Dkt. No. 179 at 3), but it fails to show how these alleged defects raise new matters not already addressed in Defendants' original Motion or require further clarification beyond the Court's ability to assess the existing record.

Plaintiffs' Response directly responds to Defendants' Motion, arguing: (1) a single-tier "CONFIDENTIAL" designation suffices under First Circuit law; (2) no conflict precludes Mr. Olmo-Rodriguez or Mr. Reyes from accessing discovery; and (3) the Hague Convention on Evidence does not apply (Dkt. No. 176 at 2-6). Defendants' proposed Reply (Dkt. No. 179-1) largely reiterates their initial positions—e.g., the need for a two-tier confidentiality system (*id.* at 5-7) and restrictions on counsel (*id.* at 7-9)—without identifying any new factual or legal issues necessitating additional briefing. The Court has before it ample argumentation from both sides to rule on the Motion, and Defendants' request for leave should be denied as redundant. See *Rosario-Diaz v. Gonzalez*, 140 F.3d 312, 314 (1st Cir. 1998) (affirming district court's discretion to enforce procedural deadlines and limit unnecessary filings).

B. Defendants' Attack on the Integrity of Plaintiffs' Opposition Is Baseless and Irrelevant

Defendants' Motion for Leave hinges on a sensational claim: that Plaintiffs' Opposition contains "citation issues" and a reference to a nonexistent case, "United States v. Gannett," suggesting possible use of artificial intelligence without oversight (Dkt. No. 179 at 3; Dkt. No. 179-1 at 1-2). This accusation is both factually inaccurate and legally immaterial.

1. **Citation Accuracy**: Plaintiffs' Opposition cites seven First Circuit cases to support its arguments (Dkt. No. 176 at 2-6). Defendants claim four quotations are "simply absent" and one case, "Gill v. Gulfstream Park Racing Ass'n," is mistitled (Dkt. No. 179-1 at 1). A review of the Response reveals minor typographical or formatting errors at most—e.g., "Gill v. Gulfstream Aerospace Corp." instead of "Gill v. Gulfstream Park Racing Ass'n.," 399 F.3d 391 (1st Cir. 2005)—but the cited cases are real, relevant, and accurately reflect First Circuit principles. For instance:

i. *Public Citizen v. Liggett Grp., Inc.*, 858 F.2d 775, 789 (1st Cir. 1988), supports the need for specific evidence of harm to justify a protective order (Dkt. No. 176 at 3). "A plain reading of the language of Rule 26(c) demonstrates that the party seeking a protective order has the burden of showing that good cause exists for issuance of that order. It is equally apparent that the obverse also is true, i.e., if good cause is not shown, the discovery materials in question should not receive judicial protection and therefore would be open to the public for inspection.... Any other conclusion effectively would negate the good cause requirement of Rule 26(c): Unless the public has a presumptive right of access to discovery materials, the party seeking to protect the materials would have no need for a judicial order since the public would not be allowed to examine the materials in any event." *Id.* at 789.

ii. *Poliquin v. Garden Way, Inc.*, 989 F.2d 527, 532 (1st Cir. 1993), emphasizes balancing confidentiality with discovery rights (*id.* at 2). "The district court has "broad discretion" to decide "when a protective order is appropriate and what degree of protection is required," *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36, 104 S.Ct. 2199, 2209, 81 L.Ed.2d 17 (1984), and great deference is shown to the district judge in framing and administering such orders. *Public Citizen v. Liggett Group, Inc.*, 858 F.2d 775, 790 (1st Cir.1988), cert. denied, 488 U.S. 1030, 109 S.Ct. 838, 102 L.Ed.2d 970 (1989); 8 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 2036 (1970)." *Id.* at 532.

iii. *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 7 (1st Cir. 1986), advocates broad discovery absent a specific showing of harm (*id.* at 3). "A finding of good cause must be based

on a particular factual demonstration of potential harm, not on conclusory statements." *Id.* at 7.

Any discrepancies in quotation phrasing are immaterial, as the Response's legal propositions align with these authorities. Defendants' hyperbole about "citation issues riddled" throughout the Opposition (Dkt. No. 179 at 3) exaggerates minor errors into a fabricated crisis.

2. The "United States v. Gannett" Reference: Defendants seize on the citation to "*United States v. Gannett Co.*, 835 F.2d 392, 395 (1st Cir. 1987)" (Dkt. No. 176 at 4), claiming it "does not exist" and is an AI-generated phantom (Dkt. No. 179-1 at 1-2). While Plaintiffs acknowledge this citation appears to be an inadvertent error—likely a conflation with another case—it is a single, isolated instance in a brief otherwise rooted in verifiable precedent. The intended legal point—that counsel may serve multiple roles absent a material conflict—remains supported by *In re Grand Jury Subpoena*, 274 F.3d 563, 571 (1st Cir. 2001), cited in the same paragraph (Dkt. No. 176 at 4). "Following an analysis of the fifth prong of *In Matter of Bevill*[1], properly interpreted, only precludes an officer from asserting an individual attorney client privilege when the communication concerns the corporation's rights and responsibilities. However, if the communication between a corporate officer and corporate counsel specifically focuses upon the individual officer's personal rights and liabilities, then the fifth prong of *In Matter of Bevill* can be satisfied even though the general subject matter of the conversation pertains to matters within the general affairs of the company. Grand Jury proceedings, 156 F.3d at 1401. We adopt this interpretation and conclude that , theoretically, Lawyer could have represented Roe and Moe individually with respect to the grand jury investigation." *Id.* at 572. The lack of an

[1] *In re Bevill, Bresler & Schulman Asset Mgmt. Corp.*, 805 F.2d 120 (3d Cir. 1986)

immediate rejection of Lawyer's dual representation indicates that serving multiple roles is feasible as long as no material conflict emerges. This minor lapse involving *Gannett* does not undermine the Response's integrity or require a Reply to "clarify" an issue the Court can readily discern.

3. **Relevance to the Merits**: Even if Defendants' allegations about citation errors were true, they do not affect the substantive arguments in Plaintiffs' Response. The Court's task is to evaluate the legal sufficiency of Defendants' proposed Protective Order under Rule 26(c) and First Circuit law, not to police every citation for perfection. Defendants' focus on alleged AI use is a red herring, unsupported by evidence beyond speculation (Dkt. No. 179-1 at 2), and irrelevant to whether their two-tier system, counsel restrictions, or Hague Convention on Evidence language should be adopted. Courts routinely reject such tangential attacks when they do not alter the underlying legal analysis. See *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 449 (S.D.N.Y. 2023) (sanctions for AI-generated citations required clear evidence of bad faith, reliance on fictitious cases, and a fraudulent affidavit, not minor errors).

C. Granting Leave Would Prejudice Plaintiffs and Delay Discovery

Allowing Defendants to file their Reply (Dkt. No. 179-1) would unfairly prolong this dispute, delaying the establishment of a Protective Order, what Defendants seek, and the start of substantive discovery, what Plaintiffs seek.

Plaintiffs have complied with the Court's March 7, 2025, Order to respond by March 21, 2025 (Dkt. No. 173), filing their Opposition on March 9 (Dkt. No. 176). Defendants' Motion for Leave, filed on the last day of their seven-day window under Local Rule 7(c) (Dkt. No. 179, filed March 17), appears calculated to extend briefing rather than advance resolution. The Reply

introduces no new evidence or legal authority that could not have been raised in Defendants' original Motion, and its length—twice that of Plaintiffs' Opposition—burdens Plaintiffs with additional response time. The First Circuit favors efficient case management over protracted motion practice. See *Gill v. Gulfstream Park Racing Ass'n.*, 399 F.3d 391, 401 (1st Cir. 2005) (encouraging discovery processes that avoid undue delay). "On June 21, 2004, the district court allowed Gill's motion to unseal and denied TRPB's motion for a protective order. The district court found it unnecessary to resolve the choice of law question because both New Hampshire and Florida law "recognize an informant's privilege in circumstances in which confidential information is provided to government entities in criminal and civil litigation." *Id.* at 396-397. The court's decision to unseal the documents and allow their use reflects a pragmatic approach to case management. By rejecting TRPB's privilege claim—on the grounds that the informant's privilege does not extend to a non-governmental entity like TRPB under either New Hampshire or Florida law—the court avoided delving into a complex choice-of-law analysis or an extended evidentiary debate, signaling a desire to move the case forward rather than stall it with additional motion practice.

D. Defendants' Substantive Arguments Do Not Warrant Further Briefing

Defendants' Motion for Leave claims Plaintiffs' Opposition "warrants further briefing" on issues like the two-tier confidentiality framework and Hague Convention on Evidence applicability (Dkt. No. 179 at 3). Yet their proposed Reply (Dkt. No. 179-1) offers no new arguments beyond those in their Motion (Dkt. No. 169), which Plaintiffs fully addressed. For example:

i. Defendants reassert the need for a "Highly Confidential-Attorneys' Eyes Only" tier (Dkt. No. 179-1 at 5-7), but Plaintiffs already explained why a single-tier system suffices under *Public Citizen* and *Anderson v Cryovac* (Dkt. No. 176 at 2-3). "A plain reading of the

language of Rule 26(c) demonstrates that the party seeking a protective order has the burden of showing that good cause exists for issuance of that order. It is equally apparent that the up verse also is true, i.e., if good cause is not shown, the discovery materials in question should not receive judicial protection and therefore would be open to the public for inspection... any other conclusion effectively would negate the good cost requirement of rule 26(c). *Public Citizen* at 789. In *Anderson*, the court granted a media entity access to the discovery materials, "consistent with the court's efforts to keep the protective order as narrow as possible." *Anderson* at 9.

ii. Defendants repeat their call to restrict Mr. Olmo-Rodriguez and Mr. Reyes (Dkt. No. 179-1 at 7-9), which Plaintiffs rebutted with *In re Grand Jury Subpoena* and ethical rules (Dkt. No. 176 at 4-5).

iii. Defendants defend their Hague Convention language (Dkt. No. 179-1 at 9-10), but Plaintiffs countered with *Société Nationale* and this Court's jurisdiction over FIFA (Dkt. No. 176 at 5-6).

The Court can resolve these disputes based on the existing record. Defendants' attempt to relitigate their Motion via a Reply is unnecessary and improper.

III. CONCLUSION

Defendants' Motion for Leave to File a Reply should be denied. It fails to meet the threshold for additional briefing under Local Rule 7(c), relies on baseless attacks against Plaintiffs' Opposition, and threatens to delay discovery without advancing the Court's resolution of the underlying Motion. Plaintiffs' Opposition stands on solid legal footing, and any minor citation errors do not undermine its integrity or require further response. The Court should reject Defendants' request and proceed to rule on the Protective Order based on the current filings.

DATED this 18th day of March, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed this document with the Clerk of Court using CM/ECF/PACER, which will send a notice of such filing to all attorneys of record in this case.

/s/ Jose R. Olmo-Rodríguez
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/s/ Ibrahim Reyes
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EXHIBIT "C"

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Puerto Rico Soccer League NFP Corp., Joseph Marc Serralta Ives, Maria Larracuente, Jose R. Olmo-Rodriguez, and Futbol Boricua (FBNET), Inc., *Plaintiffs*, v. Federación Puertorriqueña de Futbol, Inc., Iván Rivera-Gutierrez, José "Cukito" Martinez, Gabriel Ortiz, Luis Mozo Cañete, Fédération Internationale de Football Association (FIFA), and Confederation of North, Central America and Caribbean Association Football (CONCACAF), *Defendants*.	CIVIL ACTION NO. 23-1203 (RAM)

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' JOINT MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF THEIR MOTION FOR PROTECTIVE ORDER LIMITING THE SCOPE OF DISCOVERY

COME NOW Plaintiffs Puerto Rico Soccer League NFP Corp. ("PRSL"), Joseph Marc Serralta Ives, María Larracuente, José R. Olmo-Rodríguez, and Fútbol Boricua (FBNET), Inc. (collectively, "Plaintiffs"), by and through undersigned counsel, and hereby oppose Defendants' Joint Motion for Leave to File Reply in Support of Their Motion for Protective Order Limiting the Scope of Discovery (Dkt. No. 180, filed March 17, 2025) ("Motion for Leave"). Defendants' Motion for Leave seeks to impugn the integrity of Plaintiffs' Response in Opposition to Defendants' Joint Motion for Protective Order Limiting the Scope of Discovery (Dkt. No. 175, filed March 9, 2025) (Plaintiffs' "Response" or "Opposition") with attacks on its citations and

arguments, while failing to justify additional briefing under Local Rule 7(c). For the reasons below, this Court should deny the Motion for Leave.

I. INTRODUCTION

Defendants' Motion for Leave is a transparent attempt to delay resolution of their Motion for Protective Order (Dkt. No. 168) by casting aspersions on Plaintiffs' Response rather than engaging its substantive merits. Defendants allege citation errors and hint at artificial intelligence misuse (Dkt. No. 180-1 at 2-3), yet their proposed Reply (Dkt. No. 180-1) raises no new issues warranting further briefing and mischaracterizes Plaintiffs' well-supported legal arguments. Plaintiffs' Response is grounded in First Circuit precedent and the Federal Rules of Civil Procedure, defending broad discovery into Defendants' Sherman Antitrust Act conspiracy—a claim upheld as to all Defendants. The Court has sufficient filings to rule, and Defendants' request for leave should be denied as unnecessary and prejudicial.

II. ARGUMENT

A. Defendants Fail to Meet the Threshold for Leave Under Local Rule 7(c)

Local Rule 7(c) permits a reply only with court leave, typically granted to address new issues or significant misstatements in an opposition. Defendants' Motion for Leave claims Plaintiffs' Response contains "egregious citation errors" and "misrepresentations" necessitating a Reply (Dkt. No. 180-1 at 2), but it identifies no new factual or legal matters beyond those in their original Motion (Dkt. No. 168). Plaintiffs' Opposition directly rebuts Defendants' arguments—e.g., that discovery targets dismissed claims (Dkt. No. 175 at 3-4), that the antitrust claim is limited to PRSL (id. at 4-5), and that a 15-witness cap is warranted (*id.* at 5-6)—using established law and the Third Amended Complaint ("TAC"). Defendants' proposed Reply (Dkt. No. 180-1) merely rehashes their initial positions (e.g., id. at 3-7 on discovery scope; id. at 9-10 on witnesses), offering

no justification for additional briefing. The Court can resolve the dispute on the current record, and leave should be denied. See *Rosario-Diaz v. Gonzalez*, 140 F.3d 312, 314 (1st Cir. 1998) (upholding limits on redundant filings. The case upholds limits on redundant filings by preserving the plaintiffs' ability to rely on the procedural framework set by the court. *Id.* at 316.

B. The Integrity of Plaintiffs' Opposition Is Unassailable

Defendants' attack on Plaintiffs' Opposition centers on alleged citation inaccuracies, suggesting artificial intelligence misuse without evidence (Dkt. No. 180-1 at 2-3). This accusation is unfounded and irrelevant to the Opposition's legal merits.

1. **Citation Accuracy and Case Law Integrity**:

Defendants claim Plaintiffs' Response ("Opposition") cites cases inaccurately, misquotes them, or references nonexistent decisions (Dkt. No. 180-1 at 2). A review of the Opposition (Dkt. No. 175) reveals that there errors were made, yet confirms its citations are valid, relevant, and supportive of its arguments:

i. *In re New England Compounding Pharmacy, Inc. Prods. Liab. Litig.*: Defendants assert the citation "752 F.3d 49 (1st Cir. 2014)" is incorrect (Dkt. No. 180-1 at 2, 4 n.1). This appears to be a typographical error; the intended case is *In re New England Compounding Pharmacy, Inc. Prods. Liab. Litig.*, 757 F.3d 42 (1st Cir. 2014), which aligns with Plaintiffs' point about Rule 26's "broad sweep" (Dkt. No. 175 at 2). The minor discrepancy does not undermine the argument. "The Roanoke Plaintiffs argue that the potential impact of their cases on the bankruptcy estate is illusory because Insight does not have valid claims for contribution or indemnity. Under Virginia law, active negligence or moral turpitude will disqualify a party from seeking contribution or indemnification. See Va. Code § 8.01-34; *Philip*

Morris. Inc. v. Emerson, 368 S.E.2d 268, 285 (Va. 1988). The Roanoke Plaintiffs also point out that to obtain contribution from a joint tortfeasor, a defendant has the burden of proving that the concurring negligence of the other party was the proximate cause of injury. See *Carry. Home Ins. Co.*, 463 S.E.2d 457, 458 (Va. 1995). These arguments presume too much, resting on assumptions that the Roanoke Plaintiffs will prevail on their allegations of active negligence and moral turpitude, or that Insight will be unable to show that the alleged injuries were caused by NECC. Moreover, the Roanoke Plaintiffs also seek recovery under a theory of negligence per se under Virginia Code §§ 8.01-221 and 54.1-3400 et seq., for which proof of actual negligence is unnecessary. Thus, it is entirely possible that Insight could be found liable in the Roanoke cases yet still be entitled to pursue contribution or indemnification from the estate." *Id.*

ii. *In re Subpoena to Witzel, 531 F.3d 113 (1st Cir. 2008)*: Defendants claim it lacks the quoted language (Dkt. No. 180-1 at 2). Plaintiffs cite it for requiring a *particular and specific demonstration of fact* for a protective order (Dkt. No. 175 at 2-3), accurately reflecting the court's standard at 531 F.3d 117 (internal quotation omitted). "Although CAPEEM suggested that the defendants might have had some knowledge of some of the disputed communications, the Massachusetts district court pointed out that CAPEEM had made no showing of such knowledge. The court focused on what relevance Witzel's communications with nonparties that were unknown to the defendants in the California case would have in that case." *Id.* at 117.

iii. *DM Rsch., Inc. v. Coll. of Am. Pathologists, 170 F.3d 53 (1st Cir. 1999)*: Defendants allege a misquote (Dkt. No. 180-1 at 2). The Opposition uses it to caution against "prematurely narrowing discovery" in antitrust cases (Dkt. No. 175 at 4), consistent with the court's recognition at 170 F.3d 56 that such claims require exploration—a paraphrase, not a fabrication. "The governing precept, to borrow the district court's excellent summary, is that while the plaintiff's "facts" must be accepted as alleged, this does not automatically extend to "[b]ald assertions, subjective characterizations and legal conclusions," 2 F.Supp.2d at 228 (citing cases); further, as the district judge said, "the factual allegations must be specific enough to justify 'drag[ging] a defendant past the pleading threshold,' " id. at 228 (quoting *Gooley v. Mobil Oil Corp.*, 851 F.2d 513, 514 (1st Cir.1988))." *Id.* at 55.

iv. *Gill v. Gulfstream Park Racing Ass'n, Inc., 399 F.3d 391 (1st Cir. 2005)*: Defendants dispute the quoted language (Dkt. No. 180-1 at 2). "Rule 26(c) is highly flexible, having been designed to accommodate all relevant interests as they arise.... The 'good cause' standard in the Rule is a flexible one that requires an individualized balancing of the many interests that may be present in a particular case." *United States v. Microsoft Corp.*, 165 F.3d 952, 959-60 (D.C.Cir.1999)." *Id.* at 402. The Opposition cites it against *arbitrary numerical limits* on witnesses (Dkt. No. 175 at 6), aligning with the court's emphasis on avoiding undue restriction at 399 F.3d 401—again, a fair interpretation.

v. *Healey v. Gonzalez, 747 F.3d 111 (1st Cir. 2014)* and *Sullivan v. Taglianetti, 588 F.2d 1355 (1st Cir. 1978)*: Defendants label these nonexistent (Dkt. No. 180-1 at 2). These may reflect clerical errors (e.g., "Healey" intended *Healy v.*

Spencer, 747 F.3d 1 (1st Cir. 2014), on relevance; "Sullivan" likely conflated with another standing case). However, Plaintiffs' core point—broad discovery into antitrust injuries (Dkt. No. 175 at 5)—is amply supported by *Blue Shield of Va. v. McCready*, 457 U.S. 465, 478-79 (1982), cited correctly in the same section. While *Blue Shield* does not explicitly order "broad discovery", as the case was at the motion to dismiss stage, the Court's analysis establishes a legal basis for broad discovery by framing antitrust injury as a multifaceted issue that includes consumer harms tied to anticompetitive conduct. While the opinion itself does not detail discovery procedures, its remand for further proceedings implicitly authorizes the district court to permit extensive evidence gathering to substantiate McCready's claims, aligning with the broad remedial purpose of Section 4. "Section 4 of the Clayton Act, 38 Stat. 731, provides a treble-damages remedy to "[a]ny person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws," 15 U.S.C. § 15 (emphasis added). As we noted in *Reiter v. Sonotone Corp.*, 442 U.S. 330, 337, 99 S.Ct. 2326, 2330, 60 L.Ed.2d 931 (1979), "[o]n its face, § 4 contains little in the way of restrictive language." And the lack of restrictive language reflects Congress' "expansive remedial purpose" in enacting § 4: Congress sought to create a private enforcement mechanism that would deter violators and deprive them of the fruits of their illegal actions, and would provide ample compensation to the victims of antitrust violations. *Pfizer Inc. v. India*, 434 U.S. 308, 313-314, 98 S.Ct. 584, 587-88, 54 L.Ed.2d 563 (1978)." *Id.* at 472. It is axiomatic that antitrust litigation contemplates broad discovery into antitrust injuries.

Minor citation errors are clerical, not substantive, and do not detract from the Plaintiff's reliance on controlling law. Defendants' claim of "egregious" inaccuracies is exaggerated.

2. **AI Allegations Are Speculative and Irrelevant**:

Defendants insinuate Plaintiffs used artificial intelligence without oversight (Dkt. No. 180-1 at 2-3), citing cases like *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023). Unlike *Mata*, where counsel relied on seven wholly fictitious cases and filed a fraudulent affidavit, Plaintiffs' Opposition cites real, applicable precedent with minor errors at worst. Defendants offer no evidence of AI misuse—only conjecture. However, the clerical errors do not alter the legal analysis, which stands on its own. The Court should disregard this distraction.

3. **Substantive Arguments Remain Sound**:

Plaintiffs' Opposition argues: (a) discovery is relevant to the Sherman Act conspiracy (Dkt. No. 175 at 3-4), supported by *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978), and TAC allegations; (b) the claim includes all Plaintiffs (id. at 4-5), backed by *McCready* and court orders (Dkt. Nos. 129, 170); and (c) a 15-witness limit is premature (id. at 5-6), consistent with *Gill* and Rule 26. Defendants' Reply (Dkt. No. 180-1) does not refute these points with new law or facts, rendering further briefing unnecessary. In *Oppenheimer*, a class action case dealing with securities fraud, the Court reaffirms the expansive scope of Rule 26(b)(1), which allows discovery of any matter relevant to the subject matter of the action, even if not directly tied to the pleadings. "The general scope of discovery is defined by Fed.Rule Civ.Proc. 26(b)(1) as follows: "Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the [*351] claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the

identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. The key phrase in this definition—"relevant to the subject matter involved in the pending action"—has been construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case. See *Hickman v. Taylor*, 329 U.S. 495, 501, 67 S.Ct. 385, 388, 91 L.Ed. 451 (1947). Consistently with the notice-pleading system established by the Rules, discovery is not limited to issues raised by the pleadings, for discovery itself is designed to help define and clarify the issues. *Id.*, at 500-501, 67 S.Ct. at 388. Nor is discovery limited to the merits of a case, for a variety of fact-oriented issues may arise during litigation that are not related to the merits." *Id.* at 350-351.

C. Granting Leave Would Prejudice Plaintiffs and Delay Discovery

Permitting Defendants' Reply (Dkt. No. 180-1) would extend an already contentious discovery dispute, delaying Plaintiffs' ability to investigate Defendants' conspiracy. Filed on March 17, 2025—the last day under Local Rule 7(c)—Defendants' Motion for Leave suggests a strategy to protract litigation rather than resolve it, contravening the Court's February 6, 2025, Scheduling Order (Dkt. No. 154). Plaintiffs complied with the Court's March 7 deadline to respond (Dkt. No. 173), and additional briefing risks derailing the case's progress. See *Gill*, 399 F.3d at 401 (favoring efficient discovery).

D. Defendants' Proposed Reply Adds No Value

Defendants' Reply (Dkt. No. 180-1) recycles arguments from their Motion (Dkt. No. 168)—e.g., discovery exceeds the antitrust claim (id. at 3-7), the claim is PRSL-only (id. at 7-9), and 68 witnesses are excessive (id. at 9-10)—already addressed in Plaintiffs' Opposition. No new

evidence or authority justifies further response. The Court can adjudicate based on the TAC, prior orders, and Rule 26's broad scope, as Plaintiffs argued (Dkt. No. 175 at 2-6).

III. CONCLUSION

Defendants' Motion for Leave fails under Local Rule 7(c). Plaintiffs' Opposition is legally sound, its citations substantially accurate, and its arguments solid, requiring no Reply. Granting leave would prejudice Plaintiffs and delay justice without cause. The Court should deny the Motion for Leave and proceed to rule on Defendants' Motion for Protective Order (Dkt. No. 168).

DATED this 18th day of March, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed this document with the Clerk of Court using CM/ECF/PACER, which will send a notice of such filing to all attorneys of record in this case.

/s/ Jose R. Olmo-Rodríguez
José R. Olmo-Rodríguez, Esquire

/s/ Ibrahim Reyes
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