

**ESTADO LIBRE ASOCIADO DE PUERTO RICO
TRIBUNAL DE PRIMERA INSTANCIA
SALA SUPERIOR DE FAJARDO
SALON DE SESSIONS 302**

<p>LAS COLINAS DEVELOPMENT CORPORATION, ET ALS..</p> <p style="text-align:center">DEMANDANTES.</p> <p style="text-align:center">v.</p> <p>BANCO POPULAR DE PUERTO RICO, ET ALS.</p> <p style="text-align:center">DEMANDADOS</p>	<p>CIV. NÚM: NSCI200801050</p> <p>SOBRE:</p> <p>ANTITRUST <i>VIOLATIONS</i></p> <p>INEXISTENT TITLE; REVENDEICATION, EJECTMENT, & RETURN OF CIVIL FRUITS.</p>
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**PLAINTIFFS' RESPONSE TO COURT ORDER NOTIFIED 11/05/09
IN RE VARIOUS MOTIONS FOR DISMISSAL**

To the Hon. Superior Court Judge Ada Lopez Santiago :

NOW COMES the indigent plaintiffs in the above entitled case, *Las Colinas Development Corporation ("Las Colinas")*,¹ and Vigdor Schreibman,² by self-representation,³ and respectfully set forth and pray as follows:

¹ *Las Colinas* was organized in 1972 under the laws of Puerto Rico (Register No. 27,105). The corporate charter was canceled by the Department of State, May 14, 1997, because the corporation was not in good standing. Restoration and renewal of the certificate of incorporation may be obtained pursuant to 14 L.P.R.A. § 3102 (2000). Under pertinent legal authorities, see 16A Fletcher Cyclopedia of the Law of Private Corporations, § 7997 (Perm. ed. 1995): *Stensvad v. Ottman*, 208 P.2d 507, 509-10 (Mont. 1949), applicable in Puerto Rico, "A delinquent corporation during the period of its suspension or dissolution ... does not lack capacity, however, to sue or be sued on claims arising from transactions that took place before suspension or dissolution."

² Mr. Schreibman, is founding director, controlling stockholder, president, and creditor of *Las Colinas*..

³ In civil cases, "without a guarantee of assistance of a lawyer for litigants, the right to self-representation has enlarged urgency." *Lizarribar v. Martínez Galpí*, 121 D.P.R. 770, 785 (1988). For critical authorities supporting the indigent corporation's right to appear by self-representation, see MEMORANDUM IN RE: CORPORATE SELF-REPRESENTATION, *infra*, pages 10-12; *In the Matter of Las Colinas, Inc.* B-38-64, the corporation was authorized to appear in court to defend its claims of right and duty, personally, by its non-lawyer corporate officer, Mr. Schreibman. *Las Colinas, Inc. v. Mason*, 377 F.2d 99 (1st Cir. 1967), *after first remand, sub nom, In re Las Colinas, Inc.*, 426 F.2d 1005 (1st Cir. 1970), *after second remand*, 453 F.2d. 911 (1971); *In re Victor Publishers, Inc.*, 545 F.2d 285, 286 n.* (1st Cir. 1976) (per curiam)..

1. There is now pending before this Court, pursuant to Court Order notified November 05, 2009, the following pleadings:

¶ 15. “SOLICITUD DE DESESTIMACION DE RG” PRESENTADA POR RG PREMIER BANK y RG MORTGAGE EL 19 DE OCTUBRE DE 2009;
¶ 17 “TERCERA MOCION DE DESESTIMACION” PRESENTADA POR CARLOS JOSE GALAN RAMIREZ Y MARTHA PATRICIA LOPEZ OROÑEZ, EL 21 DE OCTUBRE DE 2009;
¶ 20 “MOCION DE DESESTIMACION” PRESENTADA POR LOS CODEMANDADOS BANCO SANTANDER PUERTO RICO Y SANTANDER MORTGAGE CORP., SIN SOMETERSE A LA JURISDICCION, EL 26 DE OCTUBRE DE 2009;
¶ 21 “MOCION DE DESESTIMACION POR NO HABER CUMPLIDO EL DEMANDANTE CON LA OBLIGACION DE EMPLAZAR A PUERTO DEL REY, INC. Y A DEL REY DEVELOPMENT, S.E., EN O ANTES DEL DIA 31 DE AGOSTO DE 2009 Y POR NO HABER PRESTADO FIANZA DE NO RESIDENTE EN O ANTES DEL 14 DE OCTUBRE DE 2009.

2. All these pleadings request dismissal of the case for non-resident failure to post a security bond pursuant to the provisions of Rule 69.5 of the Rules of Civil Procedure.⁴

3. In resolving the Rule 69.5 motion, there was no hearing, and there was no evidence admitted to the record and reviewed by the Court of First Instance.⁵ Electronic evidence filed late by plaintiff's lawyer, on Appeal, was rejected by the Appellate Court.⁶ As a consequence of these conditions, the Courts made no substantive examination of the probability of prevailing on the merits of the claim presented by Las Colinas, involving the nullity of foreclosure of an inexistent \$4,000,000 mortgage, constituted by Deed #176 executed before Notary Public Eduardo E. Franklin, December 6, 1972.

4. In the said Deed #176, several farms consolidated into one single farm were separated by Rio Demajagua,⁷ shown below in a U.S. Geological Survey/Google Map.

⁴ 32 L.P.R.A. App.III Rule 69.5 (2000).

⁵ Resolution dated July 10, 2009, Court of First Instance.

⁶ Resolution dated September 28, 2009, Court of Appeals.

⁷ All bodies of waters of Puerto Rico are defined as property of the people of Puerto Rico. 12 L.P.R.A. § 1115c. “Rio Demajagua” (identified by the U.S. Geological Survey, see Google Map attached).is part of the public property belonging to the United States and the People of Puerto Rico, 12 L.P.R.A. §§ 521(3),613(2), and 1115c, Laurnaga & Co., Sucs. v. Velez, 19 P.R.R. 275 (1913). This body of water is described in Deed #176 as a creek (“Quebrada”). According to an article published by the U.S.

The consolidated farm could not, therefore, be inscribed nor could a mortgage constituted upon an inexistent consolidated farm have legal existence.⁸



Geological Survey (USGS), Rivers? Streams? Creeks? “are all names for water flowing on the Earth’s surface. As far as the Water Science site is concerned, they are pretty much interchangeable. I tend to think of creeks as the smallest of the three, with streams being in the middle, and rivers being the largest.” Earth’s Water: Rivers and streams (USGS), online at URL: <http://ga.water.usgs.gov/edu/earthrivers.htm>. The distinction between a river (“Rio”) and a creek (“Quebrada”) may be significant in Puerto Rico, under the Law of Waters, 12 L.P.R.A. § 612, which states, “the beds of creeks belong to the owner of the estates they cross” but petitioners claim a merely private classification of the water bed is tenuous when in conflict with the public classification of the same by USGS.

⁸ *Gaztambide v. Sucn. Ortiz*, 70 D.P.R. 412, 423 (1949). Consolidation of properties that are not contiguous is not permitted by Article 61 of the Mortgage Regulation for execution of the Mortgage Law, as interpreted by the General Directorate of Registries of Spain, except under special conditions not present in the instant case. See *Beatjer v. Registrador*, 48 P.R.R. 627, 648 (1935) (“... for a consolidation it is required that there should be unity of ownership, a common name for all properties, that the latter should constitute a body of mutually dependent properties and in addition that they should be dependent upon a common center.”). In order to get around these limitations, Deed #176 states in paragraph TWELFTH that all the properties to be consolidated “are contiguous to one another.” Nevertheless, the two consolidated fincas are described in the same deed as being separated by Rio Demajagua. See authorities cited, *infra*, note 7, describing provisions of the Law of Waters that verify the legal separation of the Fajardo Tract from the Ceiba Tract..

5. Moreover, the mortgage obligation of \$4,000,000 borne by a single inexistent consolidated farm violated mortgage law and could not be recorded when there were actually two farms resulting from transaction, finca #8334 of Fajardo and finca #2892 biz of Ceiba, -- two farms separated by Rio Demajagua. Mortgage law required mortgage to secure single obligation be divided between the two farms.⁹

6. The U.S. District Court foreclosure action, in the matter of Walter E. Heller & Co. v. Las Colinas Development Corp., et al., Civil No. 77-1075, Complaint dated July 28, 1977, default judgments dated April 26 and May 9, 1978, Final Judgment and Decree of Condemnation, dated May 16, 1978, the Report of the Special Master Upon Sale and Foreclosure, dated November 28, 1978, Deed #10, "Deed of Judicial Sale" executed before Notary Public Jorge R. Jimenez, dated December 29, 1978,¹⁰ were all based on the inexistent \$4,000,000 mortgage that was **absolutely void** (as explained in ¶¶ 4-5).

7. Resolution of this matter adverse to the non-resident indigent plaintiff by the Court of First Instance, dated July 10, 2009, was affirmed by the Court of Appeals dated 28 September 2009. Both of these Resolutions were predicated solely upon pleadings. Resolving conflicting facts against plaintiff upon pleadings, without any hearing or evidence, was a "gross abuse of discretion." Bank of America v. Superior Ct, 255 Cal. App.2d 575, 63 Cal. Rptr 366 (1967).

8. Moreover, upon motion under Rule 69.5, by a co-defendant demanding a non-resident indigent plaintiff security bond, it was mandatory for non-resident plaintiff to raise and present the, **unconstitutional "as applied"** defense.¹¹ Nevertheless,

⁹ In re Las Colinas, Inc., 426 F.2d 1005 (1 Cir. 1970) ("Under Puerto Rican Law, mortgage which fails to comply with section of mortgage law providing that when several estates are mortgaged to secure single obligation, amount of lien borne by each must be set forth in the instrument may not be recorded. 30 L.P.R.A. §§ 58, 215, 259, 1085; 31 L.P.R.A. § 5042").

¹⁰ See Appendices 1-13 (Primera Producción de Documents), Moción de Reconsideración, Las Colinas Development Corp., et al. v. Banco Popular de Puerto Rico, et al., Civil Num.: NSCI-2008-1050, Estado Libre Asociado de Puerto Rico, Tribunal de Primera Instancia, presented June 29, 2009, and served via Internet at URL: <http://www.mongelafosse.com>. Go to "servicios a clientes" and enter the key 'NSCI-2008-1050'. Click on "Moción de Reconsideracion". For technical assistance, communicate with señora Carmen Ana Santiago Rodriguez, at phone: (787) 765-9090, ext. 22.

¹¹ Hawes et al., v. Club Ecuestre El Commandante, 535 F.2d 140, ¶ 20 (1 Cir. 1976).

this absolutely essential defense was not offered by plaintiffs' lawyer, Lcda. Monge-La Fosse.¹²

9. Lcda. Monge-La Fosse obstinately failed and refused to follow repeated demands and recommendations by Las Colinas based on applicable jurisprudence that the lawyer must raise this defense.¹³ This conduct was a crass violation of Mr. Schreibman's constitutional right to equal protection.¹⁴

10. Following these events plaintiffs discharged Lcda. Monge-La Fosse as their lawyer by fax message sent to her dated October 6, 2009. Lcda. Monge-La Fosse submitted her resignation to the Court October 14, 2009, which the Court approved by Order notified November 5, 2009, at ¶ 13.

11. The unethical Judge. Canons of Judicial Ethics forbid a Judge from proceeding in a case in which he has a forbidden relationship of affinity.¹⁵ When warranted by ethical violations, criticism of a Judge is an obligation of members of the

¹² This was not a mere strategy or tactic of the litigation, Cf. In re Lcdo. Dennis Velez Barlucea, 2000 TSPR 158, but an absolutely essential goal of the prosecution of the case, which the lawyer could not reject or disregard. The client not the lawyer was master of the lawsuit, in this respect. Compare United States v. Marshall, 488 F.2d 1169, 1192 (9 Cir. 1974) (When a person retains competent counsel, he, rather than the client becomes “;(t)he master of the lawsuit,”;), with Faretta v. California, 422 U.S. 806, 820-22 (1975) (rejecting the role of counsel as “master of the lawsuit” and observing “To thrust counsel upon a litigant against their considered will would sever the concept of counsel from its historical roots”); and U.S. v. Teague, 953 F.2d 1525, 1533 (11 Cir. 1992) (“(W)hile defense counsel serves as an advocate for the client, it is the client who is the master of his own defense.”)

¹³ See attachment 1, including fax messages from V. Schreibman to G. Monge-La Fosse, dated October 6, 2009 (discharging lawyer); and dated September 14, 2009, August 6, 2009, July 20, 2009, July 18, 2009.2, and July 17, 2009.

¹⁴ 1 L.P.R.A. Preamble, & Art. II, §§ 1, 7, Molina v. U.R.H.C., 114 D.P.R. 295 (1983) (per curiam) 14 Official Trans. of Opinions of the Supreme Court 382, 387, 397-402 (“classification based on [a person's poverty] should be regarded with suspicion and be strictly scrutinized.”).

¹⁵ 4 L.P.R.A. App. IV-A Canon XI-XII (2002); In Re O’Connor, 92 SW3 446 (Tex. 2002) (disqualifying judge in modification suit where judge’s former law partner had represented litigant in original divorce case”); Caperton et al. v. A. T. Massey Coal Co., Inc., et al (No.. 08–22. Decided June 8, 2009) (violation of due process) (The Court has asked whether, “under a realistic appraisal of psychological tendencies and human weakness,” the interest “poses such a risk of actual bias or prejudice that the practice must be forbidden if the guarantee of due process is to be adequately implemented.” Withrow, 421 U. S., at 47.);

legal profession.¹⁶ Lcda. Monge-La Fosse and Judge José R. Negrón Fernández, simply brushed aside, in silence, clear violations of judicial ethics: **former law partners of the Judge, in the law firm of bank super lawyers Fiddler González & Rodríguez, represented co-defendant Banco Popular in the closing of a \$1 billion dollar Citibank sale. The same law firm signed the complaint in a 1977-78 lawsuit against Las Colinas in U.S. District Court in Puerto Rico, for execution of the same inexistent \$4,000,000 mortgage that is contested in this case.**¹⁷ This prohibited relationship was disclosed by plaintiffs before and after the instant complaint was filed, with notice to Judge Negrón Fernández, and plaintiffs' attorney, Grace Monge-La Fosse.¹⁸

12. A declaration of indigency by non-resident plaintiff, Mr. Vigdor Schreiberman was presented to the Court March 11, 2009 (see attachment 5). By Court Order, dated 16 April, 2009, ¶ 12, Judge José R. Negrón Fernández, delayed ruling on the *in forma pauperis* application until after all parties are served with Court Summons. Meanwhile, the Court demanded a security bond, under threat of dismissal of the case, which the indigent non-resident plaintiff is exempt from posting under Rule 69.6(d). These acts by Judge Negrón Fernández deprived Mr. Schreiberman of a decision concerning his indigency, which is essential for any resolution of the Rule 69.5 motion. It is axiomatic that a local rule “may not be applied so as to subvert the overall purpose of the rules to provide for a just and speedy disposition on the merits.”¹⁹ This decision must be overturned as a violation of Mr. Schreiberman's right to equal protection.²⁰

¹⁶ 4 App. IX Canon 9; The Propriety of Criticizing Judges, Law.Com, online at URL: <http://www.law.com/jsp/article.jsp?id=1202434286787&thepage=3>

¹⁷ See attachments 2-4.

¹⁸ V. Schreiberman, Letter to the Chairman of the Committee on the Judiciary, U.S. House of Representatives, Courts of Robbery, Part IIC, ¶ 107, March 28, 2008, online at URL: http://sunsite.utk.edu/FINS/Doctrines_Injustice/Fins-DI-13.pdf ; and V. Schreiberman Letter to Committee on the Judiciary, Senate of Puerto Rico, 20 April, 2009, online at URL: http://sunsite.utk.edu/FINS/loversofdemocracy/equal_access_to_justice.pdf

¹⁹ *Hawes et al., v. Club Ecuestre El Commandante*, 535 F.2d 140, at ¶14..

²⁰ See authorities cited, *infra*, note 14.

13. Following the discharge of plaintiffs' lawyer, Lcda. Monge-La Fosse, Judge José R. Negrón Fernández, resigned from the case. All his unprincipled Orders guided by his unethical conduct of the case must be overturned.

14. **The system of extortion.** This is a lawsuit, in two related cases prosecuted in the Courts of the Commonwealth of Puerto Rico.²¹ In these two cases indigent litigants in an action for relief from judgments that are **absolutely void** are seeking revendication of Las Colinas Properties. They were forced to hire a lawyer against their will, by an illegitimate monopoly of lawyers,²² and unconstitutional court lockout.²³ Resort to a contingency fee contract was forced upon plaintiffs, without any guarantee of effective representation, but requiring plaintiffs to give up their autonomy in making decisions involving their fundamental liberty and property interests.

15. Under those conditions Lcda. Monge-La Fosse prosecuted the case, allowing an unethical judge engaged in forbidden relationships, to preside the case without criticism, and conducting a grossly negligent trial process and trial strategy disregarding repeated warnings by plaintiffs,²⁴ without essential consultation with plaintiffs. This conduct deprived plaintiffs' of their constitutional right to equal protection.²⁵

16. In such a case there must be a remedy, even the most cautious legal authorities would hold.²⁶

²¹ Harold Santiago Martell, et al., v. Marina Las Gaviotas, et al, Civ. No. NSCI-2001-0378, Estado Libre Asociado de Puerto Rico, Tribunal de Primera Instancia, Sala Superior de Fajardo (dismissed September 10, 2009); and Las Colinas Development Corp., Vigdor Schreiberman v. Banco Popular de Puerto Rico, Walter E. Heller & Co., et al. Estado Libre Asociado de Puerto Rico, Tribunal de Primera Instancia, Centro Judicial de Fajardo, Sala Superior, Civil Núm: NSCI-2008-1050 (presented December 18, 2008).

²² See see MEMORANDUM IN RE: CORPORATE SELF-REPRESENTATION, *infra*, pages 10-12.

²³ V. Schreiberman, Letter to the Chairman of the Committee on the Judiciary, Courts of Robbery, Part IIC, March 28, 2008, online at URL: http://sunsite.utk.edu/FINS/Doctrines_Injustice/Fins-DI-13.pdf

²⁴ See attachment 1, including fax messages from V. Schreiberman to G. Monge-La Fosse, dated October 6, 2009 (discharging lawyer); and dated September 14, 2009, August 6, 2009, July 20, 2009, July 18, 2009.2, and July 17, 2009.

²⁵ See authorities, *infra*, note 14.

²⁶ Cf Faretta v. California, 422 U. S. at 848 (Blackmun, J., with Burger, C.J., and Rehnquist, J., dissenting)..

17. To support the lawyers' monopoly many Honorable Jurists make much of the claimed professional abilities of lawyers, in terms of their knowledge of pertinent legal information, processes, and analysis, and the codes of legal ethics, which are designed to govern the practices of lawyers and judges, while denigrating the **“whimsical - albeit voluntary - caprice of every [non-lawyer] who wishes to use his trial as a vehicle for personal or political self-gratification.”**²⁷ However, law is not an information driven but a normative value driven system, with the governing values spread throughout society. Moreover, the highly valued abilities of lawyers may fail, as in the instant case, particularly against well prepared and ruthless adversaries.²⁸ Finally, it is most significant to consider that despite being locked out of the legal system by pompous lawyers and power mad judges, with few opportunities to demystify the legal system, not all layman, from whom all power is derived in this Republic,²⁹ are “whimsical” or “capricious” fools without a significant role in the law.³⁰

18. Being dispossessed from the Courts merely to accommodate the destruction of their lawsuit by an unethical judge and an incompetent trial, imposes a system of extortion, robbery, and tyranny not law.

19. Plaintiff Las Colinas Development Corporation is absolutely destitute and unable to pay the court costs and fees of this litigation, without assets, without money, without income, and entirely inactive since the bankruptcy case, In the matter of Las Colinas Dev. Corp., B-74-267, was closed on June 24, 1980,³¹ but remaining indebted to secured and unsecured creditors in the total amount of more than \$6,000,000.

²⁷ Faretta v. California, 422 U. S. at 848 (Blackmun, J., with Burger, C.J., and Rehnquist, J., dissenting).

²⁸ See Brotherhood of Railroad Trainmen v. Virginia Bar, 377 U.S. 1, 4-7 (1964).

²⁹ City of Eastlake v. Forest City 426 U.S. 668, 672 (1976).

³⁰ In re Victor Publishers, Inc., 545 F.2d 285, 286 n.* (1st Cir. Nov 29, 1976) (per curiam) (Coffin, Chief Judge, Aldrich and McEntee, Circuit Judges) (determination by the appellate court that the non-lawyer officer of Las Colinas, Inc. was a person with "extraordinary legal ability").

³¹ See attachment 6.

20. Plaintiffs declare under penalty of perjury that the foregoing stated facts are true and correct.

WHEREFORE plaintiffs pray the Hon. Court:

- (A) Approve the indigent status of plaintiff Vigdor Schreiberman;
- (B) Approve the indigent status of plaintiff Las Colinas Development Corporation;
- (C) Approve the appearance in this Court of indigent plaintiffs Vigdor Schreiberman and Las Colinas by their duly authorized attorney-in-fact (see attachment 7);
- (D) Overturn the Resolution of this Court notified June 15, 2009, because the same is unconstitutional, as applied to indigent non-resident plaintiff Vigdor Schreiberman;
- (E) Deny all pending motions for dismissal of this case;
- (F) Set a date for trial on plaintiffs' claims, for antitrust violations, nullity of foreclosure, and revindication of Las Colinas Properties;
- (G) Order the Clerk of this Court to receive and file in the record of this case, without payment of court fees, as authorized by 32 L.P.R.A. §1482, this **RESPONSE TO COURT ORDER ...**, including attachments;
- (H) Order the Clerk of this Court to give notice to all interested parties of the said **RESPONSE TO COURT ORDER ...**, including attachments; and
- (I) Grant such other and further relief as may be just and proper.

Dated Friday the 13th day of November 2009.

Las Colinas Development Corporation,
and Vigdor Schreiberman, *pro se*
By Vigdor Schreiberman, Attorney-in-fact
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MEMORANDUM IN RE: CORPORATE SELF-REPRESENTATION

The common law of England and the United States going back 1500 years to the Justinian Code of the Roman Empire, authorized a corporation to appear in Court by “any natural person” acting as its “attorney.”³² The legal right, “To sue and be sued ... as natural persons may,” has always been accorded corporations under the common laws of England and the United States. Those legal powers, rights, and capacities were tacitly and without express provision considered to be “inseparable” from every corporation.³³ The practices of self-representation in America arose from a deep and ancient “dislike and distrust of lawyers.”³⁴ Consistent with the democratic sentiment, the text of the Judiciary Act of 1789,³⁵ as amended, did not clearly or explicitly prohibit self-representation in Court by any person, whether natural or artificial. It is a well established principle of statutory construction that “[t]he common law .. ought not be deemed repealed, unless the language of the statute be clear and explicit for that purpose.”³⁶

³² 1 CHRISTIAN, CHITTY, LEE, HOVENDEN, AND RYLAND, COMMENTARIES ON THE LAWS OF ENGLAND, pt. II 2, Rights of Persons *475, *477, n.7 (16th American ed. New York 1832), in V. Schreibman, The Controversy Over Las Colinas Properties, Pt IIG1, “The common law,” online in FINS, at URL: http://sunsite.utk.edu/FINS/Doctrines_Injustice/Fins-DI-03.htm#TCL

³³ COMMENTARIES ON THE LAWS OF ENGLAND, *infra*, note 30, “Rights of Persons” *475; J. ANGEL, A TREATISE ON THE LAW OF PRIVATE CCORPORATIONS AGGREGATE 58, 208-209 (1832)

³⁴ *Faretta v. California*, 422 U.S. 806, 826-34 (1975).

³⁵ Ch. 20, § 35, I Stat. 73, 92 (1789), corresponds to 28 U.S.C.A. § 1654 (1982).

³⁶ *Fairfax's Devisee v. Hunter's Lessee*, 11 U.S. (7 Cranch) 603, 623 (1813); *Shaw v. Railroad*, 101 U.S. 557, 564 (1879), followed in *Norfolk Redev. & Housing Auth v. C & P. Tel.*, 464 U.S. 30, 35-36 (1983).

The corporation is defined by statute, in Puerto Rico, as an “artificial person”; a “transindividual entity” with its own “standing” gained directly from the law.³⁷

Legal services for indigent litigants are not guaranteed. They are highly unlikely to be found in the market. Imposing monopoly legal services not offered by lawyers but indispensable to indigent persons,³⁸ is a sham intended to prevent access to court.³⁹

Courts have no jurisdiction to impose monopoly legal services that prohibit self-representation of an indigent corporate litigant in Puerto Rico, without clear and explicit authorization by statute. This monopoly is a violation of the common law and statutory authorities,⁴⁰ an implicit violation of antitrust law,⁴¹ a violation of the constitutional right of access to court and due process,⁴² and a violation, in Puerto Rico, of the right to equal protection.⁴³

³⁷ 31 L.P.R.A. §101(2); Rivera Maldonado v. E.L.A., 119 D.P.R. 745 (1987).

³⁸ Rowland v. California Men's Colony, 506 U.S. 194 (1993); see authorities cited, *infra*, note 17.

³⁹ Clipper Express v. Rocky Mt Tariff Bureau., 690 F.2d 1240 (9 Cir. 1982); Wilmarite, Inc. v. Eagan Real Estate, Inc., 454 F. Supp. 1124, (NDNY 1977); Calif. Motor Trans. Co. v. Trucking Unlimited, 404 US 508 (1972).

⁴⁰ See authorities cited, *infra*, notes 31-36.

⁴¹ 15 U.S.C.A. § 3; 10 L.P.R.A. §§ 258-260, 268, U.S. v. Philadelphia Nat. Bank, 374 U.S. 321, 350-51 (1963).

⁴² See e.g., Silver v. Cormier, 529 F.2d 161, 163 (10 Cir. 1976) (applied to a businessman); Lizarribar v. Martinez Gelpi, 121 D.P.R. 770, 786 (1988); Defendini Collazo v. E.L.A. 134 D.P.R. 28, 63-68 (1993); California Transport Co. v. Trucking Unlimited, 404 U.S. 508, 510, 513 (1972); Societe Internationale v. Rogers, 357 U.S. 197, 209 (1958); Matter of N.C. Trading, 586 F.2d 221, 231, n.28 (C.C.P.A. 1978); Hampton Bays Connections, Inc., v. Duffy, 127 F.Supp.2d 364, 373 (E.D.N.Y. 2001) (applied to a corporation).

⁴³ 1 L.P.R.A. Preamble, & Art. II, § 1, 7, Molina v. U.R.H.C., 114 D.P.R. 295 (1983) (per curiam) 14 Official Trans. of Opinions of the Supreme Court 382, 387, 397-402 ("classification based on [a person's poverty] should be regarded with suspicion and be strictly scrutinized.").

The defeat of equal access to law for indigent litigants is not a matter of sound legal interpretation but of clear errors imposed by judicial despotism, just as feared by Jefferson and Lincoln.⁴⁴

The United States is now engulfed by interlinked crises.⁴⁵ These conditions have compelled Mohammad Yunus, 2006 Nobel Peace Prize Winner, to exclaim “Isn't it time to wake up and redo things?” Indeed, support for equal access to law in this case is, perhaps, the best place to start the new awakening and redevelopment, as suggested by Yunus, which plaintiffs have been fighting for during the past 45-years.

⁴⁴ T. Jefferson, “[Letters on Liberty and Power](http://sunsite.utk.edu/FINS/Periodicals_and_Newspapers/Fins-PaN-52.htm)” online in FINS at URL: http://sunsite.utk.edu/FINS/Periodicals_and_Newspapers/Fins-PaN-52.htm ;

A. Lincoln, First Inaugural, “[On Judicial Supremacy](http://sunsite.utk.edu/FINS/Periodicals_and_Newspapers/Fins-PaN-51.htm)” online in FINS at URL: http://sunsite.utk.edu/FINS/Periodicals_and_Newspapers/Fins-PaN-51.htm

⁴⁵ See e.g., V. Schreibman, Interlinked Crises, in Lovers of Democracy, June 16, 2008, online at <http://sunsite.utk.edu/FINS/loversofdemocracy/InterlinkedCrisis> ; M. Yunus, 2006 Nobel Peace Prize Winner, *quoted in* ABC News, July 11, 2009, online at <http://abcnews.go.com/International/wireStory?id=8060378>