



Rivera-Quinones et al v US Security Associates

2013 | Cited 0 times | D. Puerto Rico | September 30, 2013

d

!" h !u" h dd% u!pp!d '!! ! d' !ck # +7 " "wgh"c!"ddhppcbwh! u" hdd%!!

t!"#\$%#!\$&'g\$!"# Juy +6 +01+ ubé " uñ! d d ccy !d! !d"íguz h" p"! cpc d "p"! ! h" ! " ! dh c!jug p""hp "

1 ugu1++011!" d c p!"Guyb!u"!c! !buych!!upp!"h"y"!c!gd ¶9 "gh!"dwh wkgh"!ughhp"kg!d%cu
"ygu"dhw!"kdh cp!!" kdh!h!d!dg !!pyhp!ckbcuhhdh' u""u!d ¶¶11 1+ w"pc"ck"!z!h p!d!"cby 1
'dd!'pwd!!'b"+9+01+ !ck#+6 !1+ 1598() g+

""cd!yd!"d ¶13H!"dhgu"dhhhd!! y ""chd !" h !" bu h gu"d kp ccu g h' ! hg ! "!"u '
"bcuhhdbwchgh'h"!ugh!uh "d hd!!p!bu!py hp!ckd ¶16""y!hgu"d%ccu!hhd !hghp!ckd h gu"d h "zd h "

" ""d h h! d !""d h p" b!u h cd d ¶17 hy"dydc!pwhhu"! c!!cp"" cc!pdbyh p!c!c"wbck!h c
p!!"d'whh!"g"d ¶18h'g"d'dhhgu"dhd!! !whbhdh"p!cdu!"!hdguch u!du"dh'hhw!udbub quydch"gd ¶19

dhuggh w gyddbyhgu"ddhh cdhcudh"dpguh"!d "d!"u"g"!ck#1¶+1 d h 'd ! " d' gg h h c!u" ck ubjc ""
ju"dc!bcu%c'd!! hju"dc!"uc"y!uh d"yud"cu!"pp!d d"qud!dhc!p !ck # 16 &17 h !u" g"d d d h" 'dd
c!p ! !'b"+9+01+!ck#+6 c'b"11+01 +d d!"qug d' ! h 'dd c!p gg h ! pub c' !" g d!d!cghhc!u"ckub jc
""ju"dc!bcu%c' !1+ 1598() g3

d!!'hju"dc!"!u!"h +8>133+ +

!ck#+7dd! !pp!dd"qudh!u"!d' h'!!d'u!pp!d!ck# 30!d!p!d!h!! !d'u!pp!ddhuh!u"g"d d%"qu!ck#3+

t!"#\$f%*Fd 1+(b)(1) h pp!"p" !" chgg c!u"% ubjc "" ju"dc!íH!p +54F3d35836+ 3(1"+001)"wg
'!!d!ud"h"uhc!u"c!" uhp%g!b"yd""y c!d" wh" dc h b ub'd uch ... dp!! d xhb""!" d 661 F3d 87 94 (1 "

3 cc!"dgyhc!u""p!w"d!"[w]ghh dcd'kcud""! c"y!d""whh"hju"dc! !h"hc" Mchu"y % !ky
671F3d33406(1"+01+)(cg!"" g"óJ&c!"d 504 F3d151163(1"+007))Whcdwhj u"dc!chgc!u""uc"dh p%w
pddcu""ddu g"y"!b"chpd"%!" M"!gh d 6+0 F3d 50 54 (1 " +010) (cg í +54 F3d 363) "h p"y !kg h ju"dc!
! d " c!u" c"" h bu"d ! p!"g xc%"J!hd 506F3d6568(1"+007)(c!!' d)



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+ d "qud d' ud" 1+(b)(6) c h p"!p" hc ! chg h ubjc "" ju"dc!!h!u"Fd1+(b)(1)d“huc!!h!!d!hc p!
dcwhchuppcb”!"" ázquz!””c!!417Fupp+d++7+37 (cgé"zucc 93+F+d1058106110(3"d"1991))h !u"w'h!!
uchd ;! "dg'K!dk! 8++Fupp10+0(1993) 3 p"y'y ub' d !" !h" dc c!c! wh u 1+(b)(1) '!! c h
dy!hd""ypp"!hc!hpdgdh'!!"g5 h" W"gh& "hu"M"Fd""ccd"! cdu" >1364(+004);! !""!uc! W" u" c u'u'!! ""c
518Fupp+70+7713(1981) !1+ 1598() g4

++,%L*"# "y// h up"" !u" h hd h !"d" !" h !u" ! h" c ubjc "" ju"dc! 'u “b bhd h" h!d ' "" ! z !" "
"!5+38394(1998)h"qu ""“p" g []"!hu"d!h judcp!w"!hd%d'x bdwh!uxcp!%"d 94 95(cg Md&M!w
11137938+(1884))h"!h!u"" u" dd"d%ju"dc!chg

chc!u""uc"dhp%w p ddcu""ddug"y ""!b"chpd"%!"h! u"wu!"pu"p!!hju"dc! d""! h w gy dd d h h w dd !"
pp"!x'y 10 'ugdh'ddc!p“ gh!uc!""!yh!u" ...u!'kyu!!h"" g u!'h"dM!h%u!' !" c ! 96 63+0 1997 W 370595 *1 (
Juy 1 1997) (cg Zch" H"b!"dpc 684F+d199+0+(+d"198+))

d"yc!kh!d"d" cc!u""yh!"gju"dc!wh" h""c!""yxcd\$75000xcud g"dc! +8>133+! d""whh"p"y'h!u c!"
!'y'u'd'c!u""uppyh !g dgbhdbyhup""!u" uM"cu"yd'y!db !303+83(1938)hup""!u"dc"bd h!!w:

h"ug!"gd!"w!ju"dc !cb"!ughhd" c!u"huhwgd""u hu'c'dbyhp c!"" h c' pp"y'd g!!d h 'u pp"! g c"y h h
c' "y!" h h ju"dc! !u! juy d'd 303+88 89 !1+ 1598() g5

xpdbyhF""cu“[g]!!dh 'u"d!bjcy;[hqu!... whh"!y!"whhppcbw hc'c!ud!bjcyhbwd w!"h%!"hhju"dc!"u” bd
' K!ch 665F3d4141 (1"+01+);! quí Md!z!Kg"!duc!c 638F3d14(1" +011)

cc!"dgy“[p]%'g" g!! d'gh'h!u"qu"" ucuqu!dbyh!pp!gp"y!" hc!u"%”w"upp"w"!"p356
F3d335338(1"+004)(cgp%!"c" !&p!"W!"d!xg % 94+F+d 8488(1"1991))H!w""[h!pp! gp"yqu!hd'gg!h ‘h p"y
kg ! !k ju"dc! h h b u'd ! gg wh uc p"cu"y c dcg h ! g c"y h h c' ! h h ju"dc! '!u%" d; ! bd ' 665 F3d
4+ h bu'd 'y b ' by 'd g pdg!"ub'gdw"""" !g!""!h" c!pdc bd '665F3d4+(cgp%!"c"!&p!" !94+F+d88);w" 356
F3d337

H" d h qu!d p% g" g!! !!! d'g d h" u! '!" h \$100000 p" p hu h bu"d h hd ! ! g “wh ‘uc p"cu"y% c h !' wy
upp!" h c!! h h" !!"h\$75000k”d

d" c"!ucwhchh" hu"!c!u"! pp!"h u"!c!up""!u" c!d"d""c wh!"d""ccdw"dd'uch hhju"dc!"!u!ck#+7p 4
10d"hh!u" c!"d byhph!c!u"ch!ud hphc!u"whh" c" c! " !1+ 1598() g6

h ju"dc! !u d h pp"!ch h!w" w dc"dd by h F" "cu w" upp"w" !"p wh" hd h “[u]g u"! c! up"" !u" c !
yzh!u c!""!y!"d"ypu"p!hqu!c!p"gpdp!"g”356F3d339 ud!"guh“h!p"!ddyc!"ub!!
h!wwhucp"cu"yh[h"jcw!"h!"h\$75000%”!ck#+7p9 (cg bd ' 665F3d43) cc!"dg!dh %d'gg! " “c!cu!"y ” d “h '
yp ! g! h h F" "cu !ud ! b uc” bd ' d p9 10h!u" g"

h" h!d""dd!!pp!h !!!d'dbyd u"h" h" !pp!d d% "qu ! d' h '!! ! d' u!pp!d !" !""d h !u" h hy dd ! "y ! h !pp!! b" !



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h " '!! ! d' cc!"dgy h !u" g"d d% "qu ! d' h '!! ! d'u!pp!dpu"u!!cu7(b)

4 h!"uh!"zhp"dgd"c judg!u""yg"hu!pp!d!!'whh"ud!!c"y!d quy%" !d"íguz gd! !'!z !!'b __ F upp +d __ !
11 +159 +013 W 1403+63*3(M"1+013)(qu!gK c!w!H!u! +83F3d17(1 " +00+))!"c!cwhhFd"u! "!"cdu""K
+83F3d7; !!d"íguz H!píu"c!11 1059+013W170+546*+(p" 19 +013); áchz 'í"z M"cd! Fgu"! ! 1+ 1651 & 1+
1758 +013 W 3973379 *6 (Juy 31 +013) h !u" d h g" g d% !!

4 cc!"dg!!cu7(b) "[u]wh!u" (14)dy" h" c!"!h!p p!g p"yw"!bjc!!h!!c! "p!" g"! "du"!wh!pp!gp"yhb d'd!hwd!bjc!"
!1+ 1598() g7

u!pp!d w!ud ! "u c!u" ! y ! h w! !""!d c!d! h"! " d%!!!"d'h"by u!pp!d

pug h w d h ' c!cu! w !ud !!w y g ! ub' !bjc! ! h '!! ! d' ! d ! ' h" bu"d ! "gg wh ucp"cu"ycdcgh !gc"yhhc! h
hju"dc!"u"

bd ' 665 F3d4+h'w!udh!d"u hy w"! "y!h!pp!!b"!h""!!!"d'

5 !yh"ucp"cu"y""qu"" hd!p"!d"ub! !!"!u!!y!hc!!c!! ! "phycd'g" h'ybgd c!p bd ' 665F3d4+;!d
43("p!!dd%chg! !u c!"! "y p ' bu"d by up pyg w" ""!g!" d 'up 'dc"p!"dc"bgdd!cu'gju")(cgw"
356F3d338))H" h!ughdc!"ywcdcdg d w"pu!!cbyhc!d!! !d'hhydd!p"!dub !! "h!w!b"!h"!d' g
c'dhydd!pp!! "p"ydc upp!"h"! 6

F!"x'p dd!u" h""dpdg!"ub'c!py! hu"ydch!! "c"pdcg h h !w" g"d h h ud ! py ch!!gc u! ! " 'dc "c!"d
d!cu'ghgd"xypcck" d/"d!"ghh!w" g"d" "u!hcd!ccu""dh c p !!"! "h" dch'y !wh c!u" ! c!cud h h c w!"h '!"
h \$75000 hu d ! ' h" 5 !y "" wh "g"d ! d % ju"dc! chg ": (1) h d % pp"!ch!ugh!u c!"! "yw
hh!uw"dd""c!u" c " "p ... ! duc h !u" ! ""!";" d (+) h h g! ! d'g c!d h 'ddc!p" c!pywhh"qu""!p
"!gh!gc"yhhc ' !hhju"dc!"u%"!ck#17p8 1+(cgw" 356F3d335)!"d" !p"!p"ydd"d%c!!b!h ""dcudbyh!u" h" 6
!ck#7(Mg' "d");! !ck#30&30 1 !1+ 1598() g8

bu"d bd ' 665F3d4+(h!dghh!u c!"! "y"qu""w! ' wh" w pu ! !c ! d % ju"dc! chg y "h ddd
!yu" h" g" z!!hdc"p!! hd'gh 'dd!pwhchdd ! p"!d y pcc ! " b ! " h gd !u c!"! "y"); ! d ("wh"
'p"y!kghe!u"%ju"dc!%w'pu!!c...by[hdd%]!!!"d' ! " ck ! ju"dc! h hy dd ! h!w ! ' b ! " h !u ! d'g hy
c'd%u"!d!!"udp"!p"d' byhd"cc!u""(qu!gh " !ucd 681F+d10391053(5h"198+)) h!ughh d"d!"juyg
d"["]gh""khghh" h !d" bd ' 665F3d41(c!d " qu!! ""k !'d) c!u" "h h h "[d]uy ' !p!c h b!"d" ! d"ju"dc!%"d
(qu!gp'Gzy!"p +51F3d14(1"+001)); !g ""c!cyh!d"!yc!"!duc c989F+d1+561+58(1" 1993)("
d" c!u"ud"ugggduy !u"hhju"dc!!"hubjc "" ! h c p"!p! ! djude"); !"" !c!" " H!p Mí ! 11
1479+01+W195833*3(My30+01+)

yhd'huc p"cu"y"qu""hyw!ud hd!h!bjcg!!dhd "dud"whchhy'uh!wh""!y! ""whhppcbwhc'c!ud!
bjcyhbwdw!"h%!"h hju"dc!"u"" bd ' 665F3d43dd!cyd" c upp!" ! h" u! ! h c' d c!ud c g d! % !w g! h!w
h h cd d "pp"!x'y 'u" !ck#+6¶16 h!ughhdu"!hd !w!chdy!hc' d!ch x!hd'g ' ! é"zup""cd!G"d c 158 !1+



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1598() g9

c93106(+00+);!G!zázdí 47c488(1934)M!"!hgu"d "qud!yh 'pyhp!ckd"dy"d!g!hgu"d!wd h'!g!h"!g!!phycc!
c!"qu!g!gbck!h!"cg hp!cdgh""c!"ghh hd!hghp!ck!"y!h" g! "!'whchh!u""yd""hxx !hd'g'ybud!"h \$75000 !!"
"g" KF!!dc 370F3d1+41+9(1"+005)("!u c!"!y "qu""! \$10000 w! ' c'!" h!" d 'b"" d g" "ug "!' c" " c" k%
pubc d "uc! ! c" d c" d d !uc' h phdd!pyhb"(cgJ' éz ug "y 574F+d3740 (1"1978))

Fyhp"%c' !'h!bjcg!!dhd"d h !bcuh" c!!u!u!!"c! hju"dc!h" h!dh %c' dd!!"! "g" KF!!d c370F3d1+4!"x'p y"
!dg"cu h""ghpkyg"!uc H"ju"d!u" g"yhp"!pc!uu" u" g"y !" p"" dby d c""g H " p" d " ud d" c!u"
c'g!!d" d'gpccy h'!h" c'dhh""!d" d'g!d\$+50000hF"" cuhdh hg"%c"hu!" yju"dc! '!u bcu !g !h" hg h 'dc p"
!g! w h h ju"y w!ud bc! w!"hg"wdhh'yd!"u" g "yWh" g"d!h!h" h!w" h F""cu"udhhh!"!g
hju"dc!"u'h!u"!b" d !1+ 1598() g10

hhju""w""y!"""[!! bdh[hg"]w!udd!hcu! h" g"dh" w!d""cw g! hccd"

7 d 1+9 31 h!ughhju"gdhcb"" d"hh!!!"! "g hc!'p"!wu!pup"pch u"! %p"%c'H" !!" g hju"w""!dhp"dd!d
"cywhcdhu hg c!d"d h !u" h g c" y h h p"% c' d! ! ' h ju"dc!"u! !""!c!"!H!pMí!11 1479+01+W
195+833(My30+01+)

"!/" F!"h"!db!d%!!!" d' cc!"dgy %c"" 0 *th!t+\$%j!#%!"ck!ubjc ""ju"dc!

Juu"!c!h30hdy !p'b"+013

!"!cJudg

7 cc!"dg!hc!p %p""h"!ubpghyh"cu""ggh""! h" ! bg "d c"" d p"! cud uch"; ""y' h ph! "g wh [
]!h!"[h""!h"]gx!u whhh!ughhh"!g!gh"!ughh '!"d";""[]wk!uhd!!"h '!h"c%ghd!u!h"hdh !'b!dy
w""h"!kc""d'kh'b "h!"!hxp"cd! ugu1++011"; d hy""!c!c"db!uh!wh"pu!h b"hd"u!h...d c! cu"y! h!w h c"
ccu! w c h uu" h !c d!p' d h c!g c"""" !ck # +6 ¶¶ +6 +9 u" h" h "[! h cu" h cu d " pp" h! u" g d d p '! d '
guh" d ¶ 30 h g! yzd wh h p" g " w!"k !w h !u" !c!cud wh h "qu "d gc"yhhc"!h hju"dc!"u!\$75000

