

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Elías Sánchez-Sifonte et al. v. Josué Fonseca et al.

Sánchez-Sifonte v. Fonseca · No. Civil No. 22-1444 (RAM) · Decided May 6, 2026

SUMMARY

The United States District Court for the District of Puerto Rico partially granted Defendants’ motion to compel and denied their motion to dismiss in a defamation action. The Court required Plaintiffs to supplement any incomplete, non-evasive, or unverified interrogatory responses, deemed most untimely objections waived, and awarded Defendants reasonable expenses under Federal Rule of Civil Procedure 37(a)(5)(A). The Court declined to dismiss the case for failure to prosecute at that time.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Puerto Rico                                                                                                                                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Raúl M. Arias-Marxuach                                                                                                                                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the District of Puerto Rico                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | May 6, 2026                                                                                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | Civil No. 22-1444 (RAM)                                                                                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Defendants moved to compel responses to interrogatories and to dismiss the action as a sanction for discovery noncompliance and failure to prosecute. Plaintiffs served belated discovery responses after the motion to compel was filed. The court granted the motion to compel in part, denied dismissal, deemed untimely objections waived except privilege, ordered supplementation if necessary, and awarded reasonable expenses. |
| STANDARD OF REVIEW    | For discovery sanctions under Federal Rule of Civil Procedure 37(a)(5)(A), reasonable expenses generally must be awarded when a motion to compel is granted unless the opposing party's conduct was substantially justified or other circumstances make an award unjust. Dismissal with prejudice for failure to prosecute is an extraordinary sanction.                                                                               |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                                                                                                                                                                                                                |

TOPICS

discovery dispute

sanctions

motions to dismiss

civil procedure

## PRACTICE AREAS

civil procedure

discovery sanctions

defamation

## QUESTIONS PRESENTED

1. Whether Plaintiffs' belated service of interrogatory responses rendered Defendants' motion to compel and request for discovery-related expenses moot.
2. Whether Plaintiffs' untimely objections to the interrogatories were waived under Federal Rule of Civil Procedure 33(b)(4).
3. Whether Plaintiffs' failure to comply with discovery obligations and court-imposed deadlines warranted an award of reasonable expenses under Federal Rule of Civil Procedure 37(a)(5)(A).
4. Whether dismissal with prejudice for failure to prosecute was warranted.

## HOLDINGS

1. Belated production after the motion to compel was filed did not moot the motion or eliminate the court's authority to require further complete, non-evasive, and verified responses.
2. Plaintiffs' objections to the interrogatories were waived, except for privilege, because they were not timely asserted and Plaintiffs did not establish good cause for the delay.
3. Defendants were entitled to reasonable expenses, including attorney's fees, incurred in the dispute over Plaintiffs' interrogatory responses.
4. Dismissal with prejudice was not warranted at this time.

## KEY QUOTATIONS

*"The Court has considered them, as well as Plaintiff Elías Sánchez-Sifonte and his wife Valerie Rodríguez-Erazo (collectively, "Plaintiffs")'s Response to the Motion to Dismiss and Defendants' Reply to the Response. (Docket Nos. 263, 265). On account of Plaintiffs' failure to excuse their delay and the lack of current compliance, the Court GRANTS IN PART the Motion to Compel at Docket No. 255 and DENIES the Motion to Dismiss at Docket No. 261."*

*"It conflates tardy production with immunity from consequences."*

*"They certainly cannot constitute grounds for disappearing altogether."*

*"However, the Court declines to dismiss the case at this time."*

## FACTUAL BACKGROUND

Plaintiffs failed to timely answer Defendants' interrogatories or assert objections, despite expiration of the ordinary deadline, an additional week provided by Defendants, further efforts to confer, and a court-imposed deadline to oppose the motion to compel. Plaintiffs later served discovery responses and attributed the delay to a busy trial schedule, a prior surgery, and an administrative oversight. Defendants maintained that the responses

remained incomplete and unverified, and sought expenses and dismissal. The court found no substantial justification for the noncompliance but declined to dismiss the action because Plaintiffs had partially served responses and had not previously been warned that dismissal was imminent.

#### PROCEDURAL HISTORY

Plaintiffs brought a defamation, slander, and libel action arising from broadcasts on a television program. The court had previously dismissed Plaintiffs' consequential-damages claims with prejudice for failure to comply with prior court orders. Defendants then moved to compel answers to interrogatories and later moved to dismiss for failure to prosecute and discovery noncompliance. Plaintiffs eventually served responses and opposed dismissal, but the court found their delay unjustified, ordered any remaining supplementation, awarded discovery-related expenses, and declined the requested dismissal with prejudice.

#### DISPOSITION

other

#### CASES CITED

- Malot v. Dorado Beach Cottages Assocs., 478 F.3d 40, 43-44 (1st Cir. 2007)
- Torres-Vargas v. Pereira, 431 F.3d 389, 393 (1st Cir. 2005)
- Pierce v. Underwood, 487 U.S. 552, 565 (1988)
- Pomales v. Celulares Telefonica, Inc., 342 F.3d 44, 48 (1st Cir. 2003)

#### OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO  
ELIAS SÁNCHEZ-SIFONTE et al., Plaintiffs, v. CIVIL NO. 22-1444 (RAM) JOSUE FONSECA,  
et al. Defendants. OPINION AND ORDER RAÚL M. ARIAS-MARXUACH, United States  
District Judge Pending before the Court are two motions by Defendants TM Television, Inc.  
("TMTV") and Antonio G. Mojena (collectively, "Defendants"): a Motion to Compel and a  
Motion to Dismiss.

(Docket Nos. 255, 261). The Court has considered them, as well as Plaintiff Elías Sánchez-Sifonte and his wife Valerie Rodríguez-Erazo (collectively, "Plaintiffs")'s Response to the Motion to Dismiss and Defendants' Reply to the Response. (Docket Nos. 263, 265).

On account of Plaintiffs' failure to excuse their delay and the lack of current compliance, the Court GRANTS IN PART the Motion to Compel at Docket No. 255 and DENIES the Motion to Dismiss at Docket No. 261. Pursuant to Fed. R. Civ. P. 37(a)(5)(A), the Court awards Defendants reasonable expenses incurred in the dispute over Plaintiffs' responses to interrogatories resolved herein.

I. BACKGROUND In this long-running defamation, slander, and libel action, Plaintiffs sued Josué Fonseca a/k/a Jay Fonseca, Jagual Media LLC, NBC Universal Media LLC, Telemundo Network Group, LLC, Telemundo Puerto Rico, LLC, Antonio G. Mojena, TMTV, and others, claiming damages allegedly arising out of a series of broadcasts in Fonseca's "Jay y sus Rayos X" show.

(Docket No. 130). Plaintiffs sought, in addition to compensatory and punitive damages, "consequential damages in the amount of damage to Sanchez's and Rodriguez's respective business and property in a sum certain according to proof and not less than THIRTY MILLION DOLLARS (\$30,000,000.00)." Id. at 69.

On March 23, 2026, the Court issued an Opinion and Order dismissing with prejudice the consequential damage claims on account of Plaintiffs' noncompliance with prior unambiguous Court orders. (Docket No. 260). On March 9, 2026, Defendants filed a short Motion to Compel Plaintiff's Answers to Interrogatories, claiming that despite the expiration of routine deadlines and Defendants' diligent attempts to obtain compliance without judicial intervention, Plaintiffs had neither served responses nor asserted objections to Defendants' first set of interrogatories.

(Docket No. 255 at 1-3). Defendants aver that they afforded Plaintiffs an extra week to comply and even attempted to schedule meetings thereafter, all to no avail. Id. Defendants request the award of reasonable fees under Fed. R. Civ. P. 37(a)(5)(A) as a result. Id. at 3.

The day after the Court-imposed deadline for Plaintiffs to file a Response in Opposition to the Motion to Compel expired on March 23, 2026, with no sign of a reaction from Plaintiffs, see (Docket No. 256), Defendants filed a short Motion to Dismiss. (Docket No. 261). Therein, Defendants reiterate that the Motion to Compel remains unopposed. Id. at 2. They also argue for sanctions on the basis of Plaintiffs' "noncompliance with core discovery obligations—after formal service, an agreed extension, and multiple good-faith conferrals" and claim that Plaintiffs have forfeited all objections under Fed.

R. Civ. P. 33(b)(4). Id. Among Defendants' requested sanctions is dismissal of the case with prejudice because of Plaintiffs' failure to prosecute the case. Id. On March 31, 2026, Plaintiffs broke their silence and filed a Response to Defendants' Motion to Dismiss. (Docket No. 263). Therein, they characterize the Motion to Compel as "moot," as they have now "served their discovery responses and produced the materials at issue, thereby curing any prior deficiency." Id. at 1.

As for the delay in their compliance, Plaintiffs attribute it to a busy trial schedule, an earlier surgery for one of the Plaintiffs, and the fact that they had not yet identified this "administrative oversight." Id. at 1-2. Relying on these justifications, Plaintiffs contend there is no basis for the imposition of sanctions such as dismissal or the award of attorney's fees.

Id. On April 8, 2026, Defendants filed a Reply to the Response. (Docket No. 265). Therein, Defendants argue that the belated service does not moot the Motion to Compel because, in their view, the response remains deficient, incomplete, and unverified. Id. at 1, 4-6. Defendants contend that Plaintiffs' invocation of a "substantial compliance" standard, their allegedly busy trial schedule, and medical procedures for one of the Plaintiffs do not excuse a failure to comply with the applicable rules or timely seek relief from Court-imposed deadlines.

Id. at 5-7. Defendants also insist on collecting reasonable fees under Fed. R. Civ. P. 37(a)(5)(A). Id. at 6-7. II. DISCUSSION The Court is encouraged to hear that Plaintiffs have belatedly complied with their obligation to deliver their interrogatory responses to Defendants. (Docket No. 263 at 1).

However, Plaintiffs' contention that this obviates all requested relief is incorrect. It conflates tardy production with immunity from consequences. A. Defendants' request to compel interrogatory responses Plaintiffs do not meaningfully contradict the timeline underlying Defendants' motions. They do not contest: that Defendants timely served written discovery; that the ordinary response deadline expired; that Defendants afforded them an extra week in an effort to obtain compliance without judicial interference; that Defendants still attempted to confer further thereafter; or that they failed to file an opposition altogether to the Motion to Compel despite a Court-instituted deadline.

(Docket Nos. 256, 261, 263, 265). The First Circuit has held that "disregard of court orders qualifies as extreme behavior[.]" *Malot v. Dorado Beach Cottages Assocs.*, 478 F.3d 40, 43-44 (1st Cir. 2007); see also *Torres- Vargas v. Pereira*, 431 F.3d 389, 393 (1st Cir. 2005) (internal citations omitted) ("[i]t is settled law that a party flouts a court order at his peril").

Here, even crediting Plaintiffs' contention that they have now delivered up compliant responses, the present situation is expressly anticipated by Fed. R. Civ. P. 37. That rule declares that "if the disclosure or requested discovery is provided after the motion was filed—the court must, after giving an opportunity to be heard, require the party...whose conduct necessitated the motion...to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." Fed.

R. Civ. P. 37(a)(5)(A). Here, Plaintiffs do not assert that disclosure occurred before the Motion to Compel was filed, so the sanctions anticipated by the Motion to Compel are not "moot." Nor is the Court satisfied, on the record before it, that there is nothing left to compel. Defendants maintain that Plaintiffs' belated responses remain incomplete and unverified.

(Docket No. 265 at 1, 4-6). Plaintiffs have not rebutted this allegation. Fed. R. Civ. P. 33(b)(3) mandates that "[e]ach interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath." They must also be signed. Fed. R. Civ. P. 33(b)(5).

Accordingly, to the extent that Plaintiffs have not already served complete, non- evasive, and verified answers to the interrogatories, they must supplement their submissions by the deadline set forth below. The Court also agrees with Defendants that Plaintiffs' untimely objections are to be deemed waived. Fed. R. Civ. P. 33(b)(4) declares that "[a]ny ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure." As set out in more detail next, the Court does not find that Plaintiffs have demonstrated good cause or substantial justification to excuse their noncompliance.

Monetary sanctions are warranted in the case at bar. Generally, courts must impose attorney's fees and expenses when compelling discovery, unless the party resisting discovery was substantially justified in doing so. Fed. R. Civ. P. 37(a)(5)(A). Resistance to discovery is "substantially justified" if there is a "genuine dispute" or if "reasonable people could differ as to the appropriateness of the contested action." *Pierce v. Underwood*, 487 U.S. 552, 565 (1988) (internal citations and quotations omitted).

The Court has reviewed Plaintiffs' justification in their Response to Defendants' Motion to Dismiss. (Docket No. 263). The Court finds that, considering Plaintiffs' pattern of noncompliance and failure to heed explicit Court-imposed deadlines, Plaintiffs have not demonstrated that their actions were "substantially justified." The listed justifications--such as an earlier surgery or busy trial schedules--can constitute grounds for seeking relief from a deadline from the Court.

They certainly cannot constitute grounds for disappearing altogether. Pursuant to Fed. R. Civ. P. 37(a)(5)(A), the Court awards Defendants reasonable expenses. B. Defendants' request for the case to be dismissed However, the Court declines to dismiss the case at this time.

As the First Circuit "has often recognized, the sanction of dismissal with prejudice for want of prosecution is a unique and awesome one, foreclosing forever the plaintiff's opportunity to obtain judicial redress." *Pomales v. Celulares Telefonica, Inc.*, 342 F.3d 44, 48 (1st Cir. 2003). This is particularly true where the Court has not previously warned Plaintiffs that a dismissal for nonprosecution is imminent.

Plaintiffs' filing pattern is troubling and has plainly resulted in the cluttering of the docket and unnecessary motion practice. Still, given Plaintiffs' representation that discovery responses have now been partially served, the Court will impose lesser sanctions. Plaintiffs should not mistake this restraint for approval, however, as their noncompliance has steered them perilously close to the ultimate sanction.

III. CONCLUSION For the foregoing reasons, the Court GRANTS IN PART the Motion to Compel at Docket No. 255 and DENIES the Motion to Dismiss at Docket No. 261. To the extent that Plaintiffs have not already served complete, non-evasive, and verified answers to the interrogatories, they must supplement their submissions by May 13, 2026.

Because Plaintiffs failed to timely serve objections and did not seek an extension before the applicable deadline, the Court deems objections, except privilege, to be waived under Rule 33(b) (4). Pursuant to Fed. R. Civ. P. 37(a)(5)(A), the Court awards Defendants reasonable expenses incurred in the dispute over Plaintiffs' responses to interrogatories resolved herein.

Defendants shall file a bill containing their reasonable fees and costs by May 18, 2026. The filing shall not exceed 5 pages. IT IS SO ORDERED. In San Juan, Puerto Rico, this 6th day of May 2026. s/Raúl M. Arias-Marxuach\_\_\_\_\_ UNITED STATES DISTRICT JUDGE