

**SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**IN RE: COMPLEX LITIGATION CASES PENDING) CASE NO. SX-19-MC-035
IN THE SUPERIOR COURT OF THE VIRGIN) COMPLEX LITIGATION DIVISION
ISLANDS.)
_____)**

STANDING ORDER NO. # 4

THIS ORDER concerns all motions papers, notices, stipulations, and other papers filed in cases (including master cases) pending in the Complex Litigation Division. Unless and until the Court orders differently, and notwithstanding prior orders or court rules of procedure to the contrary, it is hereby **ORDERED**:

1) Meet and Confer. Counsel are directed to meet and confer before filing any motion or request, including dispositive motions and discovery motions, so that the issues are crystalized and ancillary matters, which often can be resolved through communication without court intervention, are reduced. For any motion filed in a Complex Litigation Division case, whether in a master case or an individual case, counsel for the moving party shall certify in writing that a good-faith effort was made to resolve the dispute informally before seeking relief from the court. If a motion or other request is agreed to or is unopposed, the moving party shall state in the motion the parties who join in the request and any who oppose the request.

2) Motion Papers. Pursuant to Virgin Islands Rule of Civil Procedure 6-1(c), only a motion, a response, and a reply ("motion papers") may be served and filed with the court. Whenever possible, but especially in cases involving multiple parties (including intervenors, third-parties, or fourth-party and cross- or counterclaimants), the moving party and any responding parties should attempt to have their arguments, objections, or concerns raised and addressed by the moving party or the opposing party before filing separate motions or responses to keep the volume of motion papers to a minimum.

3) **Further Response and Reply.** Leave to file surresponses or surreplies will not be granted except on motion filed in advance showing exceptional circumstances.

4) **Attachments and Exhibits.** No paper filed in a Complex Litigation Division case shall include as an attachment or an exhibit a copy of a papers previously filed in that case. Attaching copies of papers already on file unnecessarily increases the cost and time involved in preparing, serving, filing, docketing, and processing motion papers and notices. A citation to the previously-filed paper, with the title of the paper, the date the paper was filed, and the case the paper was filed in, will suffice. Papers filed in other courts may be included as exhibits or attachments to motion papers or notices filed in Complex Litigation Division cases.

5) **Deadlines.** Pursuant to Virgin Islands Rule of Civil Procedure 6-1(f)(1), the deadline for all responses is extended to twenty-eight (28) days from the date a motion is served and filed, and the deadline for all replies is extended to twenty-eight (28) days from the date the response is served and filed, provided that the parties meet and confer as directed, and provided further that a different deadline is not specified by court order.

6) **Extensions of Time.** Because additional time has been granted to file responses and replies, motions and stipulations for an extension of time or for leave to file or act out of time will only be granted on motion showing exceptional circumstances. To avoid disruption and delay should the Court be prevented from timely addressing a motion for an extension of time, a party who files such motion and has not received a ruling within twenty-eight (28) days after the reply is filed should proceed as though leave were granted, but with full knowledge that, if exceptional circumstances are not found, the Court may disregard or reject the late filing. *Cf. Augustin v. Hess Oil V.I. Corp.*, 67 V.I. 488, 503-05 (Super. Ct. 2017).

7) **Motions to Strike.** Motions to strike are restricted to two circumstances: as provided by Virgin Islands Rule of Procedure 12(f) and for papers submitted by nonparties

without the right to file in the case. *Cf. Der Weer v. Hess Oil V.I. Corp.*, 64 V.I. 107, 127 (Super. Ct. 2016). In all other instances, motions to strike are disallowed and will themselves be stricken when filed. Parties need only alert the Court to alleged violation or impropriety (timeliness, new argument(s) raised, failure to adhere to formatting requirements, etc.) in their respective papers or by a separately-filed notice and the Court will then take that information into consideration.

8) Joinder. One party may join another party's motion or opposition by filing a paper titled "Joinder". Joinders may not exceed three (3) pages, exclusive of the caption, certificate of service, and so forth as per Virgin Islands Rule of Procedure 6-1(e)(2). By joining a motion, the joining party will be deemed to have joined any replies filed by the same movant, unless notice is given the contrary. Joining parties will also be deemed to have joined all the points raised as well as the relief requested, unless notice is given to the contrary. Joining parties cannot make arguments, raise new arguments, or request relief. Instead, a joining party should seek to have its concerns addressed by the moving or opposing parties or file its own motion or response.

9) Discovery Notices. Unless otherwise instructed by the Court, no party may file in any case, whether an individual case or cases or in a master case, any discovery notices, defined to include but are not limited to, notices of service of discovery, notices of deposition, notices of services of document requests, production, or demands, or notices of objection to any of the foregoing. Such documents may be served on opposing counsel, but may not be filed in Complex Litigation Division cases unless attached as exhibits to an appropriate motion.

DONE AND SO ORDERED.

Date: March 5, 2019

ATTEST:

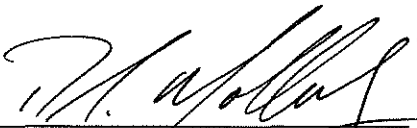
ESTRELLA H. GEORGE
Clerk of the Court

By: _____

Court Clerk Supervisor

Dated: _____

3/5/19



ROBERT A. MOLLOY
Judge of the Superior Court