

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

IN RE: COMPLEX LITIGATION CASES PENDING IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS.))))	CASE NO. SX-19-MC-035 COMPLEX LITIGATION DIVISION
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STANDING ORDER NO. # 1

IT IS HEREBY ORDERED that this civil miscellaneous case shall govern all cases transferred to or pending within the Complex Litigation Division so that orders, including standing orders, applicable to all cases within the Division may be issued. It is further

ORDERED that, until another method becomes available, the Clerk's Office shall issue this Order and all subsequent orders issued in this case by electronic mail in portable document format ("PDF") to the Virgin Islands Bar Association for distribution to its members.

DONE AND SO ORDERED.

Date: March 5, 2019

ATTEST:
ESTRELLA H. GEORGE
Clerk of the Court

By: _____

Court Clerk Supervisor

Dated: _____



ROBERT A. MOLLOY
Judge of the Superior Court

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

THIS ORDER concerns all papers served and 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

1. Captions. All papers filed in the Complex Litigation Division shall state “COMPLEX LITIGATION DIVISION” or “COMPLEX” in the caption adjacent to the case number to aid the Clerk’s Office.

3. **Certificate of Service.** Compliance with Virgin Islands Rule of Civil Procedure 3-1(a) is modified for cases involving more than ten parties or more than ten attorneys so as to reduce the amount of paper filed in Complex Litigation Division cases. If a case (including a master case) involves more than ten parties or ten attorneys, the certificate of service must not exceed two pages and should only give the following: the name of the attorney served, the firm or professional entity with whom that attorney is affiliated, the party that attorney represents, and whether service complied with Virgin Islands Rule of Civil Procedure 5(b)(2)(A), (B), (C), (D), (E) or (F), e.g., John Doe, Esq., Law Offices of ABC and 123, P.C., Counsel for Defendant XYZ Corporation. Served per V.I. R. Civ. P. 5(b)(2)(A).

Date: March 5, 2019

ATTEST:
ESTRELLA H. GEORGE
Clerk of the Court

By:

Court Clerk Supervisor

Dated:

ROBERT A. MOLLOY
Judge of the Superior Court

**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. # 3

THIS ORDER concerns all cases transferred to the Complex Litigation Division that were commenced on or before March 31, 2017, the date the Virgin Islands Rules of Civil Procedure took effect. Virgin Islands Rule of Civil Procedure 3-1(c) requires all parties including “defendants, intervenors, and other part[ies], or the attorney therefor . . . to file a completed Case Information and Litigant Data Form with the clerk of the court at the time of first filing of a notice of appearance, answer, or other initial pleading or motion.” V.I. R. Civ. P. 3-1(c)(2). “If the contact information contained on the Case Information and Litigant Data Form changes for any party or attorney,” V.I. R. Civ. P. 3-1(c)(3), the party or attorney must update their information.

The purpose of Virgin Islands Rule of Civil Procedure 3-1(c) is to ensure that the Clerk’s Office has current and accurate information for the parties and attorneys in pending cases. Virgin Islands Rule of Civil Procedure 1-1(c)(2) makes the Virgin Islands Rules of Civil Procedure applicable to all cases pending on March 31, 2017, unless “the Superior Court makes an express finding that applying them in a particular previously-pending action would be infeasible or would work an injustice.” V.I. R. Civ. P. 1-1(c)(2)(B). Requiring attorneys and self-represented parties to provide contact information does not implicate any rights and not having complete and accurate information for all parties in older cases has caused confusion and delayed and precluded service of court orders in some instance. In the past, only plaintiffs had to complete and file a Case Information and Litigant Data Form. Other parties, including but not limited to defendants, intervenors, and third- and fourth-parties (both plaintiffs and defendants) were not required to file the same form or provide similar information. Consequently, this information is

lacking for many of the older cases pending in the Complex Litigation Division, even in some instances, for plaintiffs. Additionally, in at least a few instances, counsel who appeared on behalf of a party later withdrew, resigned, retired, or passed away, leaving the Clerk's Office unable to effect service on the party. Accordingly, after careful consideration and review, it is hereby

ORDERED that Virgin Islands Rule of Civil Procedure 3-1(c) is made applicable retroactively to all cases pending in the Complex Litigation Division. It is further

ORDERED that the attorney for each defendant, intervenor, third-party plaintiff, and third-party defendant (hereinafter "party") in a Complex Litigation Division case shall submit to the Clerk's Office, **on or before Monday, April 1, 2019**, one Case Information and Litigant Data ("CILD") Form or revised CILD form (if information listed on previously-filed forms has changed), to providing the required information for each party that attorney represents, including any parties subject to a bankruptcy stay. All CILD forms shall be submitted by electronic mail in portable document format to Mrs. Cheryl Parris, Court Clerk III, at Cheryl.Parris@viccourts.org, who shall print each submission and add them to this case. It is further

ORDERED that each party should only file one CILD form. For example, if Party A is a defendant in three hundred cases and a plaintiff in two cases, Party A must only file one CILD form.

DONE AND SO ORDERED.

Date: March 5, 2019

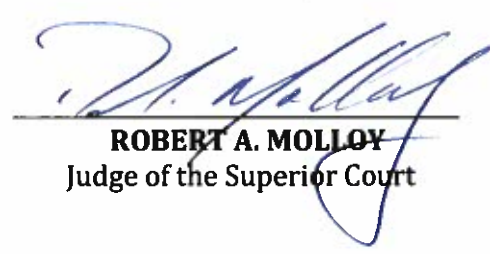
ATTEST:
ESTRELLA H. GEORGE
Clerk of the Court

By:


Court Clerk Supervisor

Dated:

3/5/19


ROBERT A. MOLLOY
Judge of the Superior Court

**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:

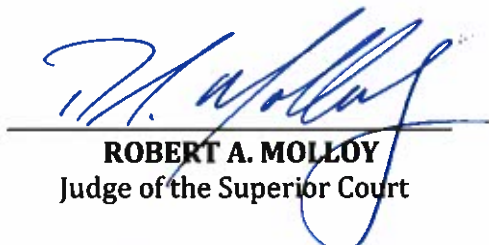
ESTRELLA H. GEORGE
Clerk of the Court

By:


Court Clerk Supervisor

Dated:

3/5/19


ROBERT A. MOLLOY
Judge of the Superior Court

**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. # 5

THIS ORDER pertains to any conference held in a Complex Litigation Division case, including but not limited to pretrial conferences, status conferences, and hearings on motions (hereinafter "conference"). It is hereby **ORDERED** that, pursuant to Virgin Islands Rule of Civil Procedure 16(c)(1), attorneys in a Complex Litigation Division cases must obtain from their clients in advance of any conference **AUTHORIZATION** "to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference" and **ENSURE** that the "party or its representative . . . [is] reasonably available [by phone or other means] . . . to consider possible settlement," and, pursuant to Virgin Islands Rule Civil Procedure 16(c)(2)(B), (H), (I), (L), (K) and (P), **COME PREPARED** to discuss at every conference whether "amending the pleadings i[s] necessary or desirable," whether any "matters [could be referred] to a magistrate judge or master," whether "special procedures [should be adopted] to assist in resolving the dispute" or to "manag[e] potentially difficult or protracted actions that involve complex issues, multiples parties, difficult legal questions, or unusual proof problems," to argue and dispos[e] of pending motions," and "other ways" to "facilitat[e] . . . the just, speedy, and inexpensive disposition of the action."

Date: March 6, 2019

ATTEST:

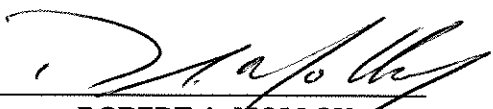
ESTRELLA H. GEORGE
Clerk of the Court

By: _____

[Signature]
Court Clerk Supervisor

Dated: _____

3/6/2019



ROBERT A. MOLLOY
Judge of the Superior Court

**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. # 6

THIS ORDER concerns all cases transferred to the Complex Litigation Division that were commenced on or before March 31, 2017, the date the Virgin Islands Rules of Civil Procedure took effect. Virgin Islands Rule of Civil Procedure 7.1 requires every “nongovernmental corporate party” to “file two copies of a disclosure statement that . . . identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or . . . states that there is no such corporation.” V.I. R. Civ. P. 7.1(a)(1)-(2). Disclosures statements must accompany the party’s “first appearance, pleading, petition, motion, response, or other request addressed to the court” and must also be “supplemental . . . if any required information changes.” V.I. R. Civ. P. 7.1(b)(1)-(2).

Virgin Islands Rule of Civil Procedure 7.1 is new and it aim is to “avoid conflicts of interest and to make ownership of parties or affiliates clear.” V.I. R. Civ. P. 7.1 (rprr’s note). Virgin Islands Rule of Civil Procedure 1-1(c)(2) makes the Virgin Islands Rules of Civil Procedure applicable to all cases pending on March 31, 2017, unless “the Superior Court makes an express finding that applying them in a particular previously-pending action would be infeasible or would work an injustice.” V.I. R. Civ. P. 1-1(c)(2)(B). Requiring nongovernmental corporate parties to disclose or to supplement the same corporate ownership information in cases commenced before March 31, 2017, that they would have to disclose in cases commenced after March 31, 2017, will not implicate any rights. Accordingly, after careful consideration and review, it is hereby

ORDERED that Virgin Islands Rule of Civil Procedure 7.1 is made applicable retroactively to all cases pending in the Complex Litigation Division that were commenced prior to March 31,

2017. It is further

ORDERED that, **on or before Monday, April 1, 2019**, counsel for every nongovernmental corporate party (hereinafter "counsel" and "party" respectively) shall adhere to the following protocol: (A) For cases grouped under a master case, counsel shall serve and file in the master case **one (1) global disclosure statement** for each party that counsel represents; (B) For cases not grouped under a master case (hereinafter "individual cases"), counsel shall serve and file in each individual case **one (1) disclosure statement** for each party that counsel represents, **provided, however**, that the party is not a litigant in more than fifteen (15) individual cases. If the party is a litigant in more than fifteen (15) individual cases, counsel **may** instead serve and file **one (1) global disclosure statement** in this miscellaneous case, **provided** that every attorney and/or self-represented litigant in each respective case is also served with a copy of the global disclosure statement filed in this case. It is further

ORDERED that any **SUPPLEMENTAL STATEMENTS** required by Virgin Islands Rule of Civil Procedure 7.1, shall be filed in the respective individual case or cases, or master case if appropriate, per. It is further

ORDERED that every party who has already filed its disclosure statement in a case commenced before March 31, 2017 is **EXCUSED** from complying with this Order for that case.

DONE AND SO ORDERED.

Date: March 6, 2019

ATTEST:

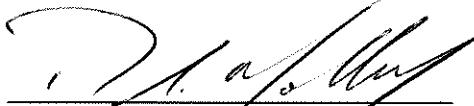
ESTRELLA H. GEORGE

Clerk of the Court

By: 

For Court Clerk Supervisor

Dated: 3/6/2019


ROBERT A. MOLLOY
Judge of the Superior Court

**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.)	
)	

ERRATA ORDER

COMES NOW the Court, *sua sponte*, to correct the following scrivener's errors in the Standing Orders issued to date:

Standing Order No. 3, page 2: replace "to providing" with "to provide";
Standing Order No. 4, page 2, section 4): strike the "s" in "papers previously" and on page 3 in section 8) insert "to" between "given" and "the";
Standing Order No. 5: strike the "a" four lines from the top of the page; insert "of" between "Rule" and "Civil" in the middle of the page, and add an quotation mark before "to argue" three lines from the bottom of the page; and finally,
Standing Order No. 6, page 1: replace "supplemental . . ." with "supplement[ed] . . ."; make "it" possessive in the first line of the second paragraph.

It is further **ORDERED** that the number sign is **STRICKEN** from the title of each Standing Order issued to date.

DONE AND SO ORDERED.

Date: May 30, 2019

ATTEST:


ESTRELLA H. GEORGE
Clerk of the Court

By: _____

Court Clerk Supervisor

Dated: _____

5/30/2019



ROBERT A. MOLLOY
Judge of the Superior Court