



SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

IN RE: RED DUST CLAIMS. )  
\_\_\_\_\_ )

MASTER CASE NO.  
SX-15-CV-620

This Opinion Pertains to All Cases Coordinated )  
Under or Subject to this Master Case )  
\_\_\_\_\_ )

**REVISED SCHEDULING ORDER**

This Order revises the deadlines in the July 7, 2017 Interim Scheduling Order, as modified during the August 2, 2017 preliminary Rule 16 conference, and tolled following Hurricanes Irma and Maria. *See generally In re: Order Extending Legal Time Limits After Hurricane Irma*, Admin. Order No. 2017-001, 2017 V.I. Supreme LEXIS 58 (V.I. Sept. 11, 2017); *In re: Order Further Extending Legal Time Limits Due to Hurricane Maria*, Admin. Order 2017-005, 2017 V.I. Supreme LEXIS 63 (V.I. Sept. 29, 2017).

The Court hereby ORDERS as follows:

**First**, any party's failure to adhere to the deadlines in the July 7, 2017 Interim Scheduling Order, as extended by this Court or tolled by the Supreme Court, is EXCUSED.

**Second**, each Defendant shall file a response to the individual complaints within twenty-one (21) days from the date of entry of this Order, whether the response is an answer or a motion filed pursuant to Virgin Islands Rule of Civil Procedure 12. All motions filed pursuant to Rule 12 shall be filed per the deadlines set by the rules, with the effective date the date of entry of this Order. In other words, the parties shall proceed as if the date of entry of this Order is the date when service of process occurred for all individual complaints.

**Third**, any party who previously filed an answer to the claims asserted herein, whether in *Abednego*, *Henry*, or *Phillip Abraham*, is precluded from filing a motion pursuant to Virgin Islands Rule of Civil Procedure 12(b)(2)-(6).

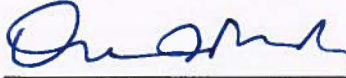
**Fourth**, each party shall, within fourteen (14) days from the date of entry of this Order, file a notice in the master case (if not already filed) that: **(A)** lists by date filed **(1)** each motion still pending filed by that party; **(2)** in which case(s) the motion(s) was(were) filed; **(3)** which parties, if any, joined the motion(s); and **(4)** the relief sought by each motion and the grounds therefor, e.g., dismissal based on lack of subject matter jurisdiction; and **(B)** states whether the party **(1)** seeks leave to supplement the previously-filed motion(s) or **(2)** intends to withdraw the previously-filed motion(s) and to refile it.

*Fifth*, because filing a motion does not necessarily suspend deadlines or excuse parties from complying with court deadlines, and further because “the *Henry* plaintiffs exchanged discovery with the defendants over the first two years of the litigation, namely between 1999 and 2001, and then for about five more years, the parties traveled the country deposed fact and expert witnesses,” *Abednego v. St. Croix Alumina, LLC*, 63 V.I. 153, 186-87 (Super. Ct. 2015) (brackets, quotation marks, and citations omitted), there remains no reason to delay discovery in these cases. From the bench on August 2, 2017, the Court ordered the parties to meet and confer by Monday, October 16, 2017, and to file joint or separate discovery plans by Tuesday, October 31, 2017. Counsel were unable to meet with those deadlines in part due to Hurricanes Irma and Maria. Those deadlines are hereby extended as follows: on or before Friday, January 5, 2018, counsel shall meet and confer pursuant to Virgin Islands Rule of Civil Procedure 26 and serve and file their discovery plans/reports on or before Monday, January 15, 2018. The Rule 16 conference scheduled from the bench on August 2, 2017 will proceed as scheduled on **January 18, 2018 at 10:30 a.m. in Courtroom 211.**

It is further


ORDERED that a copy of this Order shall be served on Lee J. Rohn, Esq., Andrew C. Simpson, Esq., Willie C. Ellis, Jr., Esq., Richard H. Hunter, Esq., Rene P. Tatro, Esq., Juliet A. Markowitz, Esq., Joel H. Holt, Esq., Carl J. Hartman, III, Esq., and James L. Hymes, III, Esq.

Dated: December 11 2017.

  
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DOUGLAS A. BRADY  
Judge of the Superior Court

ATTEST:  
ESTRELLA M. GEORGE  
Clerk of the Court

By:

  
\_\_\_\_\_  
Court Clerk Supervisor  
12/11/17