

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

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IN RE:	)	
	)	CASE NO. SX-15-CV-620
	)	
RED DUST CLAIMS	)	ACTION FOR: DAMAGES
(MASTER DOCKET)	)	DAMAGES - CIVIL
	)	
	)	

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**NOTICE TO THE COURT**

**TO: THE HON. ESTRELLA H. GEORGE**  
Clerk of the Court  
SUPERIOR COURT OF THE VIRGIN ISLANDS  
Division of St. Croix  
RFD 2, Kingshill, St. Croix  
U.S. Virgin Islands 00850

**COMES NOW** Century Aluminum Company (hereinafter "Century"), by its undersigned attorney, James L. Hymes, III, and, pursuant to the provisions of paragraph Third of the Interim Scheduling Order heretofore entered herein on the 7<sup>th</sup> day of July, 2017, provides notice to the Court regarding previously filed dispositive motions by it, as follows:

- (1) **Dispositive Motions Filed:**
  - (a) Defendant Century Aluminum Company's Motion To Dismiss for failure to state a claim upon which relief may be granted, the expiration of the applicable statute of limitations and failure to effect service of process within the time limited by law.

- (b) Abraham v. St. Croix Alumina, LLC, Case No. SX-11-CV-163 – Motion to Dismiss filed March 26, 2012, at 4:25 p.m.; Reply in support thereof filed on July 10, 2012 at 2:40 p.m.; and  
Abednego v. St. Croix Alumina, LLC, Case No. SX-09-CV-571 – Motion to Dismiss filed November 23, 2011 at 5:21 p.m.
- (c) These motions were not joined by any other party.
- (d) The relief sought is dismissal with prejudice based on a failure to state a claim upon which relief may be granted, the expiration of the statute of limitations and failure to effect service of process within the time limited by law.

(2) **Century**

- (a) stands on its previously filed motions to dismiss based on a failure to state a claim upon which relief may be granted, expiration of the statute of limitations and failure to effect service of process within the time limited by law; and
- (b) requests leave to supplement the previously-filed motions to dismiss for the purpose of preparing a *Banks* analysis where appropriate. Additionally, Century requests leave to supplement the motions to dismiss on the issue of the expiration of the statute of limitations. To elaborate briefly, while Century believes that all claims should be dismissed with respect to failure to state a claim upon which relief may be granted, Century additionally believes that the vast majority of the claims are

barred by the expiration of the statute of limitations. However, until all of the Complaints have been filed, Century will not be able to determine the small number of claimants whose claims may not be clearly barred by the statute of limitations based upon the date of birth alleged in the individual Complaint. As such, unless the Court rules on the failure to state a claim in the Motion to Dismiss first, it may be necessary for Century to file individual motions to dismiss on the expiration of the statute of limitations for the individual Complaints. Accordingly, pursuant to the provisions of the Fourth Paragraph, subparagraph (2), of the Interim Scheduling Order heretofore entered herein, Century requests that the Court revise the deadline by separate order within which its Supplement(s) may be filed.

Respectfully submitted,

DATED: July 21, 2017.

**LAW OFFICES OF JAMES L. HYMES, III, P.C.**  
*Attorneys for Defendant –*  
**Century Aluminum Company**

By: 

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**CERTIFICATE OF SERVICE**

I hereby certify this document complies with the page or word limitation set forth in V.I. R. Civ. P. 6-1(e), and that on this the 21<sup>st</sup> day of July, 2017, I caused a true and exact copy of the foregoing ***“Notice to the Court”*** to be served on the following counsel by electronic mail:

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**IN RE: RED DUST CLAIMS (MASTER DOCKET)**  
Case No. SX-15-CV-00000650  
NOTICE TO THE COURT

**JOEL H. HOLT, ESQ.**

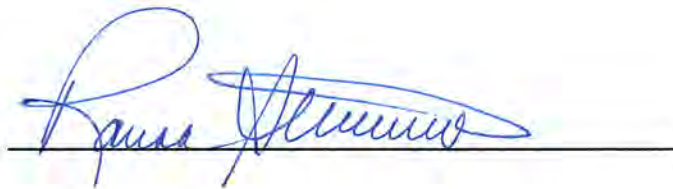
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