

SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

IN RE: RED DUST CLAIMS

MASTER CASE NO. SX-15-CV-620

OPPOSITION TO DEFENDANTS' PROPOSED DISCOVERY ORDER

COME NOW Plaintiffs', by and through undersigned counsel and opposes the Defendants' Proposed Discovery Order.

Plaintiffs note at the outset that the Defendants still have not gotten the Plaintiff a revised questionnaire that includes requested Rule 26 information so that Plaintiffs could be getting those questionnaires filled out. Plaintiffs contend that the Rule 26 questions should be included in the questionnaires instead of two documents, i.e. a question, who are the persons by name and address who have knowledge of your claims, what are your damages, what documents support your claims.

The Defendants shall provide Rule 26 Disclosures within 45 days of the court approving and issuing a Scheduling Order.

Plaintiff objects to Defendants proposal to have individual Plaintiffs being given numbers as the complaints are by households with multiple Plaintiffs. As such, the individual cases should be given a random number 1 through the number of cases. The first twenty numbers shall be Group A.

As to Group A, the Defendants shall be given authorizations to obtain the parties complete medical records and the Plaintiff will endeavor to obtain and produce such records to Defendants as well. The authorizations given to Defendants shall be conditioned on the Defendants providing to the Plaintiffs' counsel a copy of what is received in response.

The Defendants shall then be allowed to take a one-hour deposition exclusive of breaks (but not as to objections which would be too difficult to measure) by picking two weeks a month to do depositions with no less than six depositions a day, off island Plaintiffs may appear by video conferencing.

The depositions, discovery responses and filings already taken or admitted in the class action case shall be admissible in this case against all Defendants except Renaissance. During the 200-day period for questionnaires Plaintiff may propound written discovery to Defendants, and all Defendants except Renaissance shall supplement its prior written discovery responses as needed within 45 days. Plaintiffs may then take depositions of the Defendants and any witnesses during the remaining 155 days.

Upon the completion of the deposition of Plaintiffs in Group A, the Plaintiffs shall select 4 cases, the Defendants shall select four cases and the Court shall select four cases to go to trial. The court shall then select, by random number, which case shall go first and then each party, beginning with the Plaintiffs, then the Defendants and then the Court will pick which of its remaining case will go next.

As to those cases the parties will mediate all 20 of those cases within 30 days of their selection.

If the mediation is not successful, the Defendants will have 60 days to complete all additional depositions and may take any additional deposition of a Plaintiff, upon leave of the court, limited to areas not previously inquired into and do any site inspections.

Thereafter, the Parties will have 90 days to complete any examinations, name experts, and provide reports and complete the depositions of experts.

The first case will go to trial within 60 days after that, with the remaining cases being tried one every three weeks until all Group A cases are tried.

As to Group B Plaintiffs, they shall contain the next randomly selected 20 cases. their one-hour depositions shall begin after the Group A one-hour depositions are completed, but shall be done only one week per month. Thereafter, those cases will follow the same schedule as the Group A cases.

When all the Group B Plaintiffs one-hour depositions are completed, the Group C Plaintiff depositions shall commence with the same time table as the Group B cases.

RESPECTFULLY SUBMITTED
LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiffs

DATED: March 14, 2019

BY:  _____

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CERTIFICATE OF WORD/PAGE COUNT

This document complies with the page or word limitation set forth in Rule 6-1 (e).

BY: 

Lee J. Rohn, Esq.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on March 14, 2019, I caused a true and correct copy of the foregoing **OPPOSITION TO DEFENDANTS' PROPOSED DISCOVERY ORDER** to be served via US MAIL POSTAGE PREPAID / HAND-DELIVERY / ELECTRONIC MAIL upon:

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