

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

IN RE: RED DUST CLAIMS

**MASTER CASE NO.
SX-2015-CV-00620**

**THIS FILING APPLIES TO ALL
CASES**

**DEFENDANTS' UNOPPOSED MOTION TO MODIFY
MARCH 30, 2022 CASE MANAGEMENT ORDER**

Defendants St. Croix Alumina, LLC (“St. Croix Alumina”), Alcoa Inc. k/n/a Howmet Aerospace, Inc. (“Alcoa”), Glencore Ltd. (“Glencore”), and St. Croix Renaissance Group, LLLP (“SCRG”) (collectively, “Defendants”) jointly move to modify the Court’s March 30, 2022 Case Management Order. The Defendants have conferred with Plaintiffs as required by the Complex Litigation Division’s Standing Orders and **Plaintiffs do not object to the relief requested in this motion.** See Exhibits A and B.

The relief sought in this motion is needed because this Court’s June 6, 2022 Order modified the deadlines for Group A plaintiffs to file their initial disclosures and discovery responses to July 11, 2022, which had the effect of *reducing* by 75% the already condensed time Defendants were allowed to process the voluminous information on 160 plaintiffs in 50 cases while also making lead case selections. That modification carved nearly three months off Defendants’ time to process the reams of information necessary to select lead cases (which was only four months to begin with),

and thereby very seriously prejudiced Defendants' ability to fairly select appropriate lead cases. Accordingly, Defendants respectfully request, in the interest of fundamental fairness, and in an effort to mitigate that reduction in time, that the Court modify the CMO as follows:

1. Extend by 45 days (half the three-month extension that plaintiffs received to serve their Rule 26 Initial Disclosures, and less than the two-month extension that plaintiffs received to serve their responses to Defendants' written discovery) the deadline for Defendants to designate their five lead cases for trial – while keeping plaintiffs' deadline as is – and push all other dates that follow forward by approximately 45 days. Thus, plaintiffs' deadline to select their five lead cases will remain August 15, 2022; Defendants' deadline to select their five lead cases will be September 29, 2022; and the deadlines that follow in the CMO and the companion March 30, 2022 Order re Scheduling Procedure (“Scheduling Order”) will move by 45 days.
2. Order that Group A plaintiffs cannot commence depositions of Defendants until Defendants have designated lead cases for trial, while allowing Defendants to commence discovery as currently set forth in the CMO.
3. Order that any Group A plaintiff who fails to make complete Rule 26 Initial Disclosures by the extended July 11, 2022 deadline will not be allowed to use any information, documents, or witnesses he/she did not disclose by that date to supply evidence on a motion, at a hearing, or at a trial, consistent with Virgin Island Rule of Civil Procedure 37(c)(1).

A proposed Order is attached.

Respectfully submitted,

Date: June 14, 2022

/s/ Andrew C. Simpson
ANDREW C. SIMPSON
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Andrew C. Simpson P.C.
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/s/ Douglas L. Capdeville
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**Attorney for Defendant St. Croix
Renaissance Group LLLP**

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the font and page limitations of V.I.CIV.P.R. 6-1(e) and that on June 14, 2022, I served a copy of the foregoing upon the parties listed below by filing this using the Court's efile system, which will send a notice of filing to:

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Email: lee@rohnlaw.com
Attorney for plaintiffs

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LLC and Alcoa, Inc.

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Renaissance Group*

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*Attorney for Defendant Glencore
Ltd.*

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Attorney for Defendant Glencore Ltd.

/s/ Andrew C. Simpson

Andy Simpson

From: Andy Simpson
Sent: Monday, June 13, 2022 3:42 PM
To: Lee J. Rohn; Info
Cc: vidence@capdevillelaw.com; 'Joel Holt'; Jacob Gower
Subject: Request for consent -- modification of case management order -- In re Red Dust
Attachments: Proposed Order on motion to amend scheduling order.pdf

TimeMattersID: M4992AECEC873971
TM Matter No: 5128856
TM Matter Reference: ALCOA/Master Docket

Dear Lee:

Given that the Court has delayed the deadline for the production of the plaintiffs' initial disclosures and discovery responses, which has reduced the time for defendants to analyze the responses from four months to one month, the defendants plan to ask the court to modify the case management order to delay most of the deadlines by 45 days and for the other relief set forth in the attached proposed order.

As required by the Complex Litigation Division standing orders, please consider this email our effort to confer and obtain your consent to the relief set forth in the attached.

Andy Simpson

Andrew C. Simpson P.C.

2191 Church St., Ste. 5

Christiansted, St. Croix

U.S. Virgin Islands 00820

340.719.3900

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

IN RE: RED DUST CLAIMS

MASTER CASE No. SX-15-CV-620

ORDER ON MOTION TO MODIFY MARCH 30, 2022 CASE MANAGEMENT ORDER

This matter is before the Court on the Defendants' joint motion to modify the March 30, 2022 Case Management Order. Plaintiff **opposes/does not oppose** the motion.

The premises considered, it is **ORDERED** that the March 30, 2022 Case Management Order and companion Order re Scheduling Procedure are modified as follows:

EVENT	OLD DEADLINE	NEW DEADLINE
Plaintiffs' deadline to select their five lead cases (unchanged)	08/15/22	08/15/22
Defendants' deadline to select their five lead cases	08/15/22	9/29/22
Submission of Rankings of Lead Cases	08/31/22	10/14/22
Filing of Third-Party Complaints	08/30/22	10/14/22
Completion of Plaintiffs' Depositions	09/30/22	11/4/22
Examinations of Plaintiffs	10/30/22	12/14/22
Completion of Fact Witness Depositions	11/30/22	01/13/22
Disclosure of Plaintiffs' Expert Reports per Rule 26(a)(2)	12/30/22	02/13/23

Disclosure of Defendants' Expert Reports per Rule 26(a)(2)	02/15/23	04/03/22
Completion of Expert Depositions	03/31/23	05/15/23
Completion of Mediation	04/30/23	06/14/23
Filing of Dispositive Motions	05/31/23	07/17/23
Responses to Dispositive Motions	06/31/23 [sic]	8/14/23
Disclosure of Final Witness List and Exhibits per Rule 26(a)(3) by Plaintiff	07/15/23	08/29/23
Disclosure of Final Witness List and Exhibits per Rule 26(a)(3) by Defendant	07/21/23	09/05/23
Replies to Responses to Dispositive Motions	07/21/23	09/05/23
Filing of Pretrial Motions	08/15/23	09/29/23
Objections to Final Witness List and Exhibits	08/15/23	09/29/23
Responses to Pretrial Motions	09/07/23	10/23/23
Replies to Responses to Pretrial Motions	09/17/23	11/01/23
Submission of Joint Proposed Final Pretrial Order per Rule 16(e)	10/15/23	11/29/23
Consolidated Trial of Pair 1 cases	12/05/23	01/19/24
Consolidated Trial of Pair 2 cases	01/22/24	03/11/24
Consolidated Trial of Pair 3 cases	02/26/24	04/15/24
Consolidated Trial of Pair 4 cases	03/25/24	05/13/24

It is further **ORDERED** that the Order re Scheduling Procedure is modified as follows:

1. By October 14, 2022, the Court will select the next 50 cases from the randomized list to be labeled as "Group B" and apply the procedure set forth in the Order re Scheduling Procedure with respect to them.
2. At a January __, 2023 status conference, the parties will inform the Court as to whether performance of another random selection (*i.e.*, Group C) is advisable and, if so, when.

It is further **ORDERED** that plaintiffs may not commence depositions of Defendants until Defendants have designated lead cases for trial, and

It is further **ORDERED** that any Group A plaintiff who fails to make complete Rule 26 Initial Disclosures by the extended July 11, 2022 deadline will not be allowed to use any information, documents, or witnesses he/she did not disclose by that date to supply evidence on a motion, at a hearing, or at a trial.

DATE:

ALPHONSO G. ANDREWS, JR.
Superior Court Judge

ATTEST:

Tamara Charles
Clerk of the Court

By: _____
Court Clerk

Date: _____

Andy Simpson

From: Lee J. Rohn <lee@rohnlaw.com>
Sent: Tuesday, June 14, 2022 8:57 AM
To: Andy Simpson; Info
Cc: videdefense@capdevillelaw.com; 'Joel Holt'; Jacob Gower
Subject: RE: Request for consent -- modification of case management order -- In re Red Dust

I have no objection

Lee J. Rohn

lee@rohnlaw.com <mailto:lee@rohnlaw.com>

From: Andy Simpson <asimpson@coralbrief.com>
Sent: June 13, 2022 3:42 PM
To: Lee J. Rohn <lee@rohnlaw.com>; Info <info@rohnlaw.com>
Cc: videdefense@capdevillelaw.com; 'Joel Holt' <joelholtpc@gmail.com>; Jacob Gower <jacob@gowerlegal.com>
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DATE:

ALPHONSO G. ANDREWS, JR.
Superior Court Judge

ATTEST:

Tamara Charles
Clerk of the Court

By: _____
Court Clerk

Date: _____