

14. Contempt § 5.10--Noncompliance With Court Order--Generally A party may be held in civil contempt for failure to comply with a court order if (1) the order the contemnor failed to comply with is clear and unambiguous, (2) the proof of noncompliance is clear and convincing, and (3) the contemnor has not diligently attempted to comply in a reasonable manner.

COUNSEL: [*1] ANDREW L. CAPDEVILLE, ESQ., Law Offices of Andrew Capdeville, St. Thomas, USVI, *Attorney for the Petitioner.*

[**16] JULIE GERMAN EVERT, ESQ., Law Offices of Julie German Evert, St. Thomas, USVI, *Attorney for the Respondent.*

JUDGES: WATLINGTON, *Judge of the Superior Court of the Virgin Islands*

OPINION BY: DEBRA S. WATLINGTON

OPINION

MEMORANDUM OPINION

(July 14, 2014)

This matter came on for a trial on April 8, 2014, before the Honorable Debra S. Watlington, Judge of the Superior Court of the Virgin Islands for the determination of the parties' personal property and the marital homestead. Petitioner/Husband Mr. Julito A. Francis appeared with counsel Andrew L. Capdeville, Esq., and Respondent/Wife Dr. Wright-Francis appeared with counsel Julie German Evert, Esq.¹ The Court heard sworn testimony from Mr. Francis, Dr. Wright-Francis, Mrs. Joan Francis, and Erica Kellerhals, Esq.

¹ Julie German Evert, Esq., entered her notice of appearance in this matter on behalf of Dr. Wright Francis on February 12, 2014. Vincent A. Fuller, Esq., was the attorney of record at the previous hearing.

PRELIMINARY MATTERS

Prior to commencing the trial, the Court addressed stipulations and outstanding motions of both parties. The [*2] parties stipulated to the admission of Civil Complaint, ST-14-CV-188, *Balbo Corporation v. Julito Francis & Debra Francis*, filed by Mr. Gerard Castor. However, they do not stipulate or concede to the amount of monetary relief alleged in the pleading.² The parties also stipulated that the marital homestead, IB-29 Estate Solberg, St. Thomas, U.S. Virgin Islands, is valued at Seven Hundred Twenty Five Thousand Dollars (\$725,000.00) subject to a mortgage of One Hundred Ten Thousand Dollars (\$110,000.00). The parties further stipulated that the Court may make its determination of [**17] jointly owned marital household furniture based on evidence submitted from the January 13, 2014 hearing.³

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