

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

JEFFREY EPSTEIN and L.S.J., LLC,)	
)	
Plaintiffs,)	CASE NO. ST-10-CV-443
)	
-vs-)	ACTION FOR DAMAGES
)	
FANCELLI PANELING, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

PLAINTIFFS' RULE 26(a) INITIAL DISCLOSURE STATEMENT¹

The Plaintiffs Jeffrey Epstein and L.S.J., LLC, by and through their undersigned counsel, Hodge and Francois, and pursuant to Rule 26 of the Federal Rules of Civil Procedure, hereby make their initial disclosures as follows:

I. Fed. Rule Civ. P. 26(a)(1)(A)(i). The following are individuals likely to have discoverable information regarding the incident raised in the Plaintiffs' First Amended Complaint:

- A. Jeffrey E. Epstein, c/o Hodge & Francois, 1340 Taarneberg, St. Thomas, VI 00802, Telephone: 340-774-6845
- B. Doug Schoettle, c/o Hodge & Francois, 1340 Taarneberg, St. Thomas, VI 00802, Telephone: 340-774-6845
- C. Gary Kerney, c/o Hodge & Francois, 1340 Taarneberg, St. Thomas, VI 00802, Telephone: 340-774-6845
- D. Juan Pablo Molyneux, 750 Lexington Ave., 5th Fl., New York, NY 10022, Telephone: 212-628-0097
- E. Doug Stine, J. P. Molyneux Studio, Ltd. 750 Lexington Ave., 5th Fl., New York, NY 10022, Telephone: 212-628-0097

¹ As of the date of this Disclosure Statement, the Defendant has not filed an Answer to the Plaintiffs' First Amended Complaint, and both the Plaintiffs and the Defendant have motions to reconsider pending. When the Defendant does file an Answer to the First Amended Complaint, the Defendant may assert defenses which may expand the scope of this litigation and thus impact the scope of discovery. Accordingly, this Initial Disclosure Statement is subject to amendment.

- F. Jean Pierre Fancelli, Fancelli Paneling, Inc., 24 East 64th Street, New York, NY, 10021, Telephone: 212-935-6537
- G. Christian Barthod, Fancelli Paneling, Inc., 24 East 64th Street, New York, NY, 10021, Telephone: 212-935-6537

As of the date of this Disclosure Statement, the Defendant has not filed an Answer to the Plaintiffs' First Amended Complaint, and both the Plaintiffs and the Defendant have motions to reconsider pending. When the Defendant does file an Answer to the First Amended Complaint, the Defendant may assert defenses which may expand the scope of this litigation and thus impact the scope of discovery. Accordingly, this Initial Disclosure Statement is subject to amendment, and the Plaintiffs reserve the right to supplement this disclosure.

II. Fed. R. Civ. P. 26(a)(1)(A)(ii). The following are documents, information and/or things in Plaintiffs' possession, custody or control that may be used to support their defenses:

- A. Emails, memoranda, purchase orders and correspondence relating to the Office Pavilion and Library Cabinetry on Little Saint James Island which are the subject of the Plaintiffs' First Amended Complaint.
- B. Photographs relating to the Office Pavilion and Library Cabinetry which are the subject of the Plaintiffs' First Amended Complaint.
- C. Affidavit of Juan Pablo Molyneux relating to the Library Cabinetry.
- D. Video of incomplete and defective Library Cabinetry in the Office Pavilion on Little Saint James Island.
- E. All documents and things produced by the Defendant pursuant to Rule 26(a)(1) during the course of discovery.

The documents and other tangible things itemized above are located and available for inspection at the law offices of Hodge & Francois, 1340 Taarneberg, St. Thomas, VI 00802.

As of the date of this Disclosure Statement, the Defendant has not filed an Answer to the Plaintiffs' First Amended Complaint, and both the Plaintiffs and the Defendant have motions to

reconsider pending. When the Defendant does file an Answer to the First Amended Complaint, the Defendant may assert defenses which may expand the scope of this litigation and thus impact the scope of discovery. Accordingly, this Initial Disclosure Statement is subject to amendment, and the Plaintiffs reserve the right to supplement this disclosure.

III. Fed. R. Civ. P. 26(a)(1)(A)(iii): Computation of any category of damages.

The Plaintiffs' damages include, but are not limited to, the money they paid for the Library Cabinetry which was in excess \$780,000, plus additional expenses incurred to correct the defects in the Library Cabinetry, the loss of use of the funds paid to Fancelli through Molyneux; and the loss of time and effort of the Plaintiffs' staff, and the expenditure of funds, in the attempt to obtain Fancelli's performance of its contractual duties.

The Plaintiffs' damages will include the cost to have qualified craftsmen and artisans travel to Little Saint James Island to evaluate, complete and/or correct the Library Cabinetry. The Plaintiffs' damages will also include attorney's fees and costs incurred in prosecuting this matter.

As of the date of this Disclosure Statement, the Defendant has not filed an Answer to the Plaintiffs' First Amended Complaint, and both the Plaintiffs and the Defendant have motions to reconsider pending. When the Defendant does file an Answer to the First Amended Complaint, the Defendant may assert defenses which may expand the scope of this litigation and thus impact the scope of discovery. Accordingly, the Plaintiffs' computation of damages is subject to amendment.

IV. Fed. R. Civ. P. 26(a)(2)(A): Disclosure of Expert Testimony.

As of the date of Disclosure Statement, the Plaintiffs have not made a determination as to any expert witnesses that they may use at trial. As of the date of this Disclosure Statement, the Defendant has not filed an Answer to the Plaintiffs' First Amended Complaint, and both the Plaintiffs and the Defendant have motions to reconsider pending. When the Defendant does file an Answer to the First Amended Complaint, the Defendant may assert defenses which may expand the scope of this litigation and thus impact the scope of discovery and any decisions concerning expert witnesses. Accordingly, this Initial Disclosure Statement is subject to amendment, and the Plaintiffs reserve the right to supplement this disclosure in the event any expert witnesses are selected. Any expert will rely upon the documents produced herewith, and any other documents that may be produced or discovered hereafter.

V. Fed. R. Civ. P. 26(a)(3): Pretrial Disclosures-Evidence to be presented at trial.

The Plaintiffs will rely upon the documents produced herewith, and any other documents that may be produced or discovered hereafter. Further, as of the date of this Disclosure Statement, the Defendant has not filed an Answer to the Plaintiffs' First Amended Complaint, and both the Plaintiffs and the Defendant have motions to reconsider pending. When the Defendant does file an Answer to the First Amended Complaint, the Defendant may assert defenses which may expand the scope of this litigation and thus impact the scope of discovery. Accordingly, this Initial Disclosure Statement is subject to amendment, and the Plaintiffs reserve the right to supplement this disclosure in the event any additional information, documents or things are produced or discovered during the pre-trial discovery process.

VI. Fed. R. Civ. P. 26(a)(1)(A)(iv) Any insurance agreement under which any insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

The Plaintiffs are not a party to any agreements responsive to this required initial disclosure.

PLEASE TAKE NOTICE that the Plaintiffs are aware of their duty to supplement all discovery pursuant to Fed. R. Civ. P. 26(e), and will comply with said duty. The Plaintiffs hereby notify the Defendant of its reciprocal duties and request compliance with the same.

The Plaintiffs reserve the right to move the Court for any sanctions pursuant to Fed. R. Civ. P. 37 as the circumstances may warrant.

Respectfully submitted,
HODGE & FRANCOIS

Dated: 10/17/2011

By: 
Denise Francois, Esquire
1340 Taarneberg
St. Thomas, VI 00802
Tel: 340-774-6845
Fax: 340-776-7720
denise@hodgefrancois.com

CERTIFICATE OF SERVICE

On this 17th day of October 2011, I hereby certify that I caused the foregoing **Plaintiffs' Rule 26(a) Initial Disclosure Statement** to be served via U.S. Mail, postage prepaid upon Treston E. Moore, Esquire, Moore, Dodson & Russell, P.C. at P. O. Box 310, St. Thomas, VI 00804-0310.

Anaishka Anna McCoy