

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

JEFFREY EPSTEIN and L.S.J., LLC,)
)
 Plaintiffs,)
)
 -vs-)
)
 FANCELLI PANELING, INC.,)
)
 Defendant.)

CASE NO. ST-10-CV-443
ACTION FOR DAMAGES
JURY TRIAL DEMANDED

SUPERIOR COURT
OF THE VIRGIN ISLANDS
2011 JUN -3 PM 4:34

**MOTION FOR ENLARGMENT OF TIME TO FILE MOTION FOR
RECONSIDERATION OF ORDER THAT PLAINTIFFS JOIN
██████████ P. MOLYNEUX STUDIO, LTD. AS A PARTY TO THIS ACTION**

COME NOW the Plaintiffs, Jeffrey Epstein and L.S.J., LLC, by and through their undersigned counsel, Hodge & Francois, and move this Court, pursuant to Super. Ct. R. 10(a)(2) and LRCi 7.3 for an enlargement of time within which to file Plaintiffs' motion for reconsideration of this Court's Order, entered May 24, 2011, which directs Plaintiffs to join ██████████ Molyneux Studio, Ltd. as a party to this action. As grounds for this Motion for Enlargement of Time, the Plaintiffs rely upon the following:

1. On May 26, 2011, the undersigned counsel received a copy of the civil docket¹ in the above captioned case which the Plaintiffs had ordered previously.
2. The docket sheet indicates that on May 16, 2011 several Orders and a Memorandum Opinion had been signed by The Honorable James S. Carroll, III.
3. The same docket sheet indicates that on May 20, 2011 the file was returned to the Clerk's Office and that on May 24, 2011 there was a Notice of Entry of Two Orders dated May 16, 2011.

¹ A true and correct copy of the Civil Docket Sheet is marked Plaintiffs' Exhibit 1, attached hereto and incorporated herein.

4. The undersigned counsel's office has either an office employee or an independent courier check the Hodge & Francois "mailbox" at the Superior Court at least once a day, and as of May 26, 2011 the undersigned counsel had not received any Orders or the Memorandum Opinion from the Court that the docket sheet indicated had been entered on May 24, 2011.

5. The undersigned counsel called the Superior Court on May 26, 2011 to obtain copies of the Orders and the Memorandum Opinion identified on the civil docket sheet but was unable to receive copies on that day.

6. A copy of the Order directing the Plaintiffs to join [REDACTED] Molyneux Studio, Ltd. as a party to this action and file a Second Amended Complaint within 14 days of May 24, 2011 was faxed to the undersigned counsel on May 27, 2011.

7. Although said Order was entered May 24, 2011, the undersigned counsel did not receive the Order until May 27, 2011 thereby reducing by three business days the time within which Plaintiffs could comply with or move for reconsideration of the Order to join [REDACTED] Molyneux Studio, Ltd. by filing a Second Amended Complaint.

8. In addition to the foregoing delay in delivery of the Order entered on May 24, 2011², there exists a confidential settlement agreement and release (the "Confidential Agreement") by and among Plaintiffs, Juan Pablo Molyneux and J. P. Molyneux Studio, Ltd. which prohibits Plaintiffs from revealing any facts about the Confidential Agreement or its terms without first giving five (5) business days advance written notice to Juan Pablo Molyneux and [REDACTED] Molyneux Studio, Ltd. of Plaintiffs' intent to reveal facts about the Confidential Agreement.

² The Order is dated May 16, 2011.

Motion for Enlargement of Time to File

Motion for Reconsideration of Order to Join [REDACTED] P. Molyneux Studio, Ltd.

Epstein vs. Fancelli Paneling, Inc.

Civil No. ST-10-CV-443

9. Plaintiffs wish to include disclosure of certain terms of the Confidential Agreement in support of their motion for reconsideration but they must first give Juan Pablo Molyneux and [REDACTED] Molyneux Studio, Ltd. five (5) business days advance notice before doing so.

In light of the delay in receiving the time sensitive Order entered on May 24, 2011 and given the terms of the Confidential Agreement, which requires five (5) business days advance notice to Juan Pablo Molyneux and [REDACTED] Molyneux Studio, Ltd. before disclosing the terms of the Confidential Agreement, Plaintiffs request an additional eight business days from June 7, 2011 within which to file their motion for reconsideration of this Court's Order directing Plaintiffs to join [REDACTED] Molyneux Studio, Ltd. as a party to the above-captioned action.

A proposed form of order is attached for the Court's consideration.

Respectfully submitted,
HODGE AND FRANCOIS

Dated: 6/3/2011

By: Denise Francois

Denise Francois

V.I. Bar Association #285

1340 Taarneberg

St. Thomas, VI 00802

Tel. (340) 774-6845

Fax. (340) 776-7720

Email: [REDACTED]

*Attorneys for Jeffrey Epstein and
L.S.J., LLC*

Motion for Enlargement of Time to File

Motion for Reconsideration of Order to Join [REDACTED] Molyneux Studio, Ltd.

Epstein vs. Fancelli Paneling, Inc.

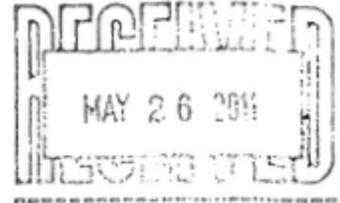
Civil No. ST-10-CV-443

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT that I caused a true and correct copy of the foregoing Motion for Enlargement of Time to be served upon Treston E. Moore, Esquire, MOORE DODSON & RUSSELL, P. O. Box 310, St. Thomas, VI 00804 by first class U. S. Mail, postage prepaid on this 3rd day of June, 2011 and by email to: [REDACTED].

Anaushka Anna McCoy

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



L.S.J., LLC		Plaintiff)
))
Vs.))
))
FANCELLI PANELING, INC.,))
))
		Defendant)

CASE NO: ST-2010-CV-0000443
 FILING DATE: July 30, 2010
 JUDGE: Hon. James S. Carroll III
 CASE TYPE: DAMAGES - CIVIL
 SECONDARY null
 PETITION

<u>PARTY NAME</u>	<u>LITIGANT</u>	<u>PARTY TYPE</u>
L.S.J., LLC ,	P002	PLAINTIFF
EPSTEIN , JEFFREY	P001	PLAINTIFF
FRANCOIS ESQ., DENISE M	P001	ATTORNEY FOR ANY OTHER PARTY
FANCELLI PANELING, INC., ,	D001	DEFENDANT
MOORE , TRESTON E.	D001	ATTORNEY FOR ANY OTHER PARTY

PLAINTIFF'S EXHIBIT 1

DOCKETS ENTERED ON THIS CASE:

<u>DOCKET DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
05/24/2011	NOTICE OF ENTRY OF (2) ORDERS 05/16/2011 DENISE FRANCOIS, ESQ. TRESTON E. MOORE, ESQ.	
05/20/2011	FILE RETURNED TO THE CLERK'S OFFICE	
05/16/2011	MEMORANDUM OPINION AND ORDER SIGNED BY HON. JAMES S. CARROLL III... ORDER SIGNED BY HON. JAMES S. CARROLL III.. ORDERED THAT DEFENDANT FANCELLI PANELING, INC.'S JANUARY 13, 2011 MOTION TO DISMISS IS DENIED; AND IT IS FURTHER ORDERED THAT PLAINTIFFS JEFFREY ESPSTEIN AND L.S.J., LLC, MUST JOIN AS A PARTY TO THIS ACTION MOLYNEUX STUDIO AND, TO THAT END, MUST FILE A SECOND AMENDED COMPLAINT WITHIN FOURTEEN 14 DAYS OF ENTRY OF THIS ORDER, WHICH SHALL DIFFER FROM THE FIRST AMENDED COMPLAINT ONLY IN THE CAPTION AND IN ANY CLAIMS IT MAY DECIDED TO ASSERT MOLYNEUX STUDIO; AND IT IS FURTHER ORDERED THAT PLAINTIFF JEFFREY EPSTEIN AND ...	
05/16/2011	ORDER SIGNED BY HON. JAMES S. CARROLL III.. ORDERED TAHT DEFENDANT FANCELLI PANELING, INC.'S MARCH 14, 2011 MOTION TO FILE OUT OF TIME AND FOR ACCEPTANCE NUNC PRO TUNC OF DEFENDANT'S REPLY TO OPPOSITION IS GRANTED; AND IT IS FURTHER ORDERED THAT DEFENDANT FANCELLI PANELING, INC'S MARCH 15, 2011 MOTION FOR LEAVE TO FILE AN AMENDED REPLY IS DENIED; AND IT IS FURTHER ORDERED THAT DEFENDANT FANCELLI PANELING, INCL'S MARCH 11, 2011 AMENDED REPLY IS REJECTED;	
05/16/2011	ORDER SCHEDULING RULE 16 CONFERENCE SIGNED BY HON. JAMES S. CARROLL, III...	
05/16/2011	NOTICE OF ENTRY OF MEMORANDUM OPINION AND ORDER 05/16/2011 DENISE FRANCOIS, ESQ. TRESTON MOORE, ESQ. JUDGES AND MAGISTRATES OF SUPERIOR COURT V.I. VENETIA H. VELAZQUEZ, ESQ. IT DIVISION/LIBRARIAN LAW CLERKS	
03/29/2011	PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE AN AMENDED REPLY BRIEF FILED BY DENISE FRANCOIS, ESQ.	
03/17/2011	LETTER ADDRESSED TO HONORABLE JAMES CARROLL WITH PROPOSED ORDER ATTACHED FILED BY TRESTON E. MOORE, ESQUIRE.	
03/15/2011	DEFENDANT'S MOTION FOR LEAVE TO FILE AN AMENDED REPLY WITH POINTS AND AUTHORITY AND PROPOSED ORDER FILED BY TRESTON E. MOORE, ESQUIRE.	
03/14/2011	MOTION TO FILE OUT OF TIME AND FOR ACCEPTANCE NUNC PRO TUNC OF DEFENDANT'S REPLY TO OPPOSITON TO MOTION TO DISMISS WITH POINTS & AUTHORITIES FILED BY TRESTON E. MOORE, ESQUIRE	
03/14/2011	PROPOSED ORDER RECEIVED	
03/10/2011	DEFENDANT'S REPLY TO OPPOSITION TO MOTION TO DISMISS THE COMPLAINT WITH POINTS AND AUTHORITIES WITH EXHIBITS ATTACHED FILED BY TRESTON E. MOORE, ESQUIRE.	
03/10/2011	MOTION FOR EXTEND TIME TO RESPOND TO FILED MOTIONFOR LEAVE FILED BY TRESTON E. MOORE, ESQUIRE.	

PLAINTIFF'S EXHIBIT 1

03/08/2011 NOTICE OF ENTRY OF (4) ORDERS
03/07/2011
TRESTON E. MOORE, ESQ.
DENISE M. FRANCOIS, ESQ.

03/07/2011 ORDER SIGNED BY HON. JAMES S. CARROLL, III...
ORDERED THAT THE DEFENDANT SHALL BE PERMITTED TO FILE A RESPONSE IN
EXCESS OF TWENTY PAGES, BUT NO GREATER THAN THIRTY PAGES.

03/07/2011 ORDER SIGNED BY HON. JAMES S. CARROLL, III...
ORDERED THAT THE PLAINTIFFS SHALL FILE THEIR RESPONSE TO THE
DEFENDANT'S MOTION TO DISMISS WITH POINTS AND AUTHORITIES BY
FEBRUARY 11, 2011;

03/07/2011 ORDER SIGNED BY HON. JAMES S. CARROLL, III...
THE PREMISES CONSIDERED AND FOR GOOD CAUSE SHOWN, IT IS HEREBY
ORDERED THAT PLAINTIFFS' MOTION FOR LEAVE TO EXCEED THE TWENTY PAGE
LIMIT AND THE SAME IS HEREBY GRANTED.

03/07/2011 ORDER SIGNED BY HON. JAMES S. CARROLL, III...
ORDERED THAT THE MARCH 4, 2011 STIPULATION TO EXTEND TIME TO REPLY
IS DISAPPROVED; AND IT IS FURTHER ORDERED THAT DEFENDANT FANCELLI
PANELING, INC., MUST FILE ITS MOTION TO FILE ITS REPLY OUT OF TIME
ON OR BEFORE MARCH 10, 2011

03/04/2011 STIPULATION TO EXTEND TIME TO REPLY TO OPPOSITION TO MOTION TO
DISMISS FILED BY DENISE FRANCOIS, ESQUIRE & TRESTON E. MOORE,
ESQUIRE.

02/14/2011 NOTICE OF FILING ORIGINAL AFFIDAVIT OF JUAN PABLO MOLYNEUX
FILED BY DENISE FRANCOIS, ESQ.

02/11/2011 PLAINTIFFS' MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO
FILE OPPOSITION TO DEFENDANT'S MOTION TO DISMISS FILED BY DENISE
FRANCOIS, ESQ.

02/11/2011 PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT AND PROPOSED
ORDER FILED BY DENISE FRANCOIS, ESQ.

02/11/2011 PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO DISMISS FILED
BY DENISE FRANCOIS, ESQ.

02/04/2011 STIPULATION FOR EXTENSION OF TIME AND PROPOSED ORDER FILED BY DENISE
FRANCOIS, ESQUIRE AND TRESTON E. MOORE, ESQUIRE.

01/25/2011 AFFIDAVIT OF SERVICE ON FANCELLI PANELING, INC., C/O JEAN
PIERRE FANCELLI THROUGH CHRISTIAN BARTHOD, CO-WORKER (SERVED
11/29/2010) RECEIVED FROM CHARLES GUERRIERO

01/13/2011 FILE FORWARDED TO JUDGE'S CHAMBER

01/13/2011 DEFENDANT'S MOTION TO DISMISS THE COMPLAINT WITH POINTS AND
AUTHORITIES FILED BY TRESTON E. MOORE, ESQ.

01/13/2011 PROPOSED ORDER RECEIVED

01/12/2011 PARTIES STIPULATION TO EXTEND TIME THROUGH JANUARY 14TH IN WHICH TO
FILE DEFENDANT'S RESPONSE FILED BY TRESTON E. MOORE, ESQ.
PROPOSED ORDER FILED BY TRESTON E. MOORE, ESQ.

01/12/2011 DEFENDANT'S MOTION FOR LEAVE TO FILE A BRIEF IN EXCESS OF 20 PAGES
WITH POINTS AND AUTHORITIES FILED BY TRESTON E. MOORE, ESQ.
PROPOSED ORDER FILED BY TRESTON E. MOORE, ESQ.

01/05/2011 NOTICE OF ENTRY OF ORDER
12/30/2010
TRESTON E. MOORE, ESQ.
DENISE M. FRANCOIS, ESQ.

PLAINTIFF'S EXHIBIT 1

12/30/2010	LETTER RECEIVED ADDRESSED TO HONORABLE JAMES CARROLL WITH PROPOSED ORDER ATTACHED FROM TRESTON E. MOORE, ESQ. (DATED DECEMBER 29, 2010)	
12/30/2010	ORDER SIGNED BY HON. JAMES S. CARROLL, III... ORDERED THAT THE TIME RESPOND IS EXTENDED TO JANUARY 12, 2011...	
12/27/2010	FILE FORWARDED TO JUDGE'S CHAMBER WITH MOTION	
12/23/2010	MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFFS' COMPLAINT FILED BY TRESTON E. MOORE, ESQ.	
12/22/2010	NOTICE OF APPEARANCE RECEIVED FROM TRESTON E. MOORE, ESQUIRE.	
12/13/2010	AFFIDAVIT OF SERVICE OF CHARLES GUERRIERO RECIVED FOR SERVICE ON JEAN PIERRE FANCELLI.	
12/13/2010	AFFIDAVIT OF SERVICE OF CHARLES GUERRIERO RECIVED FOR SERVICE ON FANCELLI PANELING.	
11/12/2010	20 DAY SUMMONS ISSUED TO DEFENDANT.	
08/05/2010	FEE RECEIVED RECEIPT # - 00090683	50.00
08/03/2010	CASE FILE RECEIVED BY JURY TRIAL DIVISION.	
08/03/2010	FIRST AMENDED COMPLAINT WITH EXHIBITS ATTACHED FILED BY DENISE FRANCOIS, ESQUIRE	
08/02/2010	DIRECT JUDGE ASSIGNMENT Hon. James S. Carroll III JSC	
08/02/2010	20 DAY SUMMONS ISSUED	
08/02/2010	CASE SENT FROM NON-JURY TO JURY	
07/30/2010	COMPLAINT AND SUMMONS FILED BY DENISE FRANCOIS, ESQ.	
07/30/2010	FILING FEE ASSESSED	

TOTAL NUMBER OF ENTRIES: 47

PREPARED BY: ESTRELLA H. GEORGE

*****END OF REPORT*****

PLAINTIFF'S EXHIBIT 1



Denise Francois <[REDACTED]>

Charlene Henderson - ROW Parcel Deed rejected

Mark Hodge <[REDACTED]>

Mon, May 2, 2011 at
10:10 AM

To: Denise Francois <[REDACTED]>

I got a call from Cadastral (because you are off island and my name is on it as notary) rejecting the Deed re the ROW Parcel in Estate Santa Maria because it purports to sell a ROW Parcel for the benefit of all the property owners in the development to an individual rather than to a homeowner's association (or analogous entity).

--

Mark Hodge
1340 Taarneberg
St. Thomas, Virgin Islands 00802
Phone: 340-774-6845, Ext: 110
Fax: 340-774-4578 or 340-776-8900

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