

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,	)	
	)	
-vs-	)	
	)	
J.P. MOLYNEUX STUDIO, LTD.,	)	
	)	
Nominal Defendant.	)	

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**NOTICE OF ONGOING FED. R. CIV. P. 26(f) CONFERENCE**

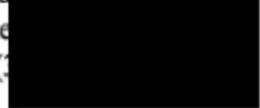
PLEASE TAKE NOTICE that the parties have met and conferred, and continue to meet and confer, for the purpose complying with this Court's Order entered July 19, 2012 directing the parties to file a revised scheduling plan in the above-captioned action. There remain outstanding issues that the parties have yet to resolve with respect to a discovery plan.

Scheduling discovery deadlines is further complicated by the fact that counsel of record for J. P. Molyneux Studio, Ltd. has a jury trial in the case of *Jerome v. Watersport Adventure Rentals and Equipment, Inc.*, scheduled before Judge Lewis in the District Court of the Virgin Islands, which may take up to one week to try. This trial will impact the ability to schedule and take depositions in much of October, 2012.

The parties are working as expeditiously as possible to finalize a scheduling plan. To that end, the parties are circulating an Amended Notice to the Court of a Meeting Between the Parties

In Compliance with Rule 26(f)<sup>1</sup>, which is imperfect but which is providing a framework for the required Discovery Plan.

Respectfully submitted,

  
Denise Francois, Esquire  
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Telephone:   
Telefax: 

Dated: 7-30-2012

  
Treston E. Moore, Esquire  
MOORE, DODSON & RUSSELL  
P. O. Box 310 (14A Norre Gade)  
St. Thomas, VI 00802  
Telephone:   
Telefax: 

Dated: July 30, 2012

\_\_\_\_\_  
A. Jeffrey Weiss, Esquire  
A. J. Weiss & Associates  
6934 Vessup Lane  
St. Thomas, VI 00802-1001  
Telephone:  1  
Telefax: 

Dated: \_\_\_\_\_

<sup>1</sup> The draft Amended Notice to the Court of a Meeting Between the Parties in Compliance with Rule 26(f) is attached hereto as Exhibit 1.

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 and upon by first class U. S. Mail, postage prepaid on this 30 day of July, 2012 and by email to:  
[REDACTED]

[REDACTED]

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

\* \* \* \* \*

JEFFREY EPSTEIN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	NO. ST-10-CV-443
	)	
FANCELLI PANELING, INC., and	)	
█. MOLYNEUX STUDIO, LTD.,	)	
	)	
Defendants.	)	(CARROLL, J.)
_____	)	

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**AMENDED NOTICE TO THE COURT OF A MEETING BETWEEN THE PARTIES  
IN COMPLIANCE WITH RULE 26(f)**

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COME NOW the parties herein, by and through undersigned counsel, to state the following facts and circumstances in complying with *Fed.R.Civ.P. Rule 26*:

**I. PROCEDURAL STATUS**

The Court's rulings on preliminary *Motions* resulted in the addition of a party-defendant. *Answers* to all claims were filed and served in advance of mediation. Mediation was commenced on July 13, 2012, but recessed to afford Defendants an opportunity to view the work in place on, or before September 1, 2012.

Consistent with *Fed.R.Civ.P. 26(f)* & *LRCi 16.1(a)*, and the *Order* of this Honorable Court dated July 19, 2012, the representatives for the parties were obliged to meet pursuant to the Court's

order to confer to stipulate to a revised discovery schedule and (proposed) *Scheduling Order* on, or before July 30, 2012. The parties note that the Court ordered trial to commence on December 3, 2012,<sup>1</sup> and for the parties to work back from that date in completing our assignment.

As required by *Fed. R. Civ. P. 26(a)(1)* and *L. R. Ci. 26.2(c)*, to the extent each party has such items within his possession not previously disclosed to the remaining parties, the Parties agreed to exchange the following information on, or before **August 10, 2012**:

A. The name and, if known, the address and telephone number of each person likely to have discoverable information-along with the subjects of that information-that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

B. A copy- or a description by category and location-of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be for impeachment ;

C. A computation of each category of damages claimed by the disclosing party-who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

D. For inspection and copying as under *F.R.Civ.P. 34*, any insurance agreements under which an insurance business may be

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<sup>1</sup>

The United States Court of Appeals for the Third Circuit subsequently provided notice to the V.I. Bar that it will hear arguments during the week of December 3, 2012, and, in the absence of good cause shown, counsel with cases before the Court are expected to be available for oral argument during that week. Counsel for Defendant Fancelli is before that Court on that occasion in the matter of *United States v. Shalhout*, *Docket Nos. 12-1076 & 12-1077*.

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.

## II. DISCOVERY PLAN

The Parties generally recommend the following revised plan to the Court for discovery:

1. All written discovery will be served on, or before **September 10, 2012**; responses will be filed in the time and as required by *Rule*.
2. All fact depositions will be completed on, or before **October 26, 2012**.<sup>2</sup>
3. The Plaintiff will designate its expert(s) on, or before **September 3, 2012**. Defendants will designate their expert(s) within one (1) month of Plaintiff's designation.
4. Expert depositions are to be completed on, or before **October 26, 2012**.
5. Dispositive motions may be served at any time, but must be served on, or before **September 2, 2012**.
6. The Court has set the submission of the **Joint Final Pretrial Order** for November 2, 2012.  
The Court has set the final pretrial conference for November 9, 2012 at 9:30 a.m.
7. The Court has set the jury selection and trial in this matter for December 3, 2012.

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<sup>2</sup>

A majority of parties and witnesses in this action reside outside of the U.S. Virgin Islands.

*AMENDED NOTICE OF MEETING OF COUNSEL PURSUANT TO RULE 26(f)*  
*Epstein, et al. v. Fancelli Paneling, Inc., et al.*  
*Page 4*

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Respectfully submitted,

Dated this \_\_\_\_<sup>th</sup> day of July, 2012.

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**EXHIBIT 1**

EFTA00602426