

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)	
J.P. MOLYNEUX STUDIO, LTD.,)	
)	
Defendants.)	(CARROLL, J.)
_____)	



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



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 met and conferred on July 30th and again August 10th telephonically. Two agreed to what follows.

The Court ordered trial to commence on December 3, 2012,¹ 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 17, 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

¹

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***, recently confirmed for oral argument on Tuesday, December 4, 2012, with notice of this conflict.

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 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 as required by the *Fed. R. Civ. P.* made applicable herein by *Super. Ct. R. 7 & 39*.
2. All fact depositions will be completed on, or before **October 26, 2012**.²
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.

²

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

7. The Court has set the jury selection and trial in this matter for December 3, 2012.

Respectfully submitted,

Dated this ___th day of July, 2012.

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