

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

2012 FEB 13 PM 4:37

JEFFREY EPSTEIN and L.S.J., LLC,

Plaintiffs,

v.

FANCELLI PANELING, INC., and
J.P. MOLYNEUX STUDIO, LTD.,
Defendants,

CIVIL NO. 2010/443

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

**J.P. MOLYNEUX STUDIO, LTD.'s MOTION TO
REMOVE MATTER FROM DECEMBER TRIAL CALENDAR**

COMES NOW defendant J.P. MOLYNEUX STUDIO, LTD. ("JPMS"), by and through undersigned counsel, and hereby moves to remove this case from the December 3, 2012 trial calendar, as: (i) said defendant has moved to dismiss both the Second Amended Complaint and Fancelli's Cross-Claims since neither allege any claims on which relief can be granted against JPMS; (ii) it would be unduly burdensome and unnecessarily expensive to require JPMS to go to a jury trial in a case it has only recently been made a defendant in and to do so on an expedited basis; (iii) as the undersigned has a previously existing trial scheduled in the District Court of the Virgin Islands for the same day as the court has set this matter. *See*, September 12, 2011 Trial Management Order in *Krieg v. Wessinger, et. al.*, Dist. Ct. Civ. No. 2011-062, annexed hereto as **Exhibit 1**. As such, the undersigned will be actually engaged in a trial before the District Court of the Virgin Islands on the day this Court has scheduled the trial of this matter.¹

Additionally, JPMS has moved by separate motion to Stay all discovery in this matter until such time as its Motions to Dismiss have been decided, and as such discovery in this case cannot go forward until that Motion has been ruled on and JPMS' Motions to dismiss are decided. As such,

¹ Because the undersigned did not have his calendar with him during the pretrial conference, the undersigned inadvertently forgot that the *Krieg* matter had been set for trial on December 3, 2012, and as such did not bring this scheduling conflict to the Court's attention during that pretrial conference. The undersigned apologizes for any inconvenience this has caused.

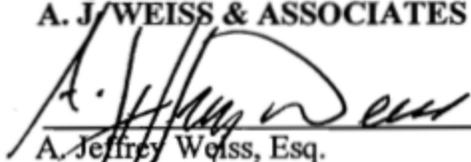
this case cannot be ready for trial on the expedited basis set by the Court.

WHEREFORE, JPMS respectfully requests that the above matter be removed from the December 3, 2012 trial calendar, and that all discovery be stayed pending the determination of JPMS' Motions to Dismiss, so as to protect JPMS from undue burden and expense.

DATED: August 13, 2012

Respectfully submitted,
A. J. WEISS & ASSOCIATES

By: _____


A. Jeffrey Weiss, Esq.
6934 Vessup Lane
St. Thomas, U.S. Virgin Islands 00802
Telephone: [REDACTED]
Telecopier: [REDACTED]
Counsel for Defendant J. P. Molyneux Studio, Ltd.

CERTIFICATE OF SERVICE

It is hereby certified that on this the 13th day of August 2012, I caused a true and exact copy of the foregoing **MOTION TO DISMISS CROSS-CLAIMS OF FANCELLI PANELING, INC.** to be served via U.S. Mail, postage prepaid, upon the following:

Denise M. Francois, Esq.
HODGE & FRANCOIS
1340 Taarneberg
St. Thomas, U.S. Virgin Islands 00802
Counsel for Plaintiffs Jeffrey Epstein & L.S.J., LLC

Treston E. Moore, Esq.
MOORE DODSON & RUSSELL, P.C.
Post Office Box 310
14A Norre Gade
St. Thomas, U.S. Virgin Islands 00804-0310
Counsel for Defendant Fancelli Paneling, Inc.

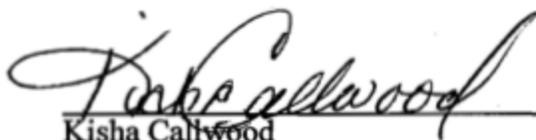

Kisha Callwood

EXHIBIT 1

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

CARL E. KRIEG,

Plaintiff,

v.

KENT J. WESSINGER;
ROBIN A. WESSINGER;
ADMINISTRATOR OF THE SMALL BUSINESS
ADMINISTRATION, as agency for the
United States of America; ESTATE FISH BAY
OWNERS' ASSOCIATION, LTD.; and SHARON
SCHOENLEBEN,

Defendants.

Civil No.: 2011-00062

ROBIN A. WESSINGER,

Cross-plaintiff,

v.

KENT J. WESSINGER,

Cross-defendant.

TRIAL MANAGEMENT ORDER

The parties were before the Court on September 12, 2011 on their Amended Report of Rule 26(f) Conference and for an initial pretrial conference. The premises considered, it is hereby ORDERED that the parties will adhere to the following schedule:

1. The parties shall disclose information and exchange documents pursuant to Rule 26(a)(1) by October 3, 2011.
2. Mediation will be commenced no later than November 15, 2012. The parties are scheduled to mediate with Judge Stanley Brotman on **November 7, 2011 at 9:30 a.m.**

3. Written discovery shall be propounded by December 12, 2011.
4. All fact discovery, including depositions, shall be completed by March 15, 2012.
5. The expert witnesses shall be identified, and any expert reports and other information required by Federal Rule of Civil Procedure 26(a)(2) produced, on or before April 15, 2012.
6. Rebuttal expert witnesses shall be identified, and any expert reports and other information required by Federal Rule of Civil Procedure 26(a)(2) produced, on or before June 1, 2012.
7. All expert discovery will be completed by July 15, 2012.
8. The parties shall file dispositive motions and all motions to exclude or to limit expert testimony no later than September 1, 2012.
9. The parties shall file their joint final pretrial memorandum, proposed jury instructions, and proposed voir dire, along with a joint neutral statement of the case for use in jury selection, no later than November 16, 2012.
10. The parties shall file a trial brief or memorandum pursuant to Local Rule 16.1(c) no later than November 20, 2012.
11. The final pretrial conference in this matter shall begin promptly at **11:00 a.m. on November 20, 2012.**
12. The trial of this matter is scheduled to begin promptly at **9:00 a.m. on December 3, 2012.** The trial period extends from December 3, 2012 to December 14, 2011. To the extent that there are conflicts, the trial date may change to any date within this period. All parties, witnesses and counsel should arrange their schedules accordingly.
13. A status conference is scheduled for **December 8, 2011 at 10:00 a.m.**
14. This Order supersedes any scheduling order that may have previously been entered in this matter.
15. Counsel shall be familiar with the Court's Policies and Procedures, available at http://www.vid.uscourts.gov/judges/gomez_policies_procedures.pdf. For trial preparation purposes, parties should pay particular attention to the requirements regarding the timing for, and resolution of objections to, deposition designations, and the requirements for exhibit preparation.

Dated: September 12, 2011

S/ _____
RUTH MILLER
UNITED STATES MAGISTRATE JUDGE

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

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JEFFREY EPSTEIN and L.S.J., LLC,

Plaintiffs,

v.

FANCELLI PANELING, INC.,

Defendant,

v.

J.P. MOLYNEUX STUDIO, LTD.,

Nominal Defendant.

CIVIL NO. 2010/443

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

ORDER

THIS MATTER is before the Court on defendant J.P. MOLYNEUX STUDIO, LTD.'s Motion to Remove Matter from December Trial Calendar. It appearing that all parties have been duly served, and the Court being fully advised as to the premises; it is now therefore hereby

ORDERED that defendant's Motion is GRANTED; and it is further

ORDERED that the above matter is REMOVED from the December 3, 2012 Trial Calendar; and it is now further hereby

ORDERED that all discovery is STAYED pending the determination of J.P. Molyneux Studio, Ltd.'s Motion to Dismiss.

SO ORDERED this _____ day of August 2012.

HON. JAMES S. CARROLL, III, Judge
Superior Court of the Virgin Islands

A T T E S T:

VENETIA H. VELASQUEZ
Clerk of the Court

By: _____
Deputy Clerk