

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

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

**JPMS' MOTION TO DISMISS FOR FAILURE TO  
STATE CLAIM ON WHICH RELIEF CAN BE GRANTED**

COMES NOW defendant J.P. MOLYNEUX STUDIO, LTD. ("JPMS"), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(6) made applicable in this Court by Superior Court Rule 7, hereby moves to dismiss as the Second Amended Complaint fails to assert any claims for relief against it.

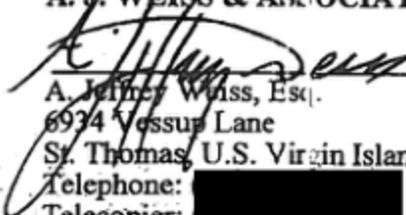
In support of this motion, JPMS states that there are no claims for relief asserted against it by plaintiffs in the Second Amended Complaint. Indeed, plaintiffs are not seeking any relief from movant, and have not alleged any facts which would even arguably support a claim for relief against JPMS. As such, the Second Amended Complaint fails to state a plausible claim against JPMS on which relief could be granted against it, and it would be an abuse of discretion to hold JPMS in this case.

WHEREFORE, the Second Amended Complaint as it relates to JPMS must be dismissed with prejudice for failure to state any claim against JPMS on which relief can be granted.

DATED: August 10, 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.

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**CERTIFICATE OF SERVICE**

It is hereby certified that on the 10<sup>th</sup> day of August 2012, I caused a true and exact copy of **JPMS' MOTION TO DISMISS FOR FAILURE TO STATE CLAIM ON WHICH RELIEF CAN BE GRANTED** 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

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Nominal Defendant.

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**ORDER**

**THIS MATTER** is before the Court on defendant J.P. MOLYNEUX STUDIO, LTD.'s Motion to Dismiss the Second Amended Complaint as it related to movant; 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 J.P. Molyneux Studio Ltd.'s Motion is GRANTED; and it is further

**ORDERED** that J.P. Molyneux Studio Ltd.' is DISMISSED WITH PREJUDICE.

**SO ORDERED** this \_\_\_\_ day of August 2012.

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

**ATTEST:**

VENETIA H. VELASQUEZ  
Clerk of the Superior Court

By: \_\_\_\_\_  
Deputy Clerk