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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.,)	
)	
Defendant.)	(CARROLL, J.)
_____)	

**DEFENDANT FANCELLI PANELING, INC.'S
MOTION TO ENTER UPON LAND FOR INSPECTION AND OTHER PURPOSES
WITH POINTS & AUTHORITIES**

COMES NOW Defendant, FANCELLI PANELING, INC. ("Fancelli"), by and through its undersigned Counsel, to submit its *Motion to Enter Upon Plaintiffs' Land for Inspection and other Purposes, Pursuant to Fed. R. Civ. P. 34*, to evaluate the work in place that is the subject matter of Plaintiffs' claims against Defendant Fancelli alleging, *inter alia*, that the work previously approved by Plaintiffs and their agent/contractor, now the subject of Plaintiffs' claims against Defendant Fancelli as a third-party beneficiary of the Molyneux-Fancelli Purchase Order, together with the untenable claim that this scenario resulted in Plaintiffs' claim for negligence against Defendant Fancelli.

In conjunction with mediation, the date and time of inspection had previously been established, but there is now some cloud over when, if ever a site visit for said inspection will happen.

From an abundance of caution, Defendant Fancelli seeks this supplemental relief by order of court.

Dated this 10th day of September, 2012.

Respectfully submitted,



Treston E. Moore, Esquire

V.I. Bar No. 10

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V.I. Bar No. 1157

MOORE DODSON & RUSSELL, P.C.

Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2012, a copy of the foregoing was served by first class mail, postage prepaid, upon Denise Francois, Esquire, Hodge & Francois, #1340 Taarneberg, St. Thomas, V.I. 00802 and A. Jeffrey Weiss, Esq., 6934 Vessup Lane, St. Thomas, VI 00802.

