

**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.,	)	
	)	
<u>Nominal Defendant.</u>	)	

**PLAINTIFFS' MOTION FOR ENLARGMENT OF TIME  
TO COMPLETE MEDIATION**

The Plaintiffs Jeffrey Epstein and L.S.J., LLC (“Plaintiffs”), by and through their undersigned counsel, Hodge & Francois, move this Court, pursuant to Super. Ct. R. 10(a)(1), for an enlargement of time, up to and through December 30, 2012, within which to complete mediation. As grounds for this Motion for Enlargement of Time, the Plaintiffs rely upon the following:

1. By Order dated September 12, 2012, the time within which the parties are to complete mediation was extended to November 8, 2012.
2. During the mediation process negotiations frequently occur in many different combinations, with and without the mediator, including in face-to-face meetings directly between the parties, and frequently continue for several months between the parties outside of a formal mediation session.

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3. Consistent with the previous extension of the mediation deadline, Plaintiff Jeffrey Epstein has been working to arrange a face-to-face meeting in Paris, France, with the principal of Defendant Fancelli Paneling, Inc., Mr. Jean Pierre Fancelli, to resolve this case. By email dated October 20, 2012, Mr. Fancelli wrote to Mr. Epstein stating: "I am in Italy until next Sunday. Please send me info about your representative in Paris to organize meeting in december". A true and correct copy of the October 20, 2012 email from Mr. Jean Pierre Fancelli to Mr. Jeffrey Epstein is marked Plaintiffs' Exhibit 1, attached hereto and incorporated herein by this reference.

4. Most recently, by email dated October 25, 2012, Mr. Fancelli's French attorney, Jean Francois Guyot advised Mr. Epstein that face-to-face negotiations between Messrs. Epstein and Fancelli should be organized between their French attorneys. A true and correct copy of the October 25, 2012 email from Mr. Jean Francois Guyot to Mr. Jeffrey Epstein is marked Plaintiffs' Exhibit 2, attached hereto and incorporated herein by this reference. The French attorneys of Messrs. Epstein and Fancelli have been in contact and are currently scheduling a face-to-face meeting in Paris, France among them and their clients at a mutually convenient date and time.

5. Plaintiffs submit that a face-to-face meeting of the principals is the most cost effective and efficient manner to resolve the instant litigation.

In the instant case, J. P. Molyneux Studio, Ltd. was not fully joined and engaged as a party until May 7, 2012. Thereafter, mediation, discovery and a trial date were all scheduled on a rather accelerated basis. Given that it has been less than six months since all parties and issues have been fully joined before the Court, Plaintiffs' submit that their request to continue the time allocated for mediation through December 30, 2012 is not unreasonable. Moreover, the attached emails demonstrate that Defendant Fancelli Paneling, Inc. also desires to continue face-to-face

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settlement talks to resolve this matter and no purpose can be served by denying the parties the opportunity to do so. On the contrary, if the parties can settle this matter without the need for trial, the policies of judicial economy and efficiency will be served.

Based upon the foregoing, the Plaintiffs' motion for an enlargement of time to complete mediation is not unreasonable and should be granted. Such an application for the enlargement of time normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party. Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253 (9th Cir. 2010), quoting Wright & Miller 4B Fed. Prac. & Proc. Civ. §1165 (3d. ed.). Plaintiffs' and Defendant Fancelli Paneling, Inc.'s mutual desire to continue settlement negotiations clearly demonstrates the absence of both bad faith and prejudice.

Continuing the time within which the parties are to complete mediation will necessarily result in the continuation of the trial date in this matter presently scheduled for December 3, 2012.

Based upon the good cause shown, Plaintiffs' Motion for an Enlargement of Time to complete mediation of the above captioned action by December 30, 2012 should be granted.

Respectfully submitted,

Dated:

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Denise Francois  
HODGE & FRANCOIS



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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I cause and true and correct copy of the foregoing **Plaintiffs' Motion for Enlargement of Time to Complete Mediation to be served** to be served, via first class U. S. Mail, postage pre-paid upon Treston E. Moore, Esquire, MOORE DODSON & RUSSELL, P. O. Box 310, St. Thomas, VI 00804 and by email to tresmoore@aol.com, and upon A. Jeffrey Weiss, Esq., A. J. Weiss & Associates, 6934 Vessup Lane, St. Thomas, VI 00802-1001 and by email to: jeffweiss@weisslaw-vi.net on this \_\_\_\_ day of \_\_\_\_\_, 2012.

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