

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

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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

IN THE MATTER OF THE ESTATE )  
JEFFREY E. EPSTEIN ) PROBATE NO. ST-19-PB-80  
)  
Deceased ) ACTION FOR TESTATE  
) ADMINISTRATION  
)  
\_\_\_\_\_ )

**MOTION FOR EXTENSION OF TIME**

ComeS now Creditor Jane Doe, by her attorneys Law Office of John H. Benham, P.C., and pursuant to V.I.R.Civ.P. 6(b)(3) moves this Court to enter an Order extending this Creditor's time to respond to the Executors' Expedited Motion for Establishment of a Voluntary Claims Resolution Program and the Executors' newly filed Request for Ruling on Executors' Expedited Motion for Establishment of a Voluntary Claims Resolution Program, up to and including December 23, 2019.

In support it is stated that:

1. The Executors' Expedited Motion for Establishment of a Voluntary Claims Resolution Program ("Expedited Motion") was filed November 14, 2019, prior to Creditor Jane Doe filing her claims against the Estate.

2. The Executors' Request for Ruling on Executors' Expedited Motion for Establishment of a Voluntary Claims Resolution Program ("Request for Ruling") was filed December 4, 2019.

3. The Request for Ruling, at paragraph 8, asserts that only one response to the original motion has been filed. That is understandable since neither the initial Expedited Motion nor the Request for Ruling contain any certificate showing that either of these documents were

served on any creditors or other interested persons who have appeared in this matter.

4. The Virgin Islands Rules for Probate and Fiduciary Proceedings state, at Rule 1:

These Virgin Islands Rules for Probate and Fiduciary Proceedings shall apply in probate, guardianship, trust and other fiduciary proceedings. **Where no procedural provision is included herein, procedures set forth in the Virgin Islands Rules of Civil Procedure may be adapted by the court as appropriate.** These Rules may be cited as V.I. R. Prob. (Emphasis added).

5. The Rules for Probate and Fiduciary Proceedings contain no procedural provision regarding service of documents filed by a party. However, the Virgin Islands Rules of Civil Procedure fill this gap. Rule 5 of the Virgin Islands Rules of Civil Procedure states, in relevant part:

*Rule 5. Serving and Filing Pleadings and Other Papers*

**(a) Service: When Required.**

**(1) In General. Unless these rules provide otherwise, all papers after the complaint that are filed with the court must be served on every party as provided in this rule, including:**

- (A) an order stating that service is required;
- (B) a pleading filed after the original complaint, unless the court orders otherwise under Rule 5(c) because there are numerous defendants;
- (C) a discovery paper required to be served on a party, unless the court orders otherwise;
- (D) a written motion, except one that may be heard ex parte; and**
- (E) a written notice, appearance, demand, or offer of judgment, or any similar paper.

\* \* \*

**(d) Filing.**

(1) Required Filings; Certificate of Service. Any paper after the complaint that is required to be served - **together with a certificate of service** - must be filed within a reasonable time after service.

(Emphasis added).

6. The Executors further assert that a hasty ruling by this Court is necessary because of the proliferation of lawsuits being filed against the Estate in various courts. *Request for Ruling at ¶3*. It is unclear why this should expedite this Court's ruling, as the Executors have proposed a plan for the voluntary resolution of claims. This Court's decision on the pending motion will not impact the filing of additional lawsuits in mainland courts.

WHEREFORE, Creditor Jane Doe pray this Court to enter an order permitting her response to the Expedited Motion to be filed on or before December 23, 2019.

A proposed Order is attached.

Dated: December 5, 2019

Law Office of John H. Benham, P.C.

By: 

for John H. Benham

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on the 5<sup>th</sup> day of December 2019, I, the undersigned, caused a true and exact copy of the foregoing MOTION FOR EXTENSION OF TIME to be served by U.S. mail, postage prepaid, with a courtesy copy by e-mail, upon:

Kellerhals Ferguson Kroblin PLLC  
Royal Palms Professional Building  
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