

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**IN RE:
SUSPENSION OF NON-ESSENTIAL
JUDICIAL BRANCH SERVICES IN
RESPONSE TO CORONAVIRUS DISEASE
2019 (COVID-19), AND ADOPTION OF
INTERIM PROCEDURES IN MATTERS
BEFORE THE SUPREME COURT OF THE
VIRGIN ISLANDS AND THE SUPERIOR
COURT OF THE VIRGIN ISLANDS.**

S. Ct. ADM. No. 2020-0008

NOTICE OF ENTRY OF JUDGMENT/ORDER

**TO: Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Judges & Magistrate Judges of the District Court
The Honorable Albert Bryan, Governor of the Virgin Islands
The Honorable Novelle Francis, President, 33rd Legislature
Nesha R. Christian-Hendrickson, Esq., President, V.I. Bar Association
Hinda Carbon, Executive Director, V.I. Bar Association
Denise Counts, Esq., Attorney General of the Virgin Islands
Samuel Joseph, Esq., Chief Public Defender
Regina D. Petersen, Administrator of Courts
Veronica J. Handy, Esq., Clerk of the Supreme Court
Tamara Charles, Clerk of the Superior Court
Glenda L. Lake, Esq., Clerk of the District Court
Tanisha Bailey-Roka, Office of Disciplinary Counsel
Supreme Court Law Clerks
Supreme Court Secretaries
News Media
Order Book**

Please take notice that on April 23, 2020, a(n) **ORDER** dated April 23, 2020, was entered by the Clerk in the above-entitled matter.

Dated: April 23, 2020

**VERONICA J. HANDY, ESQ.
Clerk of the Court**

By: /s/ Jessica Grant

**Jessica Grant
Deputy Clerk II**

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:)	ADMIN ORDER. No. 2020-0008
SUSPENSION OF NON-ESSENTIAL)	
JUDICIAL BRANCH SERVICES IN)	
RESPONSE TO CORONAVIRUS)	
DISEASE 2019 (COVID-19), AND)	
ADOPTION OF INTERIM)	
PROCEDURES IN MATTERS BEFORE)	
THE SUPREME COURT OF THE)	
VIRGIN ISLANDS AND THE SUPERIOR)	
COURT OF THE VIRGIN ISLANDS.)	
)	

ADMINISTRATIVE ORDER

WHEREAS, on March 13, 2020, this Court issued an Administrative Order adopting precautionary measures in response to a novel coronavirus (“COVID-19”), which the United States Centers for Disease Control and Prevention (“CDC”) had determined presents a serious public health threat, and for which the President of the United States and the Governor of the Virgin Islands have declared a state of emergency; and

WHEREAS, the Judicial Branch of the Virgin Islands has continued to closely monitor COVID-19, including updated guidance provided by the CDC, United States Department of Health and Human Services, the Virgin Islands Department of Health, and other public health authorities; and

WHEREAS, on March 15, 2020, the CDC issued updated guidance which, in addition to social distancing and other precautionary measures previously recommended, directs that mass gatherings of 50 people or more not occur for the next eight weeks, for large numbers of people congregating together may contribute to the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States stated that revised guidelines would be released which, among other things, recommend that gatherings of ten or

more people be avoided for the next fifteen days, and that workplaces, schools, bars, restaurants, and other venues where such gatherings occur either close or enact measures to prevent the spread of COVID-19, particularly to vulnerable populations; and

WHEREAS, in a March 17, 2020 Administrative Order, this Court established additional precautionary measures in response to COVID-19, including cancelling virtually all in-person judicial proceedings, suspending the issuance of new marriage license and in-court marriage ceremonies, and authorizing judicial officers and court personnel to work from remote locations; and

WHEREAS, on March 19, 2020, the Governor of the Virgin Islands announced the escalation of emergency measures to further contain COVID-19, including ordering that all non-essential government services be suspended effective March 23, 2020, and directing that only essential government employees report to work; and

WHEREAS, in a March 20, 2020 Administrative Order, this Court ordered the suspension of all non-essential services effective March 23, 2020, and continuing through further order of the Court, and established interim procedures and extended certain filing and regulatory deadlines in matters pending before the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands, to take effect through April 26, 2020; and

WHEREAS, on March 23, 2020, the Governor of the Virgin Islands issued a stay-at-home order, which among other things ordered the public to remain at home and ordered the closure of all in-person business operations at all non-essential businesses; and

WHEREAS, on March 29, 2020, the President of the United States extended the application of the CDC social distancing guidelines through April 30, 2020; and

WHEREAS, on March 30, 2020, the Governor of the Virgin Islands extended the state of

emergency through May 12, 2020, and extended the stay-at-home order through April 30, 2020; and

WHEREAS, although social distancing has only been formally extended to April 30, 2020, public health authorities have indicated that the CDC social distancing guidelines are likely to be further extended, and may potentially remain in place through the summer; and

WHEREAS, because social distancing guidelines will likely continue past April 26, 2020, it is necessary to further extend certain filing and regulatory deadlines in matters pending before the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands;

NOW, THEREFORE, IT IS ORDERED, that the following interim procedures **SHALL GO INTO EFFECT IMMEDIATELY, SHALL REMAIN IN EFFECT** while non-essential Judicial Branch functions remain suspended or until further order of this Court, and to the extent inconsistent **SHALL SUPERCEDE** any prior interim procedures set by administrative order:

SUPREME COURT OF THE VIRGIN ISLANDS

1. All deadlines in all pending appeals which have not yet passed as of the effective date of this order shall automatically be extended by fourteen (14) days or to June 1, 2020, whichever is longer. Those registered as Filing Users with the Virgin Islands Supreme Court Electronic Filing System shall continue to file documents in Supreme Court proceedings electronically but need not do so due to the automatic suspension of all filing deadlines. The requirement in Rule 40.3(h) of the Virgin Islands Rules of Appellate Procedure that a party file seven paper copies of a brief and four paper copies of an appendix within three days after electronic transmission is suspended for all briefs and appendices filed prior to June 1, 2020; provided, however, that the Supreme Court may, in its discretion, order a party to file one or more paper copies of a brief or appendix after the Judicial Branch resumes ordinary operations. The Office of the Clerk of the Supreme Court may,

in its discretion, refuse to accept any copies of paper briefs and appendices that have been electronically filed if it believes that handling the paper documents may impair the health or safety of its employees.

2. Deadlines in original proceedings, such as for mandamus or other writs, shall remain in effect unless modified by order issued in the particular case. The Supreme Court may in its discretion order immediate briefing in an appeal or other matter that it has designated as an emergency or expedited.

3. The time to file a notice of appeal or other initiating document shall be tolled from March 23, 2020, through May 31, 2020, provided that the time to file the notice of appeal or other initiating document had not already expired prior to March 23, 2020.

4. The period from March 23, 2020, through May 31, 2020, shall be excluded from the 120-day period for the Superior Court to rule on the post-judgment motions specified in Rules 5(a)(4) and 5(b)(6) of the Virgin Islands Rules of Appellate Procedure.

SUPERIOR COURT OF THE VIRGIN ISLANDS

1. All deadlines in all pending cases which have not yet passed as of the effective date of this order shall automatically be extended by fourteen (14) days or to June 1, 2020, whichever is longer; provided, however, that the presiding judicial officer may waive this rule and impose earlier filing deadlines in an emergency or expedited case.

2. The period from March 23, 2020, through May 31, 2020, shall be excluded from the calculation of the time to effectuate service of process, provided that the deadline for service of process had not already expired prior to March 23, 2020.

3. All temporary restraining orders, injunctions, and stays set to expire on or after March 23, 2020, shall automatically be extended by fourteen (14) days or to June 1, 2020, whichever is

longer; provided, however, that the presiding judicial officer may waive this rule or otherwise terminate the temporary restraining order, injunction, stay, or judgment.

4. All orders of foreclosure and orders of eviction not yet executed by March 23, 2020, shall automatically be stayed through June 1, 2020.

5. All parties, whether represented by an attorney or appearing *pro se*, may email all pleadings, motions, briefs, complaints, petitions, or other documents with the Clerk of the Superior Court, subject to the following procedures:

a. Advice of Rights and Arraignment filings shall be emailed to remoteaorstx@vicourts.org or remoteaorstt@vicourts.org. All filings in the Complex Litigation Division shall be emailed to CLDCourtesyCopy@vicourts.org. All other filings shall be emailed to superiorcourtefile@vicourts.org. If the filing relates to a pending case, the subject line must include the full case number and an abbreviated name, i.e. “ST-2020-CV-00001, Doe v. Doe”. If the filing is the initiating document for a new case, the subject line must note that it is a new case filing and an abbreviated name, i.e. “New Case Filing: Doe v. Doe”. All other attorneys and unrepresented parties who have entered an appearance shall be CCed on all emails unless their email address is not known, in which case the certificate of service included within the document shall specify how and when that attorney or unrepresented party will be served. If a fee is associated with the filing, except where payment can be made online, payment shall be made within five days of the date the filing was emailed to the clerk or else the filing shall be rejected.

b. The filing shall be in PDF form except for proposed orders, which shall be submitted in Microsoft Word. Only a single filing may be included in a single email, but the email may contain multiple attachments; for example, a motion to dismiss and a motion

for extension of time must be sent in separate emails, but a motion to dismiss with a memorandum of law and a proposed order may be sent as one email with three attachments.

c. The size of all attachments in a single email cannot exceed 25 megabytes.

d. All formatting requirements found in any applicable court rules shall continue to apply, except that the emailed document may be signed with an electronic signature, which shall be the name of the filer preceded by an “/s/”, i.e. “/s/ John A. Doe”. Alternatively, a scanned hand-written signature may be used as an electronic signature.

e. The emailed document shall be an official court record and shall be equivalent in every way to a document conventionally filed with the clerk. The document shall be considered filed on the date and time it is received by the clerk; provided, however, that any document received after 5:01 P.M. shall be deemed filed on the next business day.

f. Notwithstanding any court rule to the contrary, including Rule 5(b)(2)(E) of the Virgin Islands Rules of Civil Procedure, service by electronic means shall be a valid form of service of all documents other than service of process of a complaint or other initiating document, regardless of whether the attorney or unrepresented party has consented to service by electronic means. Unless a different email address is provided, an attorney shall be served by emailing the document to the business email address included on the attorney’s most recent Annual Registration Statement.

6. The Clerk of the Superior Court shall electronically serve all court-issued documents, including but not limited to orders, opinions, and judgments, on all attorneys and unrepresented parties. Unless a different email address is provided, an attorney shall be served by emailing the document to the business email address included on the attorney’s most recent Annual Registration Statement.

7. Any conventional filings shall be deposited into the drop boxes located at the exterior of the entrance at all Superior Court buildings. Any payments to open new cases may also be made by certified check or money orders deposited into the drop boxes. The Clerk's Office shall maintain staggered staff schedules to ensure prompt processing of any emergency pleadings filed with the Superior Court by utilizing these methods.

8. All previously-scheduled depositions may occur as scheduled, and new depositions may be scheduled, but parties are encouraged to agree to postpone depositions if possible. Notwithstanding any court rule to the contrary, all depositions shall be conducted through a remote connection, i.e. telephonically or video conference, with no attorneys or stenographers physically in the presence of the deponent. Notaries and other persons qualified to administer an oath in the Virgin Islands may swear the deponent remotely, provided they can positively identify the deponent through the remote connection. Any writing or exhibits sought to be used at the deposition shall be electronically exchanged no later than 24 hours prior to the deposition. A judicial officer, *sua sponte* or upon motion, may suspend the taking of all depositions in a case or otherwise modify these procedures. All other civil discovery shall proceed under existing rules without modification. A judicial officer, *sua sponte* or upon motion, may establish different procedures to govern a particular case, including but not limited to suspending all depositions or discovery.

It is further

ORDERED that all prior administrative orders issued by the Chief Justice of the Virgin Islands or the Presiding Judge of the Superior Court **SHALL REMAIN IN EFFECT** to the extent not inconsistent with the provisions of this Order, except that any order previously entered by the Presiding Judge may be further modified by the Presiding Judge with the approval of the Chief

Justice. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 23rd day of April, 2020.



RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Jessica Grant
Deputy Clerk

Dated: April 23, 2020

Copies to:

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