

**FILED**

April 14, 2020

TAMARA CHARLES  
CLERK OF THE COURT

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

**GOVERNMENT OF THE UNITED STATES  
VIRGIN ISLANDS,**

**Plaintiff,**

**v.**

**DARREN K. INDYKE, in his capacity as  
the EXECUTOR FOR THE ESTATE OF  
JEFFREY E. EPSTEIN and ADMINISTRATOR  
OF THE 1953 TRUST; RICHARD D. KAHN,  
in his capacity as the EXECUTOR FOR THE  
ESTATE OF JEFFREY E. EPSTEIN, and  
ADMINISTRATOR OF THE 1953 TRUST;  
ESTATE OF JEFFREY E. EPSTEIN, THE 1953  
TRUST, PLAN D, LLC; GREAT ST. JIM, LLC;  
NAUTILUS, INC.; HYPERION AIR, LLC;  
POPLAR, INC., SOUTHERN TRUST  
COMPANY, INC.; JOHN AND JANE DOES**

**Defendants.**

**CASE NO. ST-20-CV-014**

**ACTION FOR DAMAGES**

**REPORT OF PARTIES' RULE 26(f) PLANNING MEETING**

Pursuant to Rule 26 of the Virgin Islands Rules of Civil Procedure, the Government of the Virgin Islands ("the Government") and Defendants hereby submit their Rule 26(f) Planning Meeting Report.

1. **Meeting.** The parties, through counsel of record, met and conferred by telephone on three separate occasions: March 27, March 31 and April 3. During the course of those meetings, the parties agreed on certain items in the discovery plan. Multiple items remain at issue and thus the parties are presenting competing proposals.

2. **Pretrial Schedule.** The parties present the following proposals for the Court's consideration:

a. The parties agree that the Government may seek leave from the Court to amend pleadings within 90 days of entry of this Order.

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- b. The parties agree that the Government may add any additional parties within 90 days of entry of this Order.

3. **Discovery.**

- a. The Government believes that discovery is needed on all matters raised in the parties' pleadings, including, but not limited to, the allegations and claims asserted by the Government and all denials and defenses asserted by the Defendants.

The Defendants believe that all discovery should be stayed until the Court decides the Defendants' Motion to Dismiss the Amended Complaint. All issues discussed below are subject to Defendants' position that, in the first instance, discovery should be stayed.

- b. The parties discussed disclosure or discovery of electronically stored information. The parties will work together to provide information about electronically stored information.
- c. The parties will circulate and agree to an order regarding claims of privilege or of protection, if needed.
- d. The parties' proposals as to completion of discovery are as follows:
  - i. Disclosures pursuant to Fed. R. Civ. P. 26(a)(1):
    - 1. **The Government's proposal:** Disclosures on April 24, 2020.
    - 2. **Defendants' proposal:** Disclosures to be served 30 days after the Court decides the Defendants' Motion to Stay Discovery if the Court denies such motion, or, if the Court grants such motion, 30 days after the Court decides the Defendants' Motion to Dismiss.
  - ii. Fact discovery:
    - 1. The Parties agree as follows:
      - a. The Government and Defendants shall provide timely notice of all third-party subpoenas pursuant to Rule 45(a)(4);
      - b. Each deposition shall be limited to a maximum of seven (7) hours unless extended by agreement of the parties.
    - 2. **The Government's proposal:** Fact discovery to commence immediately and to be completed within nine (9) months of entry of this Order.

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- a. The Government proposes the following limitations upon each party:
  - i. Sixty (60) interrogatories in total may be propounded by the Government and by the collective Defendants;
  - ii. Sixty (60) requests for admission in total may be propounded by the Government and by the collective Defendants;
  - iii. Requests for Production of Documents by each party will not be limited.
  - iv. Written responses to Interrogatories, Requests to Produce and Requests to Admit shall be due thirty (30) days after service.
  - v. A maximum of forty (40) depositions, exclusive of expert depositions, may be taken by the Government and the collective Defendants.
  
3. **Defendants' proposal:** Discovery should be stayed. Absent a stay, fact discovery to be completed within (a) fifteen (15) months of entry of this order after the Court rules on Defendant's Motion to Stay, if the Court orders that each side can take no more than twenty (20) depositions, or (b) twenty-one (21) months of entry of this order after the Court rules on Defendants' Motion to Stay if the Court orders that each side can take more than twenty (20) depositions.
  - a. If the Court denies the motion to stay, Defendants propose the following limitations:
    - i. Twenty-five (25) total interrogatories propounded by the Government and twenty-five total by the Defendants;
    - ii. Twenty-five (25) requests for admission in total may be propounded by the Government and twenty-five (25) total by the Defendants;
    - iii. Requests for Production of Documents by each party will not be limited;
    - iv. Written responses/objections to document requests shall be due 30 days after service. Written responses/objections to interrogatories and requests for admission shall be due 60 days after service;
    - v. A maximum of twenty (20) depositions, exclusive of expert depositions, may be taken by the Government and a maximum of twenty (20) may be taken by the Defendants, but any party may seek to take additional depositions if that party can show the Court good cause for taking them;
  
  - iii. Discovery motions:
    1. The parties agree that motions to compel, for protective orders or other discovery motions shall be filed within thirty (30) days of service of the discovery response from which the motion arises or the date by which such response was due if no such response was served. All discovery motions shall be filed no later than 30 days from the close of fact discovery, absent a showing of good cause for later filing.

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iv. Expert Discovery:

a. **The Government proposes:**

- i. The Government's expert reports to be served forty-five (45) days after the end of fact discovery. Depositions of the Government's experts to be completed within thirty (30) days thereafter.
- ii. Defendants' expert reports to be served forty-five (45) days after the disclosure and depositions of the Government's experts. Depositions of Defendants' experts to be completed within thirty (30) days thereafter.

b. **The Defendants propose:**

- i. The Government's expert reports to be served forty-five (45) days after the end of fact discovery. Depositions of the Government's experts to be completed 45 days after service of the Government's expert reports.
- ii. Defendants' expert reports to be served forty-five days after the disclosure and depositions of the Government's experts. Depositions of Defendants' experts to be completed 45 days after service of Defendants' expert reports.

v. Dispositive Motions:

1. **The Government proposes:** summary judgment motions to be filed within forty-five (45) days of the close of expert discovery, or July 23, 2021. Responses to those motions will be due thirty (30) days from the filing of the motions. Replies will be due within fourteen (14) days.
2. **Defendants propose:** summary judgment motions to be filed within sixty (60) days of the close of expert discovery, with sixty (60) days for response and thirty (30) days to reply.

vi. Trial:

1. **The Government proposes:** the case should be ready for trial by October 4, 2021. The case is expected to take 1.5 to two weeks.
2. **Defendants propose:** the case should be ready for trial 90 days after the Court rules on summary judgment motions. The Defendants believe it is premature to estimate the length of trial at this early date because (i) the Court has not yet ruled on Defendants' Motion to Dismiss the Amended Complaint, which ruling can have a significant impact on the scope of this case; and (ii) Defendants do not have any insight into the number of fact and/or expert witnesses the Attorney General intends to call at trial.

- vii. Mediation: Mediation to be conducted at a mutually agreeable time by the parties within 30 days of the close of all discovery or such earlier time as may be set by the Court or agreed to by the parties.

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Respectfully Submitted,

DENISE N. GEORGE, ESQUIRE  
ATTORNEY GENERAL

Dated: April 13, 2020

*/s/ Ariel M. Smith*

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**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that the foregoing notice complies with the word and page requirements of V.I.R. Civ. P. 6-1(e) and, a true and correct copy of the motion was served via email to counsel of record on April 14, 2020 to:

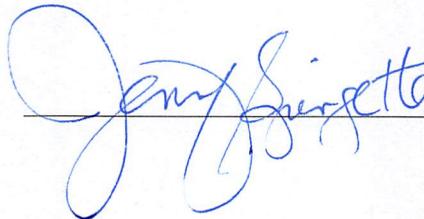
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