

FILED

June 11, 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,

Case No.: ST-20-CV-14

PLAINTIFF,

ACTION FOR DAMAGES

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,

JURY TRIAL DEMANDED

DEFENDANTS.

**GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS'
MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF PAGE LIMIT**

The Government of the United States Virgin Islands ("Government") hereby respectfully moves for leave to exceed the page limit set forth in V.I. R. Civ. P. 6-1(e)(2) with respect to its Opposition to Defendants' Motion to Dismiss the First Amended Complaint. In support of this request, the Government states as follows.

Pursuant to Rule 6-1(e)(2), the Government's Opposition is not to exceed the greater of 20 pages or 6,000 words in length unless leave of the Court is obtained in advance for a longer submission. The Government seeks leave to file a 36-page Opposition.

Defendants' Motion to Dismiss is 32 pages, which is well in excess of the applicable limit.¹ The over-length motion raises at least 14 different substantive arguments as grounds for dismissal of the Government's claims under the Criminally Influenced and Corrupt Organizations ("CICO") Act, 14 V.I.C. §§ 601 *et seq.*, and under the common law. Some of Defendants' arguments—such as that punitive damages are prohibited against an estate, *see* Motion at 30-32—raise questions of first impression in the Virgin Islands. Others—such as that the Government's claims are untimely, *see* Motion at 15-16, and that the Government fails to plead predicate acts, *see* Motion at 16-17—are made in a cursory manner, but require a more developed response addressing the relevant Complaint allegations, statutory provisions, and case law that the Government believes support its claims.

Given the expansive scope of the Motion to Dismiss, the complexity of the issues raised, and the Government's need to answer in full each argument raised in the 32-page motion, the Government respectfully requests leave under Rule 6-1(e)(2) to file a 36-page Opposition. *See, e.g., Walker v. Watergate Villas West*, No. ST-13-CV-489, 2017 WL 2984026, at *3 (V.I. Super. Ct. July 11, 2017) (granting leave to file 32-page brief in support of discovery motion challenging 16 of opposing party's interrogatory responses); *Bass v. Federal Express Corp.*, No. SC-14-CV-60, 2016 WL 3892394, at *1 (V.I. Super. Ct. July 13, 2016) (granting leave to file 30-page brief in opposition to motion for summary judgment).

WHEREFORE, the Government respectfully requests that this Honorable Court grant its Motion for Leave.

¹ The Court has not yet ruled on Defendants' Motion for Leave to Exceed Page Limit, which Defendants filed on March 17, 2020 concurrently with their over-length Motion to Dismiss.

Respectfully submitted,

DENISE N. GEORGE, ESQUIRE
ATTORNEY GENERAL
VIRGIN ISLANDS DEPARTMENT OF JUSTICE

Dated: June 11, 2020

By: 

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing Motion for Leave to File Brief in Excess of Page Limit 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 regular mail, postage prepaid, with a courtesy copy sent by email to counsel of record on June 11, 2020 to:

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DEFENDANTS.

ORDER

THIS MATTER is before the Court on Plaintiff the Government of the United States Virgin Islands' Motion for Leave to File Brief in Excess of Page limit. Having considered the Motion, it is hereby

ORDERED that the Government's Motion for Leave to File Brief in Excess of Page Limit be and hereby is **GRANTED**; and it is further

ORDERED that the Government may file a 36-page Brief in Opposition to Defendants' Motion to Dismiss; and it is further

ORDERED that a copy of this Order shall be directed to counsel of record.

Dated: _____

MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

ATTEST: TAMAR CHARLES

Clerk of the Court

BY: _____

Court Clerk Supervisor ____/____/____