

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

LARRY WILLIAMS
and LNL PUBLISHING, INC.,

Plaintiffs,

v.

GENESIS FINANCIAL TECHNOLOGIES INC.,
GLEN LARSON and PETE KILMAN,

Defendants.

CIVIL NO. 12-cv-105

BREACH OF CONTRACT
INTENTIONAL MISREPRESENTATION
(FRAUD)
TRESPASS TO
PERSONAL PROPERTY
TORTUOUS DESTRUCTION OF
PROPERTY
VIOLATION OF 18 USC 1030
CIVIL CONSPIRACY TO VIOLATE 18
USC §1030 TO DESTROY PERSONAL
PROPERTY AND TO COMMIT
TRESPASS TO PERSONAL
PROPERTY
CONVERSION OF INTELLECTUAL
PROPERTY
RESTRAINING ORDER REQUEST

ACTION FOR DAMAGES
JURY TRIAL DEMANDED

RULE 26(f)(2) NOTIFICATION AS TO DISCOVERY CONFERENCE

COME NOW plaintiffs, through undersigned counsel, and notify the Court with regard to the Rule 26 discovery conference in the above-captioned matter.

1. On April 6, 2013, plaintiffs' counsel transmitted a proposed *REPORT OF PARTIES' PLANNING MEETING PURSUANT TO FRCP 26(F)* to counsel for the defendant, along with a request to meet and confer as required by the Rule. **Exhibit 1 (Request)** and **Exhibit 2 (Proposed Report)**.

2. On April 12, 2013, defendants' local counsel responded that off-island counsel would be in contact. See **Exhibit 1**.

3. On April 17, 2013, plaintiff's counsel inquired as to a response. **Exhibit 1**.

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4. On April 19, 2013, defendants' off-island counsel informed plaintiffs' counsel

(Exhibit 1) that:

It is our belief that this matter was filed in the wrong venue, and that any case management should be done in the district where the case will be tried. For that reason, Defendants do oppose the proposal to begin the case scheduling process in the District of the Virgin Islands. Please don't hesitate to call me if you wish to discuss the matter further.

5. Rule 26(f) provides:

(f) CONFERENCE OF THE PARTIES; PLANNING FOR DISCOVERY.

(1) *Conference Timing.* Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B) or when the court orders otherwise, the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).

(2) *Conference Content; Parties' Responsibilities.* In conferring, the parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by Rule 26(a)(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, **for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan.** The court may order the parties or attorneys to attend the conference in person. (Emphasis added.)

6. Plaintiffs have attempted to schedule the conference "in good faith" and have been unable to do so -- and are reporting the efforts as required by the rule.

Dated: April 22, 2013

/s/

Joel H. Holt, Bar #6
Counsel for Plaintiff
Law Offices of Joel H. Holt
2132 Company Street, Suite 2
Christiansted, St. Croix, VI 0082

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/s/

Carl J. Hartmann III, Esq., Bar No. 48
Co-Counsel for Plaintiff
5000 Estate Coakley Bay,
Unit L-6
Christiansted, VI 00820

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2013, a true and accurate copy of the foregoing was served on opposing counsel of record by ECF:

Ravinder S. Nagi, Esq.

BOLT NAGI PC
5600 Royal Dane Mall, Suite 21
St. Thomas, VI 00802
Telephone: (340) 774-2944
Facsimile: (340) 776-1639
rnagi@vilaw.com

Lisa Michelle Kömives, Esq.

BOLT NAGI PC
5600 Royal Dane Mall, Suite 21
St. Thomas, VI 00802
Telephone: (340) 774-2944
Facsimile: (340) 776-1639
lkomives@vilaw.com

/s/

Joel H. Holt, Esq.

EXHIBIT 1

EXHIBIT

1

-----Original Message-----

From: Scott W. Johnson <swj@sparkswillson.com>
To: Joel Holt <holtvi@aol.com>; lisa <lisa@vilaw.com>
Cc: carl <carl@carlhartmann.com>; jwf <jwf@holtvi.com>; Joan E. Bailey <jeb@sparkswillson.com>;
Matthew A. Niznik <man@sparkswillson.com>; Kim M. Rieck <kmr@sparkswillson.com>
Sent: Fri, Apr 19, 2013 1:06 pm
Subject: RE: Williams v Genesis

Hello Joel.

It is our belief that this matter was filed in the wrong venue, and that any case management should be done in the district where the case will be tried. For that reason, Defendants do oppose the proposal to begin the case scheduling process in the District of the Virgin Islands.

Please don't hesitate to call me if you wish to discuss the matter further.

Scott



Scott W. Johnson
Sparks Willson Borges Brandt & Johnson, P.C.
24 South Weber, Suite 400
Colorado Springs, Colorado 80903-1928
Tel: (719) 634-5700
Fax: (719) 633-8477
swj@sparkswillson.com

From: Joel Holt [<mailto:holtvi@aol.com>]
Sent: Wednesday, April 17, 2013 2:17 PM
To: lisa@vilaw.com
Cc: carl@carlhartmann.com; jwf@holtvi.com; Scott W. Johnson
Subject: Re: Williams v Genesis

Any word on this proposed scheduling order?

Joel H. Holt, Esq.
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709

-----Original Message-----

From: Lisa M. Komives <lisa@vilaw.com>
To: Joel Holt <holtvi@aol.com>
Cc: carl <carl@carlhartmann.com>; jwf <jwf@holtvi.com>; Scott W. Johnson (swj@sparkswillson.com)
<swj@sparkswillson.com>
Sent: Fri, Apr 12, 2013 10:48 am
Subject: RE: Williams v Genesis
Good Morning, Joel:

Sorry for the delayed response, I have been out of the office in depositions for the past several days. I will discuss this with my co-counsel, Scott Johnson, and we will get back to you.

Additionally, I would appreciate it if you would include Scott on any correspondence in this matter.

Thanks,

Lisa

(W) 340-774-2944

From: Joel Holt [<mailto:holtvi@aol.com>]
Sent: Saturday, April 06, 2013 12:56 PM
To: Lisa M. Komives; Lisa M. Komives
Cc: carl@carlhartmann.com; jwf@holtvi.com
Subject: Williams v Genesis

Lisa-we need to move forward on this case despite your pending venue motion. I have attached a proposed Rule 26(f) report-can you review it and get back to me (or give me a call to discuss)

Joel H. Holt, Esq.
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709

EXHIBIT 2

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

EXHIBIT
2

LARRY WILLIAMS and
LnL PUBLISHING, INC

Plaintiffs,

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Defendants.

Case No.:2012-cv-105

BREACH OF CONTRACT
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REPORT OF PARTIES' PLANNING MEETING PURSUANT TO FRCP 26(F)

1. PARTICIPANTS

Pursuant to Fed.R.Civ.P. 26(f), counsel for the parties have conferred and agreed on the matters set forth below.

Participating in the preparation of and agreeing to this report are the following:

Joel H. Holt, Esq.
2132 Company Street
Christiansted, VI 00820
Counsel for Plaintiff

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
Counsel for Plaintiff

Lisa Michelle Komives
BoltNagi PC
5600 Royal Dane Mall, Suite 21
St. Thomas, V.I. 00802-6410
Counsel for Defendant

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2. PRE -DISCOVERY DISCLOSURES

The parties will exchange by **May 6, 2013**, the information required by Fed.R.Civ.P. 26(a)(1).

3. DISCOVERY PLAN

The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

- factual basis of the allegations started in the complaint;
- the extent of the damages claimed by the plaintiff; and
- the defenses asserted by the defendant.

4. WRITTEN DISCOVERY:

- All written discovery shall be propounded by **May 20, 2013**.
- Requests for Admissions can be propounded and answered at any time until the final pretrial conference.

5. FACT WITNESS DEPOSITIONS

- All fact witness depositions shall be completed by **October 31, 2013**.
Maximum number of depositions as provided by Fed.R.Civ.P. 30(a)(2)(A).
Duration of depositions as provided by Fed.R.Civ.P. 30(d)(2).

6. EXPERT DISCOVERY:

Reports from retained experts under Rule 26(a)(2) due:

- By the party with the affirmative burden of proof on any issue raised by **December 31, 2013**.
- Any responsive expert reports shall be filed by **February 15, 2014**.

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- Expert witness depositions shall be done after the experts reports are completed but no later than **April 1, 2014**.

7. DISPOSITIVE MOTIONS

- Dispositive motions will be filed by **May 31, 2014**.

8. MEDIATION:

- Mediation shall be completed by **February 28, 2014**.

9. OTHER ITEMS

Settlement can be evaluated at any time during the pendency of the action.

Final lists of witnesses and exhibits shall be provided as directed by the Court.

The case should be ready for trial by **September 1, 2014** and at this time is expected to take approximately 2 to 3 days.

Counsel for the defendant has authorized counsel for the plaintiff to electronically file this Rule 26(f) Report

Dated: April __, 2013

/s/ Joel H. Holt
Joel H. Holt, Esq.
2132 Company Street
Christiansted, VI 00820

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820

Dated: April __, 2013

/s/ Lisa M. Komives
Lisa Michelle Komives
BoltNagi PC
5600 Royal Dane Mall, Suite 21
St. Thomas, V.I. 00802-6410