



IN THE SUPREME COURT OF THE VIRGIN ISLANDS

FATHI YUSUF and UNITED CORPORATION,
Appellants/Defendants,

S. Ct. Civ. No. 2013-0040
Re: Super. Ct. Civ. No. 370/2012 (STX)

v.

MOHAMMAD HAMED by his authorized agent,
WALEED HAMED,
Appellee/Plaintiff.

2013 MAR 22 PM 4:47

On Appeal from the Superior Court of the Virgin Islands

ORDER

THIS MATTER is before the Court on Appellants' and Appellee's responses to the Court's May 15, 2013 Order requiring Appellants, and allowing Appellee, to discuss the Court's jurisdiction over an appeal of the "Order dated April 25, 2013, granting Plaintiff's emergency motion to renew application for TRO[.]" In their responses, the parties agree that the April 25, 2013 order is actually a preliminary injunction, as opposed to a temporary restraining order. Appellants have also provided a copy of the memorandum opinion accompanying the order appealed, which confirms that the April 25, 2013 Order grants a preliminary injunction. Therefore, the Court appears to have jurisdiction over this matter pursuant to title 4, section 33(b)(1) of the Virgin Islands Code.¹ Furthermore, since interlocutory appeals "shall be diligently prosecuted," Appellants must file a motion for an expedited appeal. *See* V.I.S.C.T.R. 5(e). Accordingly, the premises considered, it is hereby

¹ Appellee indicates that there are several pending motions for reconsideration and, therefore, the order is not final as set forth in V.I.S.C.T.R. 5(d)(4). However, since title 4, section 33(d)(5) of the Virgin Islands Code requires an interlocutory order issued pursuant to section 33(b) to be appealed within 30 days after the date it was rendered (see *First American Development Group v. West LB AG*, 55 V.I. 594 (V.I. 2011)), Rule 5(d)(4) does not apply to this matter. *See* V. I.S.C.T.R. 1(i) ("Where the time to appeal or seek other relief is set by statute, provisions in these rules for granting an enlargement or extension of time to file a notice of appeal or other document shall not be applicable to extend the statutory time limit.").

ORDERED that, on or before May 28, 2013, Appellants **SHALL FILE** a motion to expedite this appeal, pursuant to Rule 5(e); and it is further

ORDERED that copies of this Order shall be served on the parties.

SO ORDERED this 22nd day of May, 2013.



RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk II

Dated: 5/22/2013

Copies to: Justices of the Supreme Court
Honorable Douglas A. Brady, Superior Court Judge
Joseph A. DiRuzzo, III, Esq.
Joel H. Holt, Esq.
Carl J. Hartmann, III, Esq.
K. Glenda Cameron, Esq.
Veronica J. Handy, Esq., Clerk of the Supreme Court
Venetia H. Velazquez, Esq., Clerk of the Superior Court
Supreme Court Law Clerks
Supreme Court Secretaries
Order Book