



6. On November 5, 2012, Defendants moved to dismiss the First Amended Complaint. (D.V.I. Doc. # 28).
7. Plaintiff filed his opposition thereto on November 12, 2012. (D.V.I. Doc. # 33).
8. Defendants filed their Reply to Plaintiff's Opposition on December 13<sup>th</sup>, 2012.
9. The District Court remanded the action on November 16, 2012. (D.V.I. Doc. # 39).
10. On December 18, 2012, the District Court advised the parties, via a Notice of Electronic Filing (attached as Exhibit "A" hereto), that a "[c]omplete file" of the proceedings in the District Court had been "forwarded to [the] Superior Court."
11. Defendants' fully briefed *Renewed* Motion to Dismiss therefore has been pending in the Superior Court for approximately seven months (or 211 days), as of the filing of this motion.
12. On July 9, 2013, during oral argument before the Virgin Islands Supreme Court regarding the underlying preliminary injunction appeal, the Supreme Court addressed the expeditious resolution of this action at the trial court level.
13. This Court subsequently entered an Order dated July 9, 2013, regarding Plaintiff's Motion for Partial Summary Judgment (D.V.I. Doc. # 36), directing "Defendants [to] complete the necessary discovery [to enable them to respond to Plaintiff's Motion for Partial Summary Judgment] and to respond to [same] no later than September 16, 2013"; directing "Plaintiff's [to] file his reply [in opposition] on or before September 30, 2013"; and directing "Counsel for all Parties [to] confer pursuant to Fed. R. Civ. P. 26(f) and . . . submit a written report on or before August 16, 2013 outlining the proposed discovery plan developed by the Parties." (7/9/13 Order).
14. However, this Court's resolution of the pending *Renewed* Motion to Dismiss necessarily impacts the scope of any discovery in this action. For example, should this Court grant the pending

motion to dismiss in its entirety, discovery would be unnecessary and Plaintiff's Motion for Partial Summary Judgment would be denied as moot. Similarly, should this Court grant any parts of the pending motion, including the request therein for a more definite statement, any such partial grant would impact the open factual issues related to Plaintiff's partial summary judgment motion.

15. In other words, *any* ruling by this Court on the pending motion to dismiss will materially impact the scope of discovery for purposes of Plaintiff's partial summary judgment motion, including by possibly rendering the summary judgment motion moot.

16. Further, the Parties are unable to meaningfully "confer" regarding a proposed discovery plan, as directed by this Court in its July 9, 2013 Order, until the scope of discovery is clarified.

17. The interests of judicial economy therefore warrant an expedited resolution of the pending *Renewed* Motion to Dismiss, which already has been pending in this Court for seven months, to date.

18. The requested relief likewise would be consistent with the Supreme Court's statements during the July 9, 2013 oral argument on the preliminary injunction appeal regarding the expeditious resolution of this action at this level.

19. Accordingly, Defendants respectfully request that this Court expeditiously resolve the pending November 5, 2012 *Renewed* Motion to Dismiss.

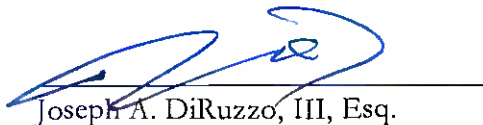
20. This motion is made in good faith, for the orderly resolution of this action.

21. Defendants are unaware of any prejudice that would result upon the grant of this motion. Indeed, Plaintiff's own motion for partial summary judgment forms an essential reason underlying this motion. This Court also has noted that Defendants require a clear discovery plan "to

enable them to present facts essential to justify their opposition to Plaintiff's Motion for Partial Summary Judgment].” (7/9/13 Order).

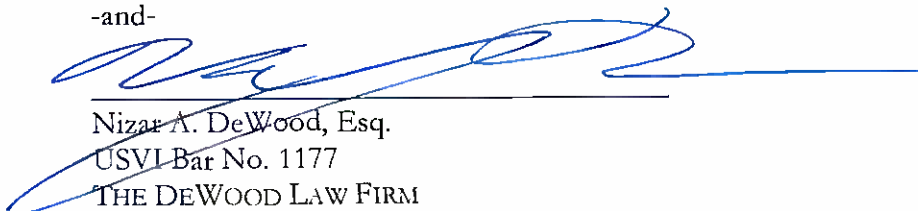
WHEREFORE, Defendants pray that the Court enter an Order granting this motion; indicating that a resolution of Defendants' November 5, 2012 *Renewed* Motion to Dismiss will be entered expeditiously; and granting such other relief as the Court deems just and proper. A proposed such Order is attached as Exhibit “B” hereto.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2013, a true and accurate copy of the foregoing was forwarded via email to the following: *Joel H. Holt, Esq.*, 2132 Company St., St. Croix, VI 00820, [holtvi@aol.com](mailto:holtvi@aol.com); *Carl J. Hartmann III, Esq.*, 5000 Estate Coakley Bay, L-6, Christiansted, VI 00820, [carl@carlhartmann.com](mailto:carl@carlhartmann.com); and *K. Glenda Cameron, Esq.*, Law Offices of K.G. Cameron, 2006 Eastern Suburb, Suite 101, St. Croix, VI 00820, [kglenda@cameronlawvi.com](mailto:kglenda@cameronlawvi.com).



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