

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

WALEED HAMED and KAC357, INC.,)	
)	CIVIL NO. SX-16-CV-429
<i>Plaintiffs,</i>)	
v.)	
)	ACTION FOR DAMAGES
BANK OF NOVA SCOTIA,)	
d/b/a SCOTIABANK, FATHI YUSUF,)	
MAHER YUSUF, YUSUF YUSUF,)	
and UNITED CORPORATION,)	
)	
<i>Defendants.</i>)	JURY TRIAL DEMANDED
_____)	

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

The Plaintiffs hereby give notice of supplemental (and overriding precedential) authority of the applicable standard to apply herein. In this regard, the V.I. Supreme Court has adopted new civil rules, known as the Virgin Islands Rules of Civil Procedure (to be cited as V.I. R.CIV. P.). As these new rules relate to the pending Rule 12(b)(6) motion, Rule 1.1(c) states:

(c) Application to Pending Proceedings. These rules, and subsequent amendments, govern:

(2) proceedings in any action pending on the effective date of the rules or amendments, unless:

(B) the Superior Court makes an express finding that applying them in a particular previously-pending action would be infeasible or would work an injustice.

Thus, these new rules apply to this case. V.I. R.CIV. P. 8 then provides in relevant part as follows:

(a) Claim for Relief. Except as otherwise provided in these Rules, a pleading that states a claim for relief must contain:

(2) a short and plain statement of the claim showing that the pleader is entitled to relief - **because this is a notice pleading jurisdiction**

. . . . (Emphasis added)

Thus, in addressing the Defendant's pending Rule 12(b)(6) motion, this Court need not apply the more stringent standard required in federal court (i.e., the standard established by the "*Iqbal, Twombly*" line of cases), as the First Amended Complaint need only meet the "notice pleading" requirement of V.I. R. CIV. P. 8.

Dated: April 18, 2017


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CERTIFICATE OF SERVICE

I hereby certify that *this document complies with the page or word limitation set forth in Rule 6-1(e)*, and that on this 18th day of April, 2017, I served a copy of the foregoing by mail and email, as agreed by the parties,

Gregory H. Hodges, Esq.

Stephen Herpel, Esq.

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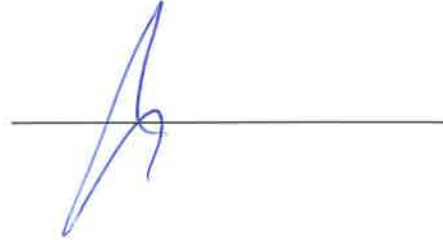
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A handwritten signature in blue ink is positioned over a horizontal black line. The signature is stylized and appears to be the initials 'C.E.L.'.