

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
_____	)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Both Defendants have filed Rule 12(b)(6) motions to dismiss, which are pending. On July 14, 2017, the Virgin Islands Supreme Court issued an opinion in *Mills-Williams v. Mapp*, \_\_ V.I. \_\_ at p. 9 (slip opinion) (V.I. St. No. 2016-0054) (July 14, 2017) which clarified the pleading standards now required in this jurisdiction:

Significantly, Virgin Islands Rule of Civil Procedure 8 expressly states that the Virgin Islands “is a notice pleading jurisdiction,” V.I. R. CIV. P. 8(a), and the Reporter’s Note eliminates any doubt that this language is calculated to “apply[] an approach that declines to enter dismissals of cases based on failure to allege specific facts which, if established, plausibly entitle the pleader to relief.” V.I. R. CIV. P. 8 Reporter’s Note (emphasis added); see also *Brathwaite v. H.D.V.I. Holding Co.*, Super.Ct. Civ. No. 764/2016 (STT), \_\_ V.I. \_\_, 2017 WL 2295123, at \*2 (V.I. Super. Ct. May 24, 2017) (acknowledging that Virgin Islands Civil Procedure Rule 8(a)(2) eliminates the plausibility standard and instead will permit a complaint so long as it “adequately alleges facts that put an accused party on notice of claims brought against it”).

Thus, these two pending motions must now be reviewed with this “notice pleading” standard in mind.

**Dated:** July 17, 2017



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**Joel H. Holt, Esq. (Bar # 6)**  
*Counsel for Plaintiffs*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, VI 00820  
Email: holtvi@aol.com  
T: (340) 773-8709/ F (340) 773-8677

**Carl J. Hartmann III, Esq.**  
*Co-Counsel for Plaintiffs*  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
email: carl@carlhartmann.com

### **CERTIFICATE OF SERVICE**

I certify that this filing meets the applicable requirements regarding length and number of words. I also hereby certify that on this 17<sup>th</sup> day of July, 2017, I served a copy of the foregoing by email, as agreed by the parties, on:

**Gregory H. Hodges**  
**Stephen Herpel**  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
ghodges@dtflaw.com

**Charles E. Lockwood**  
NICHOLS NEWMAN LOGAN GREY &  
LOCKWOOD, P.C.  
No. 1131 King Street, Suite 204  
Christiansted, U.S. Virgin Islands 00820-4971  
(340) 773-3200



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