

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

UNITED CORPORATION,  
Plaintiff,

v.

WADDA CHARRIEZ,

Defendant.

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WADDA CHARRIEZ,  
Counter-Claimant,

v.

UNITED CORPORATION,  
Defendant.

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WADDA CHARRIEZ,

Third-Party Plaintiff,

v.

FATHI YUSUF,

Third-Party Defendant.

Case No.:2013-CV- 152

ACTION FOR DAMAGES  
& RECOURPMENT

JURY TRIAL DEMANDED

**DEFENDANT CHARRIEZ'S MOTION FOR ENTRY OF DEFAULT AGAINST  
PLAINTIFF UNITED CORPORATION ON THE DEFENDANT'S  
FIRST AMENDED COUNTERCLAIM**

On August 29, 2013, the Defendant, Wadda Charriez, filed and served a First Amended Counterclaim against the Plaintiff, United Corporation. See **Exhibit 1**. Pursuant to Rule 12(a)(1)(D), the Plaintiff had 21 days to file an answer or responsive pleading:

(D) A party must serve a responsive pleading to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.

To date, no answer has been filed, so that the Plaintiff is in default. See **Exhibit 1**.

As such, Defendant Charriez hereby moves for Entry of Default on her First Amended Counterclaim against the Plaintiff, United Corporation, pursuant to Rule 55(a).

Moreover, it should be noted that any request for leave to file an answer out of time is barred by the express terms of the stipulated scheduling Order approved by this Court on October 16, 2019, which expressly provided in paragraph 3 as follows:

3. No motions to amend the pleadings to add claims, **defenses**, and/or parties are needed.

As such, it is hereby respectfully requested that this Court enter an Order of Default against the Plaintiff on her First Amended Counterclaim.

A proposed Order is being submitted with this Motion for Entry of Default.

**Date:** February 27, 2020

  
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Joel H. Holt, VI Bar No. 6  
Law Office of Joel H. Holt, P.C.  
*Counsel for the Plaintiff*  
2132 Company Street  
Christiansted, St. Croix  
USVI, 00820  
(340) 773-8709  
[holtvi@aol.com](mailto:holtvi@aol.com)

#### CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page limitation set forth in Rule 6-1(e), and was served this 27th day of February, 2020, by , I served a copy of the foregoing by email, as agreed by the parties, on:

Glenda Cameron, Esq.  
Law Offices of K.G. Cameron  
294 King Cross Street  
Christiansted, VI 00820  
[kglenda@cameronlawvi.com](mailto:kglenda@cameronlawvi.com)  
(340) 773-3444

Charlotte Perrell, Esq.  
Dudley Newman Feuerzeig LLP  
Law House  
1000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00804  
[cperrell@dnfvi.com](mailto:cperrell@dnfvi.com)  
(340) 715-4405

  
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WADDA CHARRIEZ,  
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Case No.:2013-CV-  
152

ACTION FOR  
DAMAGES  
& RECOUPMENT

JURY TRIAL  
DEMANDED

**DECLARATION OF JOEL H. HOLT**

I, Joel H. Holt, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. I am counsel of record for Wadda Charriez in the above captioned matter and am familiar with the facts set forth herein.
2. Charriez filed her First Amended Counterclaim against United Corporation on August 29, 2013, which was served on its counsel of record on that same date.
3. United Corporation has failed to file a responsive pleading to the First Amended Counterclaim within the time prescribed by law and has likewise never moved for leave to file its answer out of time.
4. As such, United is in default in responding to the First Amended Counterclaim.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 27th day of February, 2020.

  
\_\_\_\_\_  
JOEL H. HOLT

Blumberg No. 5208

EXHIBIT

1

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ACTION FOR DAMAGES  
& RECOUPMENT

JURY TRIAL DEMANDED

ORDER

This matter is before the Court on the Rule 55(a) motion of the Defendant, Wadda Charriez, for Entry of Default against the Plaintiff, United Corporation, on her August 29, 2013, First Amended Counterclaim asserted against the Plaintiff, as the Plaintiff failed to file a responsive pleading within the time permitted by law or to otherwise seek leave to file its answer out of time. Upon consideration of the matters before the Court, the motion is **Granted** and:

An Order of Default is entered against the Plaintiff, United Corporation, pursuant to Rule 55(a) on the First Amended Counterclaim filed against it on August 29, 2013.

DATED:

**HONORABLE JUDGE JOMO MEADE**  
Judge, Superior Court of the Virgin Islands

ATTEST: TAMARA CHARLES  
Clerk of Court

By: \_\_\_\_\_

Deputy Clerk

Dist: Joel H. Holt, Glenda Cameron, Charlotte Perrell