

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**GOVERNMENT OF THE UNITED
STATES VIRGIN ISLANDS,**

Plaintiff,

v.

HESS CORPORATION,

Defendant.

Removed from:
SUPERIOR COURT OF THE VIRGIN
ISLANDS
SX-15-CV-358

CASE NO. 2015-66

**DEFENDANT HESS CORPORATION'S MOTION FOR AN ORDER
REFERRING THIS CASE TO THE BANKRUPTCY DIVISION**

1. Defendant Hess Corporation ("Hess") respectfully moves this Court to refer this case to the Bankruptcy Division pursuant to 28 U.S.C. § 157(a) and the Standing Order of this Court entered on May 29, 1990 (the "Standing Order"), which automatically refers all matters relating to a case under the bankruptcy code to the Bankruptcy Division.

2. The Government of the Virgin Islands ("GVI") commenced this suit on September 13, 2015, and served Hess five days later. On October 16, 2015, Hess filed a notice (the "Removal Notice") (ECF No. 1), timely removing the GVI's suit to this Court contemporaneously with this motion.

3. As explained in the Removal Notice, this action is unquestionably "related to" the chapter 11 proceedings of HOVENSA L.L.C., Case No. 1:15-bk-10003-MFW, presently pending before the Bankruptcy Division of this Court. (*See* Removal Notice ¶¶ 20-25.) This Court thus has subject-matter jurisdiction over this action under 28 U.S.C. § 1334(b). (*See id.*)

4. The Court's Standing Order provides that all cases "relating to a case under Title 11 of the United States Code shall be referred to the bankruptcy judges for the district." *See In*

re Gen. Rules of the Court, Standing Order (May 29, 1990). *See also George v. Alvin Williams Trucking & Equip. Rental, Inc.*, No. CIV. 2002-189, 2004 WL 169828, at *2 (D.V.I. Jan. 16, 2004) (same). In that regard, the Standing Order is consistent with 28 U.S.C. Section 157(a), which allows each district court to “provide that any and all cases [arising under, arising in, or related to a case under] title 11 shall be referred to the bankruptcy judges for the district.” *In re Jaritz Indus., Ltd.*, 151 F.3d 93, 99 (3rd Cir. 1998). As the *Jaritz* court noted: “It was this provision under which the district court of the Virgin Islands entered its general order of reference [*i.e.*, the Standing Order]. We believe that order was fully consistent with the wording and intent of section 157.” *Id.*

5. Because this case is related to HOVENSA L.L.C.’s bankruptcy case, Hess respectfully requests that the Court refer this case to the Bankruptcy Division as directed by the Standing Order.

Respectfully submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

/s/ Chad C. Messier

Dated: October 16, 2015

Chad Messier, Esq. (V.I. Bar No. 497)
Law House, 1000 Frederiksberg Gade
P.O. Box 756, Charlotte Amalie
St. Thomas, VI 00804
Telephone: (340) 774-4422
Facsimile: (340) 715-4400
Email: CMessier@dtflaw.com

Attorneys for Defendant Hess Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2015, I electronically filed the foregoing **Motion for an Order Referring this Case to the Bankruptcy Division** with the Clerk of the Court using the CM/ECF system, and served the same upon the following counsel of record who have not yet noticed their appearances in this case by email and placing the same in the Unites States mail, postage prepaid, addressed to:

Claude E. Walker, Esq.
Acting Attorney General
V.I. Department of Justice
Office of the Attorney General
34-38 Kronprindsens Gade
GERS Building, 2nd Floor
St. Thomas, VI 00802
Email: Claude.Walker@doj.vi.gov

Joel H. Holt, Esq.
2132 Company Street
Christiansted, VI 00820
Email: holtvi@aol.com

/s/ Chad C. Messier
