

II. Factual Background

At the outset, the Amended Complaint alleges that the plaintiffs reside both on St. Croix as well as off island. With regard to those plaintiffs who still reside on St. Croix, the civil disclosure sheets filed with the complaint (See **Exhibit A**) list residents of multiple areas on the island, some presently living near SCRG's site (such as the Harvey or Profit area) and others who live far away from the site -- in places like Barren Spot, Strawberry, Castle Burke, Concordia, Mount Pleasant, Whim, Water Gut, New Works, Clifton Hill, Profit Hills, La Reine, White Bay, Fredensberg, Rattan, Mutual Homes, Aureo Diaz Housing Project and Mon Bijou. See **Exhibit B** attached.

These 538 plaintiffs allege both unspecified personal and real property damages allegedly caused by three *distinctly different* kinds of alleged exposures that emanated from the site ("Site") now owned by SCRG, alleging, in part, as follows:

471. It [SCRG] knew that every time there was a strong wind the toxic substances in the piles would be dispersed into the air, where they were inhaled by Plaintiffs, deposited onto plaintiffs' persons and **real and personal properties**, and deposited into the cisterns that are the primary source of potable water for many Plaintiffs. [Emphasis added]

In paragraphs 467 to 471, plaintiffs generally allege separate exposures to (1) bauxite ore from a storage shed (released during Hurricane Georges, which occurred before SCRG purchased the property), (2) structural asbestos blowing from demolished buildings and (3) bauxite residue allegedly blown from the Site on various unknown dates **over at least the ten year time period** before this suit was filed.

The complaint then seeks a variety of vague un-defined "damages" as a result of these alleged un-defined exposures, summarily pleading in paragraph 482 as follows:

As a result of Defendant's conduct, Plaintiffs suffered and continue to suffer physical injuries, medical expenses, damage to their properties and possessions, loss of income, loss of capacity to earn income, mental anguish, pain and suffering and loss of enjoyment of life, a propensity for additional medical illness, and a reasonable fear of contracting illness in the future, all of which are expected to continue into the foreseeable future.

However, each plaintiff obviously could not have suffered the same injuries due to varied locations of each plaintiff that allegedly resulted "sometime" for each during the ten-year period of time in question.

As can be easily understood, each plaintiff has specific facts related to their individual claims, including (1) the residence of each specific plaintiff in (2) the area where they were located when these releases allegedly took place if somewhere other than their residence, (3) the injury alleged by each plaintiff (asbestosis, silicosis, etc.) or (4) property damages (an identification of the ownership interest of each plaintiff in said property or any indication of what damage it suffered).

- 1) Persons making claims for damages to real property based on "residue" who could be in one or more of the following groups:
- 2) Persons making claims for damages to real property based on "asbestos" who could be in one or more of the following groups:
- 3) Persons making claims for damages to real property based on "bauxite ore" who could be in one or more of the following groups:
- 4) Persons making claims for personal injury based on "residue" who could be in one or more of the following groups:
- 5) Persons making claims for personal injury based on "asbestos" who could be in one or more of the following groups:
- 6) Persons making claims for personal injuries based on "bauxite ore" who could be in one or more of the following groups:

While these subgroups are not an exhaustive list of the potential claims asserted in the complaint, they demonstrate the simple but critical facts that each individual plaintiff has

to prove—each must prove the alleged exposure was (1) at a specific place for some specific period(s) of time, (2) the level of exposure to each specific offending materials, (3) and each person's specific physical symptoms, including the diagnosis and prognosis of this specific condition, as well as each plaintiff's medical treatment and individual medical expenses.

With this understanding of the amended complaint in mind, it is now appropriate to address their improper joinder in one action.

III. Rule 21-Misjoinder

Rule 21 of the Federal Rules of Civil Procedure provides:

On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.

Under the tort law of this jurisdiction (and Rule 21) long-term, non-particularized exposure to a similar contaminant is not proper grounds for this sort of shot-gun joinder -- and cases should be severed where as noted by Judge Cabret in *Alexander v. Hovic* (See Exhibit C):

there are no allegations that each individual's exposure occurred out of the same transaction, occurrence or series of transactions or occurrences. Indeed, it appears to the Court that plaintiffs' arbitrary joinder is an attempt to avoid paying the required filing fees.

Like that case, this action is really an attempt to file a pseudo-class action to avoid the reality that each plaintiff has a unique set of circumstances. How can two people who did not even live in alleged areas of exposure at the same time be injured out of the same occurrence? See also, *Coughlin v. Rogers*, 130 F.3d 1348, 1350-52 (9th Cir. 1997)(affirming Rule 21 severance of multiple claims without individualized pleadings showing claims are actually related); *Aaberg v. Acands Inc.*, 152 F.R.D. 498, 501 (D.

Md. 1994)(alleged exposure to asbestos, without any attempt at individualization of the particular circumstances and exposures of the individual plaintiffs, warrants dismissal of all claims under Rule 21 except the first named plaintiff).

It is improper to attempt to aggregate people living over a very large and varied physical area for dramatically different periods of time -- all of whom have completely different levels of exposure (to three different materials with three completely different sources), different types of personal injury claims unique to each person and differing property damage allegations.²

For example, those west of the site residing in White Bay would not be exposed when the wind blew east allegedly injuring those in Barren Spot, and neither set from White Bay or Barren Spot would have been affected when the wind blew north towards Mon Bijou. Even those west of the site would not have the same exposures when the wind blew west, as those in Harvey who are close to the site would have a different exposure that those miles away in White Bay. Moreover the phantom asbestos exposure was from a totally different source -- building demolition -- in a totally different and limited time period, so that alleged exposure to residents of these widely dispersed neighborhoods is certainly not the same for each plaintiff.

² The obvious dangers of combining these multiple claims are clearly compounded by the total lack of specificity as to the circumstances, injuries, exposure, effects, and other factors set forth in SCRG's Rule 12(e) Motion for More Definite Statement filed at the same time as this motion to sever. The attempt to plead that SCRG did a set of unspecified acts and therefore that generally the "plaintiffs and their property were injured" is not an adequate pleading.

Improper joinder also poses serious practical problems for this Court in administering the cases and in holding a trial on such individualized claims. As noted in *Gary v Albino*, Civ.10-886, 2010 WL 2546037 (D.N.J. June 21, 2010):

Although Rule 21 is most commonly invoked to sever parties improperly joined under Rule 20, "the Rule may also be invoked to prevent prejudice or promote judicial efficiency." *Lopez v. City of Irvington*, 2008 WL 565776, *2 (D.N.J.2008); see also *Sporia v. Pennsylvania Greyhound Lines, Inc.*, 143 F.2d 105 (3d Cir.1944) (not limiting Rule 21 severance to cases of misjoinder); *Wyndham Assoc. v. Bintliff*, 398 F.2d 614 (2d Cir.) (same, citing *Sporia*), cert. denied, 393 U.S. 977, 89 S.Ct. 444, 21 L.Ed.2d 438 (1968); *Rohr v. Metropolitan Ins. & Cas. Co.*, 2007 WL 163037 (E.D.La. Jan.17, 2007) (court may also consider whether **jury confusion would result from the volume of evidence if the plaintiffs were joined**); 4 James Wm. Moore et al., *Moore's Federal Practice* § 21.02(1) (3d ed.2007) (courts may issue severance orders under Rule 21, even in the absence of misjoinder and non-joinder of parties, "to construct a case for the efficient administration of justice").

Specific factors to be considered in determining whether severance is warranted include: **"(1) whether the issues sought to be tried separately are significantly different from one another, (2) whether the separable issues require the testimony of different witnesses and different documentary proof, (3) whether the party opposing the severance will be prejudiced if it is granted, and (4) whether the party requesting severance will be prejudiced if it is not granted."** *German v. Federal Home Loan Mortgage Corp.*, 896 F.Supp. 1385, 1400 (S.D.N.Y.1995). [Emphasis added]

In the instant action, jury confusion would certainly result just from the volume of evidence if the plaintiffs are joined. How can a jury possible consider the following facts for each and every plaintiff and keep them distinct:

1. Where each plaintiff lived;
2. Whether they are a homeowner or tenant;
2. The period or periods they were present;
3. What knowledge they did or did not have as to the presence of the materials;
4. The symptoms and effects from the exposure for each separate plaintiff;
5. Whether they have been seen by doctors, and if so which ones;

6. Whether there was any treatment, and if so the costs and prognosis;
7. Whether there are claims for pain and suffering -- and the individual facts; and
8. What damages (personal injury or property damage)

Add this to hundreds of thousands of pages of documents created by more than 500 plaintiffs and the length of time to put each of those 500 plaintiffs on the stand for just two hours each -- and you have a year-long, massive trial that no juror could possibly comprehend -- with just the plaintiffs' testimony alone taking at least 1000 hours (assuming 2 hours per plaintiff) or almost a half-year at 8 hours of trial per day.

While the majority of each of these cases will turn on the factors discussed above, added to that mix is the fact that there is overlap with alleged exposures from other parties (including those who actually operated the refinery). Thus, the Court will have a conflagration of plaintiffs with other potentially culpable parties, with the requirement of determining comparative fault in over 500 cases on a case-by-case basis. This would be impossible -- even if a jury could be found that could sit for the year that will be required to try this case.

In short, this is not a case where liability is based on the "same series of transactions" -- this is a total morass of completely different, individual cases that will take many, many years to wade through if not severed into separate cases. Judge Bartle's comments in *Henry v St. Croix Alumina*, 2008 WL 2329223 (D.V.I. June 3, 2008) involved a claim for alleged exposure to bauxite ("red") dust from the same site (now owned by SCRG), and are specifically on point here as well:

We cannot agree with plaintiffs' attempts to classify so many issues as common to all class members. This case differs from the typical "mass accident" or "mass disaster" action such as a plane crash or plant explosion where issues of causation almost certainly will be common to all class members. Here, causation cannot be so easily generalized. *Id.* at *5

Judge Bartle then went on to note that while there may be some common liability issues, the individual class members still had **separate and distinct person injury claims**, stating as follows:

Nonetheless, the overwhelming majority of questions listed by plaintiffs, including those having to do with liability, cannot be answered on a class-wide basis because they will require individualized answers based on personal circumstances.

With respect to personal injury claims, each plaintiff must prove causation. Each will need to prove the duration and nature of his or her exposure to the two released substances, bauxite and red mud. Some plaintiffs may have been exposed to only one substance, while those exposed to both may have been exposed in differing degrees or combinations. The possibly differing levels of toxicity of bauxite and red mud will further complicate matters. *Id.* at *5. [Emphasis added].

Judge Bartle's conclusion is particularly apt here:

Based on plaintiffs' broad spectrum of claimed injuries, their varying levels of exposure to the differing released materials, and the myriad of potentially contributing factors, a common issue of causation does not [exist]. *Id.* at *

The issues in the case before this Court are even more "individualized" than those in *Henry* -- how can more than 500 individuals, one-at-a-time, each prove their actual exposure and resulting damages based on their alleged individualized exposures to unidentified releases of 3 types of materials, released at completely different times in a 10-year period (unlike the limited event in *Henry* which arose out of a documented release of red dust after a hurricane)? Each one will have to have a causation expert to testify about their particular exposure and a medical expert for their own alleged damages (or an expert for a property assessment of their property damages). Moreover, for each of those experts, there will probably be a specific, "individualized" defense expert to challenge the opinions of each plaintiff's expert. In short, absent severance,

this case will actually be a jumble of 500 mini-trials where the jury cannot possibly remember or differentiate each of 538 sets of medical or other damage claims.

As Judge Cabret held in *Alexander v. Hovic* (Exhibit B), severance of the claims, requiring the plaintiffs to each file their own individual case, is warranted where the claims are not more directly related. In that case, the plaintiffs all worked in the Hovic (now Hovensa) refinery and were allegedly exposed to toxic substances while working in the same place. Despite the common 'potential exposure' issues while working for years in the same refinery, Judge Cabret (now Justice Cabret) recognized that the claims were otherwise unrelated, as each person's exposure and possible injury was different, just as in this case. Likewise, to attempt to try more than 500 personal injury cases at once would be havoc.

Finally, there is no prejudice to any of the individual plaintiffs, as each plaintiff would benefit by being able to have his or her own "day in court" with all of the rights and protections that attend an individual trial. On the other hand, SCRG would be severely prejudiced if it had to try what would be a confusing "mega-case" lasting for more than a year.

In short, it is respectfully submitted that relief under Rule 21 is clearly appropriate in this case for all of the foregoing reasons. Each plaintiff other than the first named plaintiff should be directed to re-file their respective claims as a separate case.

Dated: August 6, 2012

/s/ Joel H. Holt
Counsel for Defendant SCRG
Law Offices of Joel H. Holt
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Christiansted, St. Croix
U.S. Virgin Islands 00820
Telephone: (340) 773-8709
Email: holtvi@aol.com

Dated: August 6, 2012

/s/ Carl J. Hartmann III, Esq.
Counsel for Defendant SCRG
5000 Estate Coakley Bay, L-6
Christiansted, St. Croix
U.S. Virgin Islands 00820
Telephone: (340) 719-8941
Email: carl@hartmann.com

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of August, 2012, I filed the foregoing with the Clerk of the Court, and delivered by ECF to the following:

Lee J. Rohn, Esq.
Law Office of Rohn and Carpenter, LLC
1101 King St.
Christiansted, VI 00820
Counsel for the Plaintiffs

/s/ Joel H. Holt

EXHIBIT A

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: April 2011

1. Full Name: E. Marley Lawrence Carmona Age: 4

2. Mail Address: PA 2 Box 9423 King's Hill VI 00850

Physical Address: 1 Harvey Project

3. Telephone numbers:

(home) Grandma 280-1706 (work) 3
(home) 713-3307 (cell) Mom 214-2873

4. Date of Birth:

Social Security #:



CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3/10/11

1. Full Name: Elizabeth S. Abreu Age: _____
2. Mail Address: RR#2 BOX 977B Kings Hill ST. CROIX DD850
Physical Address: #10 B EST PROFIT
3. Telephone numbers:
(home) 778-3913 (work) _____ (cell) _____
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3.6.11

1. Full Name: Felisha Christina Andre Age: 13

2. Mail Address Box 3568 Kingshill 00851
Physical Address #30 Mt. Pleasant Fisted J. Croix

3. Telephone numbers:
(home) 340 772-4329 (work) _____ (cell) 340 574 6209

4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3-1-2011

1. Full Name: Bryson Aldonza Age: 12
2. Mail Address P.O. Box 4084 King Hill V.I. 00851
Physical Address 166 F. Whim F/ST. CRIST 00848
3. Telephone numbers:
(home) 340-719-6116 (work) _____ (cell) 340-271-2512
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

SUPERIOR COURT OF THE VIRGIN ISLANDS
Office of the Clerk
Law Offices of Rohn and Carpenter, LLC, Box #29
Christiansburg, St. John, U.S.V.I. 00821-0929

Today's Date: 3/2/11

1. Full Name: Julita Andrew

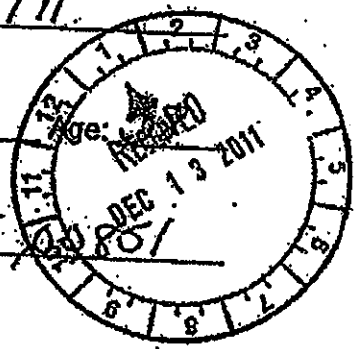
2. Mail Address P.O. Box 3361 Kingshill V.I.

Physical Address 9 A Water Cut

3. Telephone numbers:

(home) 340-713-0413 (work) _____ (cell) 340-277-8414

4. Date of Birth: _____ Social Security #: _____



CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohri and Carpenter, LLC

Today's Date: 4-29-11

1. Full Name: Jerome Anthony Age: 35
2. Mail Address: 6476 Sunnyvale St. Cedar Rapids IA 52823
Physical Address: Plot 54 New works
3. Telephone numbers:
(home) 340277-8821 (work) 11 (cell) 11
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: March 10, 2011

1. Full Name: Priscilla Antoine Age: 81
2. Mail Address P.O. Box 4684, Kingshill, St. Croix, U.S.V.I. 00851
Physical Address 142 Clifton Hill, King Quarter St. Croix U.S.V.I. 00851
3. Telephone numbers:
(home) 340-778-4914 (work) (cell) ~~340-449-1111~~
4. Date of Birth: Social Security #:

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 5-3-2011

1. Full Name: Vitalienne A. Chassano Age: _____
2. Mail Address P.O. Box 1756 Kingshill 00851
Physical Address 708 Strawberry Hill, St. Croix
3. Telephone numbers:
(home) 719-0623 (work) _____ (cell) 690-5414
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohri and Carpenter, LLC

Today's Date: 4-1-11

1. Full Name: Dilia Plashett Age: 54
2. Mail Address 9203 ~~45th~~ Kingshill VI 00851
Physical Address 67 B Concordia
3. Telephone numbers:
(home) _____ (work) _____ (cell) (340) 514-5069
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3/14/11

1. Full Name: IRIS m. Quinones Age: 51

2. Mail Address R.R. 2. Box 9315 Kingshill St Croix V.I. 00850

Physical Address 471 Castle Burke site 2

3. Telephone numbers:

(home) _____ (work) 642-4390 (cell) 201-4229
(Godfrey)

4. Date of Birth: _____ Social Security #: _____

* Contact Person:
Elisabeth Harper
Isted St Croix

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohr and Carpenter, LLC

Today's Date: 3/2/11

1. Full Name: Arthur Phillip Age: 29
2. Mail Address P.O. Box 2434 Kingshill St. Croix V.I. 00851
Physical Address # 166 Profit Hills
3. Telephone numbers:
(home) (340) 778-9657 (work) _____ (cell) _____
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohm and Carpenter, LLC

Today's Date: 3-17-2011

1. Full Name: ERSILE MORRIS Age: _____
2. Mail Address PO Box 3751 Kings Hill St Crow 0082
Physical Address # 91 Estate La-Riene
3. Telephone numbers:
(home) 340-778-8123 (work) _____ (cell) 340-277-9860
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3-2-11

1. Full Name: Anthony St Bruce Age: 20

2. Mail Address P O Box 4136 King Hill St Albans USVI 00851

Physical Address H9 White Bay, Fsted

3. Telephone numbers:
(home) 340-772-0784 (work) _____ (cell) _____

4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 03-15-2011

1. Full Name: Lizengel P. Lister Age: 14
2. Mail Address RR1 Box 9203 Kings Hill U.S.V.I. 00850
Physical Address #91A Old Fredericksburg Village
3. Telephone numbers:
(home) 390-777-3262 (work) _____ (cell) _____
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3/22/11

1. Full Name: Kimberly Fabiana Resident Age: 18

2. Mail Address P.O. Box 8201 Sunny Isles

Physical Address 112 Batten

3. Telephone numbers:

(home) (340) 719-5454 (work) _____ (cell) _____

4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 4-1-11

1. Full Name: William A. Placett Age: 20
2. Mail Address 9203 K'hill
Physical Address Bld 50 Apt B1 Mutual homes
3. Telephone numbers:
(home) _____ (work) _____ (cell) (340) 574-7515
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 3/14/11

1. Full Name: Alie Benjamin Age: 24

2. Mail Address Aureo Diaz Bb Apt 29 00851

Physical Address Aureo Diaz Bb Apt 29

3. Telephone numbers:

(home) 340779-3729 (work) _____ (cell) 382-7592

4. Date of Birth: _____

Social Security #: _____

EXHIBIT B



EXHIBIT B

EXHIBIT C

THE TERRITORIAL COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

Louis Alexander & Mary Alexander, et. al.	Plaintiffs	Civil No. 323/1997
v.		
HOVIC, Amerada Hess Corp. et.al.	Defendants	
Kevin Manbodh, et. al.	Plaintiffs	Civil No. 324/1997
v.		
HOVIC, Amerada Hess Corp. et.al.	Defendants	
Josephat Henry, et. al.	Plaintiffs	Civil No. 328/1997
v.		
HOVIC, Amerada Hess Corp. et.al.	Defendants	
Arthur Paul, et. al.	Plaintiffs	Civil No. 329/1997
v.		
HOVIC, Amerada Hess Corp. et.al.	Defendants	
Joseph King, et.al.	Plaintiffs	Civil No. 400/1997
v.		
HOVIC, Amerada Hess Corp. et.al.	Defendants	
Logan N. Joseph, et.al.	Plaintiffs	Civil No. 417/1997
v.		
HOVIC, Amerada Hess Corp. et.al.	Defendants	

Civil Nos. 323/324, 329/400/417/513/514/563/687 & 688
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Hector Martinez, et. al.

Plaintiffs

v.

HOVIC, Amerada Hess Corp. et.al.

Defendants

Civil No. 513/1997

Francis Laurencin, et. al.

Plaintiffs

v.

HOVIC, Amerada Hess Corp. et.al.

Defendants

Civil No. 514/1997

Ralph Soodcen, et.al.

Plaintiffs

v.

HOVIC, Amerada Hess Corp. et.al.

Defendants

Civil No. 563/1997.

Rahamut Ali & Ameena Ali, et. al

Plaintiffs

v.

HOVIC, Amerada Hess Corp. et.al.

Defendants

Civil No. 687/1997

Roy Clement, et.al.

Plaintiffs

v.

HOVIC, Amerada Hess Corp. et. al

Defendants

Civil No. 688/1997

ORDER

The Court acting *sua sponte* has reviewed the 13 cases filed by 235 plaintiffs against a total of 30 defendants which allege exposure to asbestos and related

Civil Nos. 323/324/328/329/400/417/513/563/687 & 688
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complications. In the eleven cases captioned above, each complaint consists of 15 to 30 plaintiffs. The court finds that joinder improper and will therefore sever the plaintiffs.

The Federal Rules of Civil Procedure provide generally that persons who assert any right to relief, whether jointly, severally or in the alternative, may join in one action as plaintiffs if their cause of action arises out of the same transaction, occurrences, or series of transactions or occurrences, if any question of fact or law common to all these persons will arise in the action. *Fed.R.Civ.P. 20*. Adversely, Rule 21 permits a court to drop or add parties on its own initiative, or sever a claim against a party and proceed with each separately on such terms as are just. *Fed.R.Civ.P. 21*.


In each case, plaintiffs allege employment at the Hess Oil Refinery on St. Croix between the years of 1971 and 1990, and that each plaintiff encountered the alleged exposure during his or her employment. The court finds these allegations an insufficient basis to justify a Rule 20 joinder. While all plaintiffs may have worked with the same employer, there are no allegations that each individual's exposure occurred out of the same transaction, occurrence or series of transactions or occurrences. Indeed, it appears to the Court that plaintiffs' arbitrary joinder is an attempt to avoid paying the required filing fees. The premises considered, it is hereby

Civil Nos. 323/324/328/329/400/417/513/563/687 & 698
Order
Page 4


ORDERED that in the above-captioned complaints, except for the first mentioned plaintiffs and spouses, all other plaintiffs shall re-file individual complaints within thirty (30) days of the date of entry of this order; and it is finally

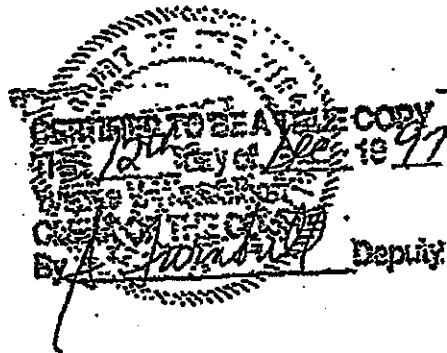

ORDERED that failure of the plaintiffs to proceed as ordered herein shall result in the DISMISSAL of their causes of action.

DATED: December 11, 1997.


MARIA M. CABRET
Judge

ATTEST:
YVONNE V. WESSELHOFT
Clerk of the Court

By: 
Deputy Clerk
12/12/97


PERMITTED TO BE A TRUE COPY
12th day of Dec 1997
Clerk of the Court
By:  Deputy