

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

Eleanor Abraham, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	CIVIL NO. 12-cv-11
)	
St. Croix Renaissance Group, LLLP,)	ACTION FOR DAMAGES
)	
Defendant.)	JURY TRIAL DEMANDED
)	

**DEFENDANT ST. CROIX RENAISSANCE GROUP L.L.L.P.'S
MEMORANDUM IN SUPPORT OF ITS MOTION
FOR A MORE DEFINITE STATEMENT PURSUANT TO RULE 12(e)**

On August 1, 2012, this Court issued an Order granting Plaintiffs' motion to file an amended complaint. [D.E. 14] Plaintiffs then filed the Amended Complaint on August 2, 2012, as directed in the Order. [D.E. 15] Like the initial Complaint, the Amended Complaint contains more 538 plaintiffs.

SCRG hereby moves for relief under Rule 12(e) seeking a more definite statement regarding each of the plaintiff's individual claims.¹ SCRG does not seek dismissal of the Amended Complaint — only the requisite minimal statements of the factual grounds for each plaintiff, as required by recent decisions of the U.S. Supreme Court and Third Circuit. Thus, SCRG will first discuss the allegations in the Amended Complaint and then will address the Rule 12(e) standard as it pertains to this case.

It should also be noted that SCRG has simultaneously filed a separate motion to dismiss these claims under Rule 21 for misjoinder of the 538 claims being asserted.

¹ A prior Rule 12(e) motion was pending regarding the initial Complaint, which was rendered moot by the filing of the Amended Complaint.

I. The Amended Complaint and the Facts Alleged Therein

The Amended Complaint alleges that the plaintiffs were injured as a result of three *distinctly different* kinds of exposures to materials that emanated from the former alumina processing plant located on a site ("Site") formally owned by several alumina processing companies. (See paragraphs 467 to 471) From 1967 to 2000, those former owners operated an alumina processing plant that separated alumina from bauxite ore, leaving a red bauxite residue.² The alleged exposures are to (1) bauxite ore from a storage shed (some of which was allegedly released during Hurricane Georges in 1998, before SCRG purchased the property), (2) structural asbestos from the permitted, supervised removal of buildings in late 2006 and (3) bauxite residue that was allegedly blown from red hills on the Site on various unknown dates over the ten-year period before this suit was filed. The complaint seeks a variety of vague, un-defined "damages" as a result of vague, un-defined multiple exposures -- although no plaintiff has identified even one single actual injury to either health or property.

² One of these prior owners is remediating conditions on the Site under a 2012 Consent Decree entered by this Court. Alcoa is remediating the red mud piles by engineering them and then capping with a soil and grass cover. This is being under the supervision of DPNR and its outside engineering consultants -- under the oversight of a court-approved special arbitrator. See *Commissioner v. Century, et al.*, 2012 WL 446086 (D.V.I. February 13, 2012). DPNR is still pursuing claims in this Court against the prior owners (Lockheed and VIALCO) with regard to an unrelated older, underground residue area in STX Civ. No. 2005-62.

While the complaint alleges that SCRG operated the refinery, it never did -- as it bought the Site in 2002 after the alumina processing operations ceased. It was purchased as a "brownfield" site, which involves the restoration of former industrial locations. In fact, between 2006 and 2009, SCRG dismantled the alumina processing units (under DPNR supervision). Moreover, all bauxite ore was removed prior to SCRG's ownership.

Plaintiffs are described only as domiciliaries of the Territory at their present addresses, or as living elsewhere. It is not specifically alleged *when* exposure to any particular plaintiff occurred, or *where* on the Island of St. Croix that plaintiff was at the time of the alleged exposure. Nor is any Plaintiff alleged to either have or been treated for anything.

Finally, with regard to those plaintiffs who still reside on St. Croix, the civil disclosure sheets filed with the complaint (See **Exhibit A**) list only that they are presently residents of multiple areas on the island, some now living near SCRG's site (such as the Harvey or Profit area) and others living 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.³ See **Exhibit B** attached.

There is not a single word about exposure or injury to any specific plaintiff. Without the (1) times of residence of each specific plaintiff in (2) the area where they were located when these releases allegedly took place, (3) any 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), SCRG has no notice of the essential facts needed to file an answer with the appropriate affirmative defenses. Thus, response is impossible absent any factual allegations with regard to any plaintiff.

³ There is no indication in the amended complaint where any plaintiff actually was located at the time of his or her alleged exposures.

As an example of why this makes response impossible, the Amended Complaint also refers to claims for damage to the plaintiffs' real property. However, there is no averment as to which (if any) of the plaintiffs actually owned real property (and if so, which property), which were tenants, which were guests -- and so forth. Without this information, SCRG cannot possibly respond to the averments as to real property, such as those alleged in paragraph 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]

With this example in mind, a review of the Amended Complaint demonstrates that there appear to be a variety of different major groups of plaintiffs with significantly different claims, although this too is a guess:

- 1) Persons making claims for damages to real property based on "red dust" who could be in one or more of the following groups:**
 - Persons who were property owners both before and after SCRG's ownership
 - Persons who were property owners only after SCRG's ownership for all of the time
 - Persons who were property owners only after SCRG's ownership for part of the time
 - Persons who were tenants both before and after SCRG's ownership
 - Persons who were tenants only after SCRG's ownership for all of the time
 - Persons who were tenants only after SCRG's ownership for part of the time

- 2) Persons making claims for damages to real property based on "asbestos" who could be in one or more of the following groups:**
 - Persons who were property owners both before and after SCRG's ownership
 - Persons who were property owners only after SCRG's ownership for all of the time
 - Persons who were property owners only after SCRG's ownership for part of the time
 - Persons who were tenants both before and after SCRG's ownership
 - Persons who were tenants only after SCRG's ownership for all of the time

- Persons who were tenants only after SCRG's ownership for part of the time
- 3) Persons making claims for damages to real property based on "coal dust" who could be in one or more of the following groups:**
- Persons who were property owners both before and after SCRG's ownership
 - Persons who were property owners only after SCRG's ownership for all of the time
 - Persons who were property owners only after SCRG's ownership for part of the time
 - Persons who were tenants both before and after SCRG's ownership
 - Persons who were tenants only after SCRG's ownership for all of the time
 - Persons who were tenants only after SCRG's ownership for part of the time
- 4) Persons making claims for personal injury based on "red dust" who could be in one or more of the following groups:**
- Persons who were residents both before and after SCRG's ownership
 - Persons who were residents only after SCRG's ownership for all of the time
 - Persons who were residents only after SCRG's ownership for part of the time
- 5) Persons making claims for personal injury based on "asbestos" who could be in one or more of the following groups:**
- Persons who were residents both before and after SCRG's ownership
 - Persons who were residents only after SCRG's ownership for all of the time
 - Persons who were residents only after SCRG's ownership for part of the time
- 6) Persons making claims for personal injuries based on "coal dust" who could be in one or more of the following groups:**
- Persons who were residents both before and after SCRG's ownership
 - Persons who were residents only after SCRG's ownership for all of the time
 - Persons who were residents only after SCRG's ownership for part of the time

While these subgroups are not an exhaustive list of the potential claims asserted, they demonstrate the simple but critical facts that each individual should be directed to supply to allow the Defendant to understand the most basic outlines of their claims. This is simple. For each, was the alleged exposure (1) at a specific place (2) for some specific period(s) of time, (3) to different levels of specific materials; (4) causing each person to have specific physical symptoms, (5) that has or has not been diagnosed as a specific condition, and (6) has it been treated by a doctor or clinic, sustaining medical

expenses? Finally, did they own real or personal property that was damaged in some specific manner?

With these general comments in mind, SCRG hereby moves pursuant to Fed.R.Civ.P. Rule 12 (e), for a more definite statement of this specific, basic information as to each plaintiff's claim. SCRG can then intelligently respond to their claims. **This is a very simple solution to correct these vague allegations (which the Plaintiffs still have failed to address for some unexplained reason.)**

II. Applicable Rule 12(e) Standard

Rule 12 of the *Federal Rules of Civil Procedure* provides a defendant with protections from having to answer, formulate affirmative defenses or do third-party pleading when confronted with such vague or ambiguous pleadings, providing:

(e) Motion for a More Definite Statement. A party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired. . . .

In 2009 the U.S. Supreme Court issued two significant decisions which altered the requirements of "notice pleading," holding that "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (citing the second of these two decisions, *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 at 555). Following these cases, in the Third Circuit, if a complaint lacks sufficient specific factual allegations, "a claimant cannot satisfy the requirement [under Federal Rule of Civil Procedure 8] that he or she provide not only 'fair notice,' but also the 'grounds' on which the claim rests." *Phillips v. County*

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of *Allegheny*, 515 F.3d 224, 233 (3d Cir. 2008) (citing *Twombly*, 550 U.S. at 556 n.3). This was a major change, and the appropriate pleading standards now require more from a complaint than "naked assertion[s] devoid of further factual enhancement" and "legal conclusions." *Iqbal*, 129 S.Ct. at 1949 (internal quotations omitted). This case involves exactly such "naked assertions." Thus, while this Court must accept all well-pleaded *facts* as true, it must also disregard conclusory statements -- either legal or factual. *Henry v. Hyannis Air Services, Inc.* 2011 WL 652781, 1 (D.V.I. 2011). Here the plaintiff alleges only that *somehow* everyone was exposed and *somehow* everyone is injured.

Moreover, not only do the facts stated have to be more than conclusory, they must **also** allow enough information to make it possible for the defendant to respond. Defendants must be able to answer the averments, raise affirmative defenses and also know if other parties are necessary to the case. Therefore, pursuant to Rule 12(e), a defendant can properly "move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." [Emphasis added.] In this regard, Rule 10(b) requires that:

A party must state its claims or defenses in numbered paragraphs, **each limited as far as practicable to a single set of circumstances.** A later pleading may refer by number to a paragraph in an earlier pleading. If doing so would promote clarity, **each claim founded on a separate transaction or occurrence and each defense other than a denial must be stated in a separate count or defense.** [Emphasis added.]

Here, the complaint recites an endless list of plaintiffs but when it reaches the different Counts, it entirely fails to allege even one single fact related to any individual upon

which to draw an inference of several necessary elements of the causes of action stated as to that individual -- or allow SCRG to respond to each individual's alleged injury, damages or claims.⁴ For example:

- 1) For all plaintiffs listed, there is no allegation as to residence in the area of alleged contamination during any specific periods of alleged exposure. Moreover, a general averment that "plaintiffs lived there at some time that SCRG owned the Site" would be equally insufficient -- as there were many earlier operators and such a general statement would not inform SCRG with regard to the necessity of joining necessary parties or responding with defenses based on alleged times of releases. **Thus, the pleading rules require specific dates of residency and locations of residence for each Plaintiff.**
- 2) Similarly, **there is no allegation of the physical effects or injuries experienced by any specific plaintiff** -- or the nature of the symptoms, nor is there any allegation of the injury alleged caused by the exposure (asbestosis, silicosis, pulmonary restrictions, etc.) or any other statement of what the specific claims of the individual plaintiffs might be.
- 3) With regard to the general assertion of property damage, there is no allegation as to whether any individual plaintiff's residence in the area of alleged contamination occurred while they were an **owner, renter, guest or otherwise**, which the pleading rules require under the cases cited.
- 4) For all persons listed, there is no **allegation as to the specific property allegedly damaged and whether it was real or personal property** (a house, a car, furniture, etc.), which again should be specifically alleged.⁵

⁴ This is *not* a class action, and does not involve the more liberal pleading as to individual assertions allowed under Rule 23. Here, each plaintiff must individually meet the requirement of stating facts that give notice as to each element of the cause of action as to that individual -- as well as alleging an individual injury. Nor, as discussed in more detail below, is this a single incident "mass tort." Totally distinct allegations about structural asbestos from building removal in the 2006-2010 time period are totally dissimilar from claims regarding industrial residue that existed over a 50-year period or exposure to ore that was removed before 2002.

⁵ How can a renter or guest allege -- as was done in paragraph 465 -- that "red mud" caused injury to plaintiff's "real property"? If an individual plaintiff brought a suit alleging injury to his or her real property they would have to claim a title interest in a specific piece of real property to enable a defendant to respond. Grouping does not excuse this requirement. For this reason, each plaintiff should have to give adequate notice of his or her own specific facts of exposure and individualized personal property and real property damages, doing so in separate counts.

- 5) In fact, there is no allegation as to whether the individual plaintiffs seek relief on any or all of the Counts and what specific relief is being sought for each count.

Simply put, the plaintiffs have engaged in the filing of what virtually all courts have criticized as being a "shotgun pleading" or the grouping a lot of plaintiffs together using collective terms but no factual details -- which absolutely does not satisfy the requirement that each plaintiff give adequate notice as to how and when he or she was injured, and at least the nature of the individual injuries. **Each plaintiff must separately satisfy the *Twombly/Iqbal* standard of a factual statement of the alleged facts.** See Kilaru, Rakesh, *THE NEW RULE 12(B)(6): TWOMBLY, IQBAL, AND THE PARADOX OF PLEADING*, Stanford Law Review, Vol. 62, Issue 3, at 905 (2010).⁶

Fortunately, it is a new and much clearer world. As the Third Circuit has observed, a "complaint, although voluminous, [is] vague and ambiguous, [when it fails] to provide a short and plain statement of each claim. . . ." *Binsack v. Lackawanna County Prison*, 438 Fed.Appx. 158, 160, 2011 WL 2909318, 1 (3d Cir. 2011) see also *Everly v. Allegheny County Executive Director*, 2012 WL 19652, 1 (3d Cir. 2012).

This sort of "shotgun pleading" is no longer allowed. In *Taddeo v. Meridian Private Residences Homeowners Ass'n*, 2010 WL 3896129, 5 (D.Nev. 2010) the court referred to *Moore's Federal Practice* for the proposition that

⁶ See e.g. *Nicholson v. City of Daphne*, 2009 WL 1789385, 2 (S.D.Ala. 2009), noting:

The document, in short, is a clear example of a "shotgun pleading" long condemned by the Eleventh Circuit. E.g., *Davis v. Coca-Cola Bottling Co.*, 516 F.3d 955, 979-80 & n. 57 (11th Cir.2008) (a complaint alleging numerous forms of . . .violations. . .[regarding] multiple plaintiffs in a single count violated Rules 8(a) and 10(b) and constituted a shotgun pleading).

"[E]ach plaintiff's claim being founded upon a separate transaction or occurrence, it is properly "stated in a separate count ... [because] a separation facilitates the clear presentation of the matters set forth." Fed.R.Civ.P. 10(b); James Wm Moore, et al., *Moore's Federal Practice*, § 10.03[2][a] (3d ed.1997). "Separate counts will be required if necessary to enable the defendant to frame a responsive pleading or to enable the court and the other parties to understand the claims." *Moore's*, § 10.03[2][a].

"Collective references" to Plaintiffs simply being somehow "injured" or the victim of property damage are insufficient -- without factual notice as to when and where each plaintiff was allegedly exposed (i.e. the time they resided at the location when the exposures occurred on the property), **how each plaintiff was injured** (i.e. what injuries or damages they suffered), and, thus, what relief they are now each seeking (i.e. are they claiming injury to the person, personal property or real property, and if real property, the basis for their ownership or right to claim such damages). As noted in *Oginsky v. Paragon Properties of Costa Rica LLC*, 784 F.Supp.2d 1353, 1361 -1362 (S.D.Fla. 2011):

The collective references throughout the complaint to "Paragon" and "the Paragon Entities," however, is problematic. Plaintiffs explain they used the collective reference for the sake of brevity—because the alleged misrepresentations in each Plaintiff's Agreement for Deed are identical, Plaintiffs sought to avoid repeating the *1362 same allegations again and again. The collective references are not objectionable in Section I of the complaint, which describes the overall scheme generally. . . .

However, such a collective reference is only permissible if Defendants and the Court can ascertain which Defendants are alleged to have engaged in what wrongdoing. . . .If Plaintiffs wish Section II to serve as the factual basis for the counts pled in Section III, Section II must be pled with the specificity required by Rule 8 and *Twombly*. Although this complaint is not as egregious as the "shotgun pleadings" discussed above, the collective references in Section II render many of Plaintiffs' claims insufficient under Rule 8, and where applicable, Rule 9(b).

The Third Circuit, in *Phillips v. County of Allegheny*, 515 F.3d 22 (3d Cir. 2008) stated the following in discussing what the U.S. Supreme Court had decided:

The [U.S. Supreme] Court explained that Rule 8 **“requires a ‘showing,’ rather than a blanket assertion, of entitlement to relief.”** Later, the Court referred to “the threshold requirement of Rule 8(a)(2) that the ‘plain statement’ possess enough heft to ‘sho[w] that the pleader is entitled to relief.’ The Court further explained that **a complaint’s “[f]actual allegations must be enough to raise a right to relief above the speculative level.”** *Id.* at 331-332 (citations omitted).

The prohibition against “blanket assertions” and the requirement that factual allegations rise above the “speculative level” are particularly *apropos* in this case. In further explaining this new requirement, the *Phillips* decision continued:

Put another way, in light of *Twombly*, Rule 8(a)(2) requires a “showing” rather than a blanket assertion of an entitlement to relief. We caution that without some factual allegation in the complaint, a claimant cannot satisfy the requirement that he or she **provide not only “fair notice,” but also the “grounds” on which the claim rests.** *Id.* at 232. (Citations omitted, emphasis added.)

The *Iqbal* decision, rendered a year later reaffirmed the need for this minimal specificity. It held that Rule 8 “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 129 S. Ct. at 1949 (quoting *Twombly*, 550 U.S. at 555). “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.” *Id.* (again quoting *Twombly*, 550 U.S. at 557).

With this standard in mind, SCRG does not seek dismissal of the amended complaint—all SCRG asks for is a minimal statement of these grounds for each plaintiff.

III. Argument

To avoid specifics, plaintiffs have argued this case is a mass tort case because all the Plaintiffs were injured in substantially the same way and at substantially the same

time because of toxic dusts blown from SCRG's site on St. Croix. Totally ignoring the Twombly/Iqbal requirements, the Plaintiffs argue that it is enough to plead that Plaintiffs were all somewhere on St. Croix at some time from 2002 to 2011 -- and that (as set forth *repeatedly* in the complaint) unidentified releases "blown" from the SCRG site caused them some, undefined injury because these Plaintiffs were probably exposed to those since they lived somewhere between mid-island and the western part of St. Croix.

Following the endless parroting of allegations of some "non-specific" **exposure**, the Plaintiffs summarily plead 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.

This allegation is not only insufficient to inform a defendant of the damages an individual plaintiff is seeking -- it creates patently impossible scenarios. As simple examples, renters did not suffer damage to real property, minors have not suffered a loss of income and certainly not all of these people have present medical conditions or expenses, much less a reasonable fear for developing cancer related to some unidentified exposure three completely different substances. **Is there even one medical determination of even one actual injury?** Thus, Plaintiffs' theory seems to be that if one groups a lot of complaints together and calls them a "Mass Tort" there is no longer a requirement that any information be given about the plaintiffs or an allegation of *how they were personally injured, when or how.*

Thus, **this case is actually just a well-disguised *prospective* medical monitoring claim.** A federal trial court recently dismissed a similar medical monitoring claim by an employee of a pipe cleaning company pursuant to *Twombly -- in Royal v. Exxon Mobil Corp.*, 2012 WL 380305 (No. 2:12-cv-00081, E.D. La., February 12, 2012):

Plaintiff seeks general damages for increased risk of cancer, general damages for fear of cancer, and special damages for medical monitoring for the early detection of cancer. He does not claim he presently has cancer.

* * * *

Plaintiff fails to allege or urge that he has a "manifest physical injury or mental injury or disease." The fact that he may have been exposed. . . is not, in and of itself, sufficient. *Id.* at 3-4.

As is the case here, the Plaintiff failed to allege or urge that he had any "manifest physical injury or mental injury or disease." Absent more specificity, non-specific, "catch-all" damage claim for more than 500 people is not properly pled.

By way of another example, no one other than counsel for the Plaintiffs has ever even *suggested* asbestos "blew" off the buildings during removal, much less off the site -- or that any of the named plaintiffs have suffered an asbestos-related disease. Where are the alleged facts pleaded to support these claims? In short, these allegations of damages are nothing more than the "unadorned, the-defendant-unlawfully-harmed-me accusation" that *Twombly* and *Iqbal* cautioned against -- a blanket assertion based on ***counsel's*** speculation without any factual basis in the complaint whatsoever.

These same types of vague allegations have plagued this Court now for over 13 years in related proceedings against Alcoa arising from just one event (hurricane Georges in 1998) when what was described as "red dust" was blown from the site. This was bauxite ore from a storage shed (as opposed to bauxite residue from the red mud hills.) It was blown from that bauxite storage shed when it was damaged by Hurricane

Georges. See *Josephat Henry et al. v. St. Croix Alumina*, STX Civ. No. 1:1999-cv-0036. As noted by the *Henry* complaint (and the various amended complaints that followed) seeking class certification, the same allegations of multiple exposures to multiple people (which class definition would have included all of the plaintiffs in this case) emanating from this site were alleged in that case as well.

The subsequent opinions issued in that case demonstrate how many of the issues plaguing that case could have avoided had the Twombly/Iqbal pleading standards existed then. For example, in decertifying the class, Judge Bartle specifically noted the following regarding the claims of similar injuries from the alleged exposure to red bauxite ore dust after Hurricane Georges, stating in *Henry v St. Croix Alumina*, 2008 WL 2329223,*5 (D.V.I. June 3, 2008):

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.

Hurricane Georges buffeted St. Croix for over twenty-four hours, during which time the wind's speed and direction changed several times, as did the rain's severity. It is certainly not a given that the hurricane affected the people and properties in the six neighborhoods of the proposed class in the same way over the course of the storm. Matters are further complicated by the fact that there are two separate substances, bauxite and red mud, with possibly differing degrees of toxicity, that are alleged to have caused personal injuries and property damage.

We acknowledge that common questions exist as to certain liability issues. For instance, whether the bauxite and red mud were stored properly and whether defendants are entitled to an "Act of God" defense are questions common to all putative class members. 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. [Emphasis added]..

Indeed, Judge Bartle then continued in that same opinion to explain why "mass tort

claims" are difficult to try together, stating in *Henry v St. Croix Alumina*, 2008 WL 2329223 (D.V.I. June 3, 2008):

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.

We emphasize that even among the seventeen named plaintiffs, evidence shows that the onset, duration, and severity of the alleged injuries varied enormously. Some developed rashes or experienced throat irritation only hours after the hurricane, while others reported different conditions that emerged weeks or months later. Moreover, the possibility of alternative explanations for plaintiffs' injuries is real and can be explored only in light of a given plaintiff's pre-existing medical conditions whose symptoms may have matched the injuries allegedly caused by defendants' conduct. To complicate the issue, evidence exists of an outbreak of conjunctivitis on St. Croix peaking shortly after the hurricane. 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 predominate under Rule 23(b)(3). (Citations omitted). *Id.* at *5 & *6.

Noting that individual plaintiffs have separate degrees of exposure and separate reactions to the alleged exposures, the Court decertified the class of plaintiffs in these six neighborhoods as far as their individual injury claims were concerned.⁷

Of course, *Henry* was not as difficult as this case, since it involved alleged exposures to the release of red dust from the site as a result of **one specific event** on one specific date — Hurricane Georges in 1998 — whose hurricane force winds blew bauxite ore towards the adjacent neighborhoods for hours. The Plaintiffs in this case

⁷ In fact, after the class was decertified, similar allegations were raised again in this Court by over 2,600 individual plaintiffs in a second suit entitled *Abednego v. Alcoa et al.* See **Exhibit C**. At least 309 of the plaintiffs in the *Abednego* case are also plaintiffs in this case as well. See **Exhibit C**.

cannot even identify one such specific event much less the multiple events they allege occurred as a result of the normal wind conditions on St. Croix. Instead, their allegation that "the wind blew various toxins from the site in over a ten year period" is a conclusory allegation without the required specific facts needed to support such a blanket assertion in a complaint. Thus, the concerns raised by the Court in *Henry* regarding the spectrum of injuries, the varying levels of exposure and the myriad of contributing factors are even greater concerns here in trying to establish exposure to each plaintiff, causation of their injuries and each plaintiff's individualized damages.⁸

Moreover, despite the narrowed focus in *Henry* on the personal injury claims of the 17 named plaintiffs after the class was decertified, the case did not get much easier as far as the proof of these alleged exposures and injuries was concerned. As discussed in a subsequent decision by Judge Bartle, *Henry v St. Croix Alumina*, 2008 WL 982631 (D.V.I. April 13, 2009), the Plaintiffs' experts could not prove (1) any broad exposure based on the alleged dispersion of the "red dust" over such a broad area, (2) the quantity of the substance or substances each person was allegedly exposed to ("a mix of red mud waste, fly ash and bauxite"), (3) the toxicity or chemical composition of the allegedly offending contaminants or (4) whether any alleged "actual" injuries were actually caused by these contaminants. One representative quote from the opinion

⁸ Indeed, aside from the contributing factors of pre-existing medical conditions of each plaintiff as well as other contributing factors such as other events (including documented releases of toxins from the adjacent Hovensa refinery), at least 309 of the Plaintiffs in this case have alleged similar damages in the *Abednego* case, claiming they were injured by red dust released by prior operators of the site, Alcoa and Glencore. The pre-existing injuries will have to be somehow distinguished from the damages now being sought from SCRG by 309 of these plaintiffs.

provides an example of why these experts could not render reliable opinions based on the number of people exposed over such a large area of St. Croix, as noted in *Henry v St. Croix Alumina*, 2009 WL 982631 (D.V.I. April 13, 2009) as follows:

Here, by contrast, a large, geographically disparate group of plaintiffs alleges that a hurricane swept metric tons of both toxic and non-toxic substances from over a mile away into their neighborhoods. Plaintiffs' experts concede that those substances combined with rainwater and were diluted to an unknown extent. They have not calculated the resulting pH and chemical composition of that complex mixture. In the absence of this information, we conclude that Dr. Brautbar's causation opinion lacks a reliable factual basis. (Citations omitted). *Id.* at *10.

A similar reading of the excerpts related to "dispersion," "quantity of amount released" and "toxicity of the contaminants released" demonstrates why efforts to obtain reliable testimony on such an alleged "mass tort" must fail.

As Judge Bartle subsequently concluded in a later opinion granting summary judgment in *Henry v St. Croix Alumina*, 2009 WL 2778011 (D.V.I. August 28, 2009):

With the rejection of the proffered opinions of plaintiffs' four experts as to the causation of plaintiffs' alleged personal injuries as insufficiently reliable under the standards of Rule 702 and Daubert, any other evidence in the record is simply insufficient as a matter of law to sustain the claims of any plaintiff for personal injuries. As a consequence, plaintiffs have failed to raise a genuine question of material fact as to whether their alleged personal injuries were caused by exposure to bauxite or red mud, or whether those injuries are attributable to some other cause. We will grant summary judgment in favor of defendants on Count I insofar as plaintiffs seek recovery for personal injuries. [Emphasis added.] *Id.* at *5.

However, had the more recent requirement for the proper pleading of facts (as opposed to blanket assertions) in the initial complaint been adhered to at the outset of the *Henry* case — that an identifiable injury in fact could be alleged to be suffered by a specifically named plaintiff due to a specific toxin during a specific exposure event — then years of

hard, fruitless and unnecessary work could have been avoided by this Court.⁹

One further comment about the *Henry* case is in order. As for the portion of the class action seeking injunctive relief to stop future releases from the site, which was not decertified in *Henry*, Judge Bartle subsequently dismissed this claim as well for lack of evidence. *See Henry v St. Croix Alumina*, 2009 WL 3181937 at *5 (D.V.I. September 25, 2009). **That fact is significant, because the class of plaintiffs in that case included the many of the same plaintiffs now seeking recovery for personal injuries and property damage allegedly caused by alleged releases over the past decade -- the same types of injuries that they could not prove existed in order to obtain injunctive relief in that case.**¹⁰

At an "irreducible constitutional minimum," *Article III* standing requires each plaintiff to allege three elements: (1) an injury in fact, (2) fairly traceable to the defendant's allegedly unlawful conduct, and (3) that is likely to be redressed by the requested relief. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992); *see also Allen v. Wright*, 468 U.S. 737, 751, 104 S.Ct. 3315, 82 L.Ed.2d 556 (1984). In the broadest sense, to adequately allege an "injury in fact,"

⁹ Of course, the requirements of "Twombly/Iqbal" were not in effect when the various complaints were filed in *Henry*, but clearly such requirements have been imposed in part because of such cases.

¹⁰ This claim for injunctive relief is also moot. As discussed above, this Court recently approved a plan to cover the bauxite residue storage area ("Area A") from which this red dust allegedly emanated, which was negotiated between the VI Environmental Trustee, the Virgin Islands Department of Natural Resources, Alcoa and SCRG -- which was published for comment from the public (which would include the Plaintiffs in this case) before being approved. *Commissioner v. Century, et al.*, 2012 WL 446086 (D.V.I. February 13, 2012)(expressly finding the plan to cover and close this area would protect the public and was in the public's interest).

the plaintiff must have sustained an injury "in a personal and individual way." *Lujan*, 504 U.S. at 560 n.1. Thus, "the plaintiff still must allege a distinct and palpable injury to himself, even if it is an injury shared by a large class of other possible litigants." *Warth v. Seldin*, 422 U.S. 490, 501, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975).

In short, the complaint in this case contains the very sort of "blanket assertions" of "speculative events and injuries" that the Third Circuit made clear in *Phillips* are no longer permissible. While the Plaintiffs apparently think they can make their complaint sufficient by endlessly repeating the same vague assertions over and over, such arguments do not change the fact that the allegations in the complaint do not move their claims "across the line from conceivable to plausible," as the allegations are conclusory and not entitled to be assumed true. *Iqbal, supra*, 129 S.Ct. at 1952.

IV. Conclusion

Recognizing that dismissal is not favored at this juncture, SCRG seeks only limited relief under Rule 12(e) to afford the Plaintiffs an opportunity to try to meet the required pleadings standard now in effect. It is respectfully submitted that requiring each plaintiff to provide a few minutes of information should be granted in this case. Thus, pursuant to Rule 12, SCRG respectfully requests that the plaintiffs be required to provide the following minimum allegations to give SCRG ample notice of their respective claims:

1. The date(s) when the plaintiff was allegedly exposed to something emanating from the site.
2. The location where the plaintiff was residing when this exposure occurred.
3. The substance to which the plaintiff was exposed.
4. The physical effect or injuries the plaintiff has allegedly suffered as a result of the specific exposure alleged and the nature of the alleged personal injury.

Defendant SCRG's Memorandum In Support of its
Motion for a More Definite Statement
Page 20

5. And, whether the plaintiff is making a claim for damage to real or personal property--and if so, the plaintiff's title or other interest in the property and the type of property damage.

The relief being sought is nothing more than what the rules require for basic, simple notice that will allow SCRG to file an answer and affirmative defenses (or some other appropriate Rule 12 motion) as well as possible third party actions as appropriate.

Dated: August 6, 2012

/s/Joel H. Holt, Esq.
Counsel for Defendant SCRG
Law Offices of Joel H. Holt
2132 Company Street, Suite 2
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 Cormana Age: 4

2. Mail Address: PA 2 Box 9423 Kings Hill VI 00850

Physical Address: 11 Harvey Project

3. Telephone numbers:
(home) Grandma 290-1706 (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 00850
Physical Address: #10 B EST Profile
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 Andrei Age: 13
2. Mail Address Box 3568 Kingshill 00851
Physical Address #30 Mt. Pleasant Flsted. St. Croix
3. Telephone numbers:
(home) 340-772-4329 (work) _____ (cell) 340-514-6209
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 Kings Hill VI 00851
Physical Address 166 F. Whim F. St. St. Cr. St. 00840
3. Telephone numbers:
(home) 340 719-6116 (work) _____ (cell) 340-271-3512
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 129
Christiansburg, St. Croix, U.S.V.I. 00821-0929

Today's Date: 3/2/11

1. Full Name: Julita Andrew

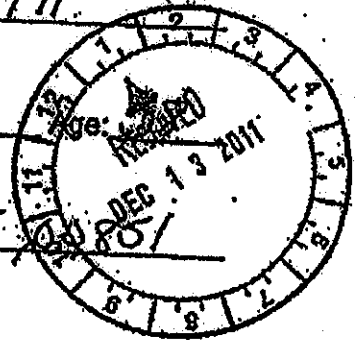
2. Mail Address P.O. Box 3361 Kinghill, V.I.

Physical Address 9 A Water Court

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 Rohm and Carpenter, LLC

Today's Date: 4-29-11

1. Full Name: Jerome Anthony Age: 35
2. Mail Address: 6475 sunnyvale ST. CA 95023
Physical Address: Plot 54 New works
3. Telephone numbers:
(home) 340277-8921 (work) 16 (cell) 11
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohri and Carpenter, LLC

Today's Date: March 10, 2011

1. Full Name: Priscilla Antoine Age: 81
2. Mail Address P.O. Box 4654, Kinghill, 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) ~~340-778-4914~~
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. Chassana Age: _____
2. Mail Address P.O. Box 1756 Hingshill 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 Rohr and Carpenter, LLC

Today's Date: 4-1-11

1. Full Name: Dilia Plaskett 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's
Elisabeth Harper
Jsted St Croix

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohri 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 # 106 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 Rohn and Carpenter, LLC

Today's Date: 3-17-2011

1. Full Name: ERSILIE MORRIS Age: _____
2. Mail Address PO BOX 3751 King Hill St Cory, OR
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 Charles MO 64301
Physical Address H9 White Bay. Frested
3. Telephone numbers:
(home) 340-772-0784 (work) _____ (cell) _____
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohm and Carpenter, LLC

Today's Date: 03-15-2011

1. Full Name: Giorgio P. Piller Age: 14
2. Mail Address RR1 Box 9203 Kings Hill U.S.V.I. 00830
Physical Address #91A Old Fredericksburg Village
3. Telephone numbers:
(home) 340-777-3262 (work) _____ (cell) _____
4. Date of Birth: _____ Social Security #: _____

CLIENT DATA SHEET

RED DUST CLIENTS

Law Offices of Rohn and Carpenter, LLC

Today's Date: 2/22/11

1. Full Name: Kimberly Fabrona 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. Plashett Age: 20
2. Mail Address 9203 K'hill
Physical Address Bldg 50 Apt B-1 Nuttall homes
3. Telephone numbers:
(home) _____ (work) _____ (cell) (346) 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 06951

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

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

Eleanor Abraham, <i>et al.</i> ,)	
)	CIVIL NO. 12-cv-11
Plaintiffs,)	
)	
v.)	
)	ACTION FOR DAMAGES
St. Croix Renaissance Group, LLLP,)	
)	JURY TRIAL DEMANDED
Defendant.)	
_____)	


DECLARATION OF JOEL H. HOLT

I, Joel H. Holt declare, pursuant to 28 U.S.C. Section 1746, as follows:

1. I am counsel for SCRG in the above captioned matter and have been counsel for SCRG in related litigation in this Court since 2006.
2. I represented SCRG in a case filed in this Court against SCRG and certain former owners of the SCRG site (Alcoa and Glencore), which was filed by approximately 2,600 plaintiffs alleging exposures to red dust and other contaminants similar to the allegations in this case. See STX Civ No. 10-cv-0009 ("*Abednego et al v St. Croix Alumina et al*"). That case has since been transferred to the Superior Court.
3. Based on a comparison done by my office staff of the complaint in this case with the last amended complaint in the Abednego, 309 of the plaintiffs in this case have also asserted claims in the Abednego case against the Alcoa and Glencore parties as per the attached list.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 6, 2012



 Joel H. Holt



309 Plaintiffs
in both
Eleanor Abraham et al. v. St. Croix Renaissance Group LLLP
and the Abednego Action

Abraham, Eleanor	Beras, Catherine
Abraham, Philip	Bonit, Andria
Abraham, Ratcliffe	Bonit, Timothy
Abreu, Elizabeth	Bright, Alexis
Acosta, Tomas J.	Bright, Lestroy
Acosta, Tomas, Jr	Brown, Iva T.
Aldonza, Abigail	Browne, Gweneth
Aldonza, Brianner	Bryan, George O. Jr.
Aldonza, Bryson	Burgos, Kayla
Aldonza, Davidson	Burke, Ian
Alexander, Christina	Caines, Imogen
Alexander, Olive	Candelario, Aura E.
Allen, Jr., Alloy Orville [a minor]	Carrasquillo, Amparo
Alphonse, Anastasia	Carrasquillo, Angel Mario
Alphonse, Brian	Carrasquillo, Julio A.
Andre, Austin B.	Cartier, Shermaine
Andre, Bevington [a minor]	Cepeda, Johanna
Andre, Felisha [a minor]	Cepeda, Regalado III
Anthony, Jerome	Cepeda, Regalado IV
Anthony, Violet	Cepeda, Regalado, Jr.
Arroyo, Hector M. Jr.	Chassana, Vitalienne A.
Arroyo, Hector M. Sr.	Christophe, Joseph
Arroyo, Maria C.	Cirlio, Ana
Arroyo, Marilyn	Cirlio, Sonia N.
Arroyo, Paula	Clarke, Tuwanda
Arroyo, Petra	Clercin Skitter
Augustine, Denis J.	Clovis, Celestin
Ayala, Carmela	Clovis, Regina J.
Ayala, Evangelista J. Jr.	Cobb, Theopilius
Ayala, Evangelista J. Sr.	Cobb, Veronica
Ayala, Jason Abram [a minor]	Codrington, Raymond
Ayala, Jesus M.	Colon, Luis R.
Ayala, Manuel	Correa, Maria P.
Ayala, Rosanda	Cruz, Christina
Barnard, Melvina A.	Cruz, Maria
Barnard, Sandra	Cruz, Orlando
Benjamin, Akima	Cuencas, Alfredo Jr.
Benjamin, Alie	Daniel, Adrea Y.
Benjamin, Ashsba	Davis, Enrique
Benjamin, Yvette	Davis, Mercedes

Davis, Samuel
delande, Kevin F.
Denis, Diane N.
Denis, Matthew
Diaz, Elizabeth
Diaz, Fiadalizo
Durand, Benjamin
Durand, Gweneth
Durand, Jamal R.
Durand, Rudolph
Duvivier, Brandon C.
Edward, Leara
Edward, Patrick
Ettienne, Kareem [a minor]
Ettienne, Madona
Evelyn, Sylvia
Felix, Afane K.
Felix, Domingo
Felix, Hyacinth M.
Felix, Maria B:
Felix, Marius F.
Felix, Mathilda
Felix, Sasha Marie
Felix, Edymarie
Felix, Alvin
Ferdinand, Pearlina
Fulgencio, Jose Antonio
George, Lucia M.
Glasgow, George
Gomez, Angel Luis
Gonzague, Jovon
Greenaway, Charles
Greenaway, Veronica
Guadalupe, Margarita
Harris, Ashema
Harris, Joseph N.
Hendrickson, Kenisha C.
Henry, Lucille
Henry, Mary
Hepburn, Maria
Hodge, Edmond
Hospedales, Dennis [a minor]
James, Kareem
James, Sybil
Jean-Baptiste, George
Jean-Baptiste, Magdalena

Jean-Baptiste, Tia N. [a minor]
Jean-Baptiste, Tamera N. [a minor]
LaForce, Cassandra
LaForce, Joseph Jr.
Lebron, Fermin Jr.
Lebron, Mariluz
Leo, John B,
Leonce, Herbert
Llanos, Veronica
Llanos, Veronique
Lopez Carmen M.
Lopez, Jashira M
Lopez, Maishaleen
Lopez, Miguel A.
Lopez, Miguel A. Jr.
Lopez, Myrna
Lubin, Apreel
Lubin, Joel Patrick
Lubin, Jonah Newell
Lugo, Corali
Lugo, Krystal
Malaykhan, Sham
Maldonado, Ana
Maragh, Krystal
Mark, Cynthia
Martinez, Andrea
Martinez, Concepcion
Martinez, Humberto:
Martinez, Lynnette
Matthew, Alford
Matthew, Asiah
Matthew, Estine
Matthew, Euphelie
Matthew, Maria
Matthew, Michael L.
Matthew, Shirley
Maynard, Maria
Maynard, Nadeen V.
Melendez, Jose Reyes
Mirandá, Miguel
Mitchell, Claire- Mina
Mitchell, Janice
Mitchell, Queana [a minor]
Mitchell, Sharon
Moe, Melwyn
Morales, Maria Luz

Morris, Sennet E,
Navarro, Carmen
Navarro, Gilberto
Navarro, Gilmarie
Navarro, Jahvan J
Navarro, Maria
Navarro, Maria Mercedes
Navarro, Nelson
Nicholas, Joan
Nicholas, Latoya
Nyack, Marilyn
O'Reilly, Wilburn
Paige, Ara
Parilla, Christian Jr
Pamilla, Joel
Parrilla, Juan
Pamilla, Orlimagelys
Pamilla, Roberto Sr.
Parrilla, Sonia M.
Parrilla, Wilfredo
Pemberton, Candis M.
Pena, Marco Garcia
Perez, Carlos A.
Perez, Carlos Alberto
Perez, Carmen L.
Perez, Jorge A.
Perez, Jose M.
Perez, Nydia
Perez, Tuwanda
Perez, Victor M.
Perez, Xavier M.
Perez, Yomar
Phillip, Arthur
Phillip, Martial
Phillip, Marva
Phillip, Marvin
Phillip, Terry M.
Picart, Jose:
Pilier, Lizando [a minor]
Pilier, Lizangel [a minor]
Polidore, Cornelia
Polidore, Keriscia
President, Kimbel
President, Kimberly
Preville, Godfrey G.
Profil, Migdalia
Pryce, David
Pryce, Philbert Jr.
Quinones, Jose William
Quinones, Ruth A.
Quinones, Sila
Ramos, Brunilda
Ramos, Gabriel
Ramos, Jorge
Ramos, Josefina
Ramos, Marcela
Reyes, Evaristo
Reyes, Juan A.
Reyes, Juânico
Reyes, Maximo Guerrero
Richardson, Laurencea
Rios, Cecita
Rivera, Ana Celia
Rivera, Beatrice
Rivera, Belkis
Rivera, Ebony
Rivera, Justin [a minor]
Rivera, Miriam
Rivera, Sandro
Robles, Benjamin Jr.
Robles, Benjamin Sr.
Robles, Elise
Robles, Jose Luis
Rodriguez, Lillian R.
Rodriguez, Miguel A.
Rodriguez, Miguely
Rogers, Akeel
Rojas, Pablo
Roldan, Frenando L,
Roldan, Jeremy L.
Rosario, Angela Pagan
Ross, Neelia
Ruiz, Cristina [a minor]
Saldana, Carmen
Saldana, Eddie Adner
Saldana, Edwin
Saldana, Raquel
Sanchez, Angel Alberto
Sanchez, Edith
Sanchez, Jose Alberto
Sanes, Miguel Angel
Santiago, Artema

Santiago, Chyanne
Santiago, Lydia
Santiago, Maynalys
Santos, Angelica
Santos, Theresita
Shirley, Helen
Slater, Ramisha
Smith, Keisha P.
Smith, Natasha
Soto, Jennifer
Soto, Luis Emmanuel [a minor]
Soto, Maria [a minor]
St. Brice, Anthony
Stevens, Claudia
Taylor, Annette J.
Taylor, Beryl E.
Taylor, Debbie R.
Theophilus, Alita V.
Thomas, Marsha
Tomes, Jose Manuel, Jr.
Tomes, Linda
Valentine, Carmen
Valentine, Santiago O. Jr.

Vazquez, Jose E. Jr.
Vega, Efrain
Vega, Fransheska
Vega, Luz Delia
Velez, Carmen R. V
Velez, Corporina
Velez, Jose
Velez, Jose Ramon
Velez, Margarita
Velez, Miguel Angel
Velez, Norma
Velez, Yesenia
Ventura Carlos Jr.
Ventura Carmen L.
Ventura, Karla Jeanette
Ventura, Noelia Soto
Williams, Clayton
Wilson, Alfred
Wilson, Diana N.
Wilson, Brandon T.B.
Wiltshire, Christina
Wiltshire, Dunn
Wiltshire, Ethelbert