

# IN THE SUPREME COURT OF THE VIRGIN ISLANDS

## ORDER SETTING CALENDAR OF CASES FOR ORAL ARGUMENT

The Supreme Court will convene in its Seventh Session of its 2009 Term on Wednesday, October 21, 2009. Unless otherwise noted, the Honorable **RHYS S. HODGE**, Chief Justice, the Honorable **MARIA M. CABRET**, Associate Justice; and the Honorable **IVE ARLINGTON SWAN**, Associate Justice, will comprise the panel scheduled for October 21, 2009.

**AND NOW**, this 18<sup>th</sup> day of September 2009, it is hereby

**ORDERED THAT** the following cases are scheduled for oral argument before the Supreme Court of the Virgin Islands in its Seventh Session, 2009 Term:

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S. Ct. Crim. No. 2007-128

Super Ct. Crim. No. 159/2007

Action: Aggravated Assault and Battery/DV

**ALBERT MARCELLE, JR.,**

Appellant/Defendant,

v.

**PEOPLE OF THE VIRGIN ISLANDS,**

Appellee/Plaintiff.

Counsel for Appellant

Debra S. Watlington, Esq.

Counsel for Appellee

Matthew C. Phelan, Esq., AAG

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S. Ct. Civ. No. 2009-007  
Super Ct. Civ. No. 268/2007

Action for Damages

**TIMOTHY DEFOE**  
Appellant/Plaintiff,

v.

**LENROY PHILLIP**  
Appellee/Defendant.

Counsel for Appellant  
Joel H. Holt, Esq.

Counsel for Appellee  
Douglas L. Capdeville, Esq.

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S. Ct. Civ. No. 2009-030  
Super Ct. SM. No. 578/2008

Action for Debt

**CAPE AIR INTERNATIONAL,**  
Appellant/Defendant,

v.

**TOMMY AND DENISE LINDSEY,**  
Appellee/Plaintiff.

Counsel for Appellant  
Chad C. Messier, Esq.  
Justin K. Holcombe, Esq.

Counsel for Appellee  
Rachel E. Morrison, Esq.

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S. Ct. Civ. No. 2008-082  
Super Ct. Civ. No. 389/2004

Action for: Malpractice and Damages

**MARIE AUGUSTIN HARRIS,**<sup>1</sup>  
Appellant/Plaintiff,

v.

**RAFAEL GARCIA, M.D., MAXWELL MARTIN d/b/a D & D APOTHECARY HALL  
PHARMACY, ERNEST ROPER, JOHN DOE,**  
Appellees/Defendants.

Counsel for Appellant  
Gertrude LeCointe, Esq.

Counsel for Appellees  
Wilfredo A. Geigel, Esq.  
Eugenio W.A. Geigel-Simounet, Esq.

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<sup>1</sup> Associate Justice Maria M. Cabret is recused from consideration of this matter; the Honorable **THOMAS K. MOORE** has been designated to sit in consideration of this case.

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S. Ct. Civ. No. 2009-026  
Super Ct. Civ. No. 027/2009

Action for: Temporary Restraining Order, Preliminary Injunction,  
Injunction and Declaratory Relief

**VIRGIN ISLANDS CONSERVATION SOCIETY, INC.,<sup>2</sup>**  
Appellant/Plaintiff,

v.

**GOLDEN RESORTS, LLLP,**  
Appellee/Defendant.

Counsel for Appellant  
Andrew C. Simpson, Esq.

Counsels for Appellee  
William J. Glore, Esq.  
Adriane J. Dudley, Esq.

It is further

**ORDERED** that the Court will hear **ORAL ARGUMENTS** in the  
above-noted cases on October 21, 2009, in **Courtroom No. 2, third  
floor, Unites States District Court of the Virgin Islands, St. Croix,**  
as follows:

Oral arguments will commence at **10:00 a.m.** in the  
following cases:

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<sup>2</sup> Associate Justice Maria M. Cabret is recused from consideration of this matter; the Honorable **JULIO A. BRADY** has been designated to sit in consideration of this case

1. Albert Marcelle, Jr. v. People of the Virgin Islands,  
S. Ct. Crim. No. 2007-128
2. Timothy Defoe v. Lenroy Phillip, S. Ct. Civ. No. 2009-007
3. Cape Air International v. Tommy and Denise Lindsey,  
S. Ct. Civ. No. 2009-030
4. Marie Augustin Harris v. Rafael Garcia, M.D., Maxwell  
Martin, d/b/a D&D Apothecary Hall Pharmacy, Ernest Roper,  
John Doe, S. Ct. Civ. No. 2008-082
5. Virgin Islands Conservation Society, Inc., v. Golden  
Resorts, LLLP, S. Ct. Civ. No. 2009-026

**SO ORDERED** this 18<sup>th</sup> day of September, 2009.

**FOR THE COURT:**

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**RHYS S. HODGE**

Chief Justice

**ATTEST:**

**VERONICA J. HANDY, ESQ.**

Clerk of Court