

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

**ESTATE OF JOSEPH HENRY by LUCY
MICHEAU as EXECUTRIX; and MARTIN
EMMANUEL,**

Plaintiffs,

v.

**HESS OIL VIRGIN ISLANDS CORP.
(HOVIC); HOVENSA L.L.C.; AMERADA
HESS CORPORATION; LITWIN PAN-
AMERICAN CORP.; LITWIN CORP.;
FLUOR ENTERPRISES, INC.; RIGGERS and
ERECTORS INTERNATIONAL, INC.;
RARITAN SUPPLY CO., Individually and as
successor in interest to Bridge Supply Co.;
VIRGIN ISLANDS INDUCSTIRAL
MAINTENTANCE CORP.; 3M a/k/a/
MINNESOTA MINING &
MANUFACTURING CO.; A.W.
CHESTERTON CO.; CERTAINTIED
PRODUCTS CORP.; CRANE CO.; DURABLA
MANUFACTURING CO.; FOSTER
WHEELER CORP.; GARLOCK SEALING
TECHNOLOGIES, L.L.C., f/k/a GARLOCK,
INC.; GENERAL ELECTRIC CORP.;
INGERSOLL-RAND CO.; JOHN CRANE
CO.; UNION CARBIDE CORP.; UNION
PUMP CO.; WESTINGHOUSE ELECTRIC
CORP.; YARWAY CORP.; and JOHN DOE,**

Defendants.

CIVIL NO. 609/2004

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

MEMORANDUM OPINION

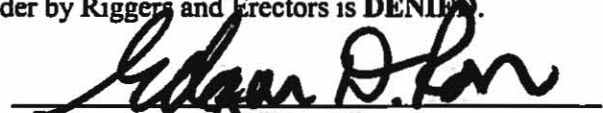
THIS MATTER is before the Court on Motion to Reconsider by Defendant Riggers and Erectors International, Inc. ("Riggers & Erectors"), whereby Riggers & Erectors moves the Court to reconsider its Order of January 24, 2005 denying the Motion to Sever Plaintiffs' Claims.

A motion to reconsider shall be based on the following circumstances: (1) an intervening change in controlling law, (2) availability of new evidence or (3) the need to correct clear error or prevent manifest injustice. *See* LRCi 7.4. In support of its Motion to Reconsider, Riggers & Erectors advises the Court of "additional information," namely, that Plaintiffs have filed four (4) asbestos cases and three (3) silica cases involving a total of 19 Defendants, excluding spouses. *See* Motion to Reconsider at p. 2.

Foremost, Riggers & Erectors fails to offer any evidence corroborating its allegation that Plaintiffs have filed numerous other related cases. Nonetheless, even taking such proffered information as true, the Court hardly finds that the aforementioned "additional information" constitutes new evidence evincing Plaintiffs' failure to meet the standard for joinder under Fed. R. Civ. P. 20. Indeed, the Court will uphold its consolidation of this matter as captioned above on the grounds that Plaintiffs are represented by the same counsel in this asbestos litigation, and at all times relevant herein Plaintiffs shared a common worksite, similar time of exposure, and as a result of asbestos exposure at Hess Oil Refinery Plaintiffs suffered from related diseases. Accordingly, it is hereby

ORDERED that the Motion to Reconsider by Riggers and Erectors is **DENIED**.

Dated: March 7th, 2005


Edgar D. Ross
Superior Court Judge

ATTEST:

Denise D. Abramsen
Clerk of the Court

By: 
Deputy Clerk 3/8/05