

FOR PUBLICATION

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

**ROBERT S. MATHES,¹ COMMISSIONER OF)
THE VIRGIN ISLANDS DEPARTMENT OF)
PLANNING AND NATURAL RESOURCES, IN)
HIS CAPACITY AS TRUSTEE FOR THE)
NATURAL RESOURCES OF THE TERRITORY)
OF THE UNITED STATES VIRGIN)
ISLANDS, and IN HIS CAPACITY AS)
ASSIGNEE OF THE CLAIMS OF L'HENRI,)
INC.,)**

Civil No. 2006-229

Plaintiff,)

v.)

**VULCAN MATERIALS COMPANY and THE)
DOW CHEMICAL COMPANY,)**

Defendants.)

ATTORNEYS:

John K. Dema, Esq.
St. Croix, U.S.V.I.
For the plaintiff,

Gordon C. Rhea, Esq.
Mt. Pleasant, SC
For the plaintiff,

¹ The Complaint originally named Dean C. Plaskett ("Plaskett"), former Commissioner of the United States Virgin Islands Department of Planning and Natural Resources, as the plaintiff in this matter. Since that time, Robert S. Mathes ("Mathes") succeeded Plaskett as the Commissioner of the United States Virgin Islands Department of Planning and Natural Resources. As such, Mathes is automatically substituted for Plaskett as the plaintiff in this matter. See Fed. R. Civ. P. 25(d) ("An action does not abate when a public officer who is a party in an official capacity . . . ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party.").

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Douglas C. Beach, Esq.
Carol Ann Rich, Esq.
St. Thomas, U.S.V.I.
For defendant Vulcan Materials Company,

Richard H. Hunter, Esq.
St. Croix, U.S.V.I.
For defendant The Dow Chemical Company.

ORDER

GÓMEZ, C.J.

Before the Court is a pleading filed by the plaintiff in this matter, Robert S. Mathes ("Mathes," or the "Commissioner"), Commissioner of the United States Virgin Islands Department of Planning and Natural Resources ("DPNR"). That pleading, styled as a "Suggestion to Dismiss," invites the Court to dismiss this matter without prejudice for lack of subject-matter jurisdiction. For the reasons stated in the accompanying Memorandum Opinion of even date, it is hereby

ORDERED that the "Suggestion to Dismiss" is **GRANTED**; it is further

ORDERED that the above-captioned matter is **DISMISSED**; and it is further

ORDERED that the Clerk of the Court shall **CLOSE** this matter.

S_____
Curtis V. Gómez
Chief Judge