

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

**JOHN CANEGATA, IN HIS CAPACITY AS
STATE CHAIRMAN OF THE REPUBLICAN
PARTY OF THE UNITED STATES VIRGIN
ISLANDS; AND ROBERT MAX SCHANFARBER,
IN HIS CAPACITY AS SECRETARY OF THE
REPUBLICAN PARTY OF THE UNITED STATES
VIRGIN ISLANDS, BOTH ACTING ON BEHALF
OF THE REPUBLICAN PARTY OF THE UNITED
STATES VIRGIN ISLANDS,**

PLAINTIFFS,

v.

**HERBERT SCHOENBAUM;¹ HOLLAND
REDFIELD; JAMES OLIVER; FRED VIALET,
JR.; LEIGH F. GOLDMAN; AND WARREN B.
COLE,**

DEFENDANTS.

SX-16-CV-324

**ACTION FOR INJUNCTIVE RELIEF
TEMPORARY RESTRAINING
ORDER
PRELIMINARY INJUNCTION
PERMANENT INJUNCTION**

MEMORANDUM OPINION

THIS MATTER is before the Court on: (1) Plaintiffs' renewed omnibus motion for (i) order for Defendants to show cause why they should not be held in contempt of court for violating temporary restraining order dated May 27, 2016, and (ii) declaration that votes and acts taken by defendants at May 28, 2016 meeting are null and void *ab initio* as to the Republican Party of the U.S. Virgin Islands, filed on June 7, 2016 (hereinafter, "Renewed Omnibus Motion"); and (2) Plaintiffs' motion for emergency hearing on (i) issuance of a preliminary injunction, and (ii) renewed motion for order to show cause,² or in the alternative, continuing the temporary restraining order pending hearing on the

¹ As previously noted, the Court believes this was a typographical error and instead, it should read "Herbert Schoenbohm."

² Although Plaintiffs only referenced the renewed motion for order to show cause in the caption, Plaintiffs referred to the entire Renewed Omnibus Motion in their motion. *See*, Emergency Hearing Motion, p. 1-2. In *Chavayez v. Buhler*, 2009 V.I. Supreme LEXIS 26, 31 (V.I. 2009), the Supreme Court of the Virgin Islands stated that "it is the function of the motion, not the caption, [that] dictates which Rule applies[.]" By analogy, the Court will look at the function of the motion and not the caption, and treat Plaintiffs' motion as a request for an emergency hearing on (i) issuance of a preliminary injunction, and (ii) Plaintiffs' Renewed Omnibus Motion in its entirety.

issuance of preliminary injunction and motion for show cause order, filed on June 7, 2016 (hereinafter, "Emergency Hearing Motion"). Defendant Herbert Schoenbohm, pro se, filed an opposition to Plaintiffs' Renewed Omnibus Motion on June 8, 2016 (hereinafter, "Schoenbohm's Opposition"). Defendant Warren B. Cole³ also filed an opposition to Plaintiffs' Renewed Omnibus Motion and Plaintiffs' Emergency Hearing Motion on June 8, 2016 (hereinafter, "Cole's Opposition"). No other oppositions were filed.

BACKGROUND

On May 18, 2016, Plaintiffs filed a complaint against Defendants and a motion for a temporary restraining order requesting the Court to issue a temporary restraining order to enjoin Defendants from using: (1) any symbol, emblem and insignia of the Republican National Committee, namely the Elephant; and (2) the "Republican Party of the U.S. Virgin Islands" name. Subsequently, in response to Plaintiffs' complaint, Defendant Warren B. Cole filed a motion to dismiss and Defendant Fred Violet, Jr. filed an answer. No other responses were filed.

On May 27, 2016, the Court entered a memorandum opinion and an accompany order granting Plaintiffs' motion for a temporary restraining order. A hearing on the issuance of a preliminary injunction was schedule to take place on June 3, 2016 at 1:00 p.m.

³ Attorney Charles E. Lockwood filed an opposition for "Defendants." However, it is unclear which Defendant(s) were represented by Attorney Charles E. Lockwood when he filed the opposition. On June 8, 2016, Attorney Thomas A. Alkon filed a stipulation for substitution of counsel, indicating that Attorney Charles E. Lockwood of Nichols Newman Logan Grey & Lockwood, P.C. will substitute Attorney Thomas A. Alkon of Thomas Alkon, P.C. as counsel for Defendant Warren B. Cole. Despite the fact that Attorney Charles E. Lockwood only substituted Attorney Thomas A. Alkon as counsel for Defendant Warren B. Cole, Attorney Charles E. Lockwood filed an opposition for "Defendants" and identified Nichols Newman Logan Grey & Lockwood, P.C. as "Attorneys for Defendants." This implies that Attorney Charles E. Lockwood was acting on behalf of all six Defendants, or at the very least, more than just on behalf of Defendant Warren B. Cole.

In the opposition, Attorney Charles E. Lockwood used the word "Defendants" generally and never identified the specific defendants he filed the opposition on behalf of. To date, the Court does not have any record of Attorney Charles E. Lockwood appearing in this matter as counsel for Defendant Herbert Schoenbohm, Defendant Holland Redfield, Defendant James Oliver, Defendant Fred Violet, Jr., and Defendant Leigh G. Goldman. Attorney Charles E. Lockwood failed to cite to any authority to support him filing the opposition on behalf of defendants he does not represent. Accordingly, until Attorney Charles E. Lockwood provides further clarification, at this time, the Court will treat this opposition as solely Defendant Warren B. Cole's opposition.

On May 31, 2016, Plaintiffs filed an omnibus motion for (i) order for Defendants to show cause why they should not be held in contempt of court for violating the temporary restraining order dated May 27, 2016, and (ii) declaration that votes and acts taken by defendants at May 28, 2016 meeting are null and void *ab initio* as to the Republican Party of the U.S. Virgin Islands (hereinafter, “Omnibus Motion”). Plaintiffs alleged that Defendants violated the temporary restraining order when they publicized themselves as the “Republican Party of the Virgin Islands of the United States” at their May 28, 2016 meeting. As proof, Plaintiffs pointed to a May 28, 2016 article in the St. Croix Source⁴ (hereinafter, “St. Croix Source Article”) which noted that the “convention called itself the ‘Republican Party of the Virgin Islands of the United States.’”⁵ According to Plaintiffs, Defendants’ action warranted the Court to grant Plaintiffs’ Omnibus Motion.

At the June 3, 2016 preliminary injunction hearing (hereinafter, “Preliminary Injunction Hearing”), Attorney Mark Eckard appeared on behalf of Plaintiffs, Attorney Thomas A. Alkon appeared on behalf of Defendant Warren B. Cole,⁶ and Defendant Fred Violet, Jr. appeared pro se. Preliminary Injunction Hr’g Tr., p. 3, June 3, 2016. There were no other appearances on the record for the remaining defendants.⁷ Attorney Mark Eckard and Attorney Thomas A. Alkon represented to the Court, without any objection from pro se Defendant Fred Violet, Jr., that the parties have agreed to convert the temporary restraining order into a preliminary injunction and to continue the hearing

⁴ Don Buchanan, *Republican Group Votes to Oust Canegata*, St. Croix Source, May 28, 2016.

⁵ A copy of the St. Croix Source Article was also included in Plaintiffs’ Renewed Omnibus Motion, as Exhibit C.

⁶ On June 2, 2016, Attorney/Defendant Warren B. Cole filed a stipulation for substitution of counsel, indicating that Attorney Thomas A. Alkon of Thomas Alkon, P.C. will substitute Attorney/Defendant Warren B. Cole as counsel for Defendant Warren B. Cole.

⁷ Plaintiffs’ Renewed Omnibus Motion stated that Defendant Holland Redfield was present at the Preliminary Injunction Hearing. Renewed Omnibus Motion, p. 5. However, Defendant Holland Redfield did not make an appearance on the record.

to August 5, 2016 (after the Republican Party Convention, July 17, 2016-July 21, 2016).⁸ Hr'g Tr., p. 4-5. Attorney Mark Eckard explained on the record that,

The purpose of the agreement is that I think both parties recognize that to the extent there is an underlying dispute involving internal operating rules of the party, that the [Republican National Committee] would be the place for the Defendants to bring that dispute, which I assume – I think it's safe that they're going to. But I think that would be the place for the Defendants to bring that dispute. Hr'g Tr., p. 5.

The Court ordered the parties to prepare and submit a stipulated preliminary injunction order no later than June 8, 2016, memorializing the parties' agreement. Hr'g Tr., p. 8. Additionally, Plaintiffs also agreed to withdraw their Omnibus Motion at the Preliminary Injunction Hearing. Hr'g Tr., p. 7.

On June 7, 2016, Plaintiffs filed the Renewed Omnibus Motion and the Emergency Hearing Motion. To date, the parties have not filed a stipulated preliminary injunction order.

DISCUSSION

I. Renewed Omnibus Motion

In their Renewed Omnibus Motion, Plaintiffs requested the Court for: (1) order for Defendants to show cause why they should not be held in contempt of court for violating the temporary restraining order dated May 27, 2016, and (ii) declaration that votes and acts taken by defendants at May 28, 2016 meeting are null and void *ab initio* as to the Republican Party of the U.S. Virgin Islands.

⁸ This representation gave the Court the impression that Attorney Thomas A. Alkon had authority to enter into such an agreement with Plaintiffs on behalf of Defendant Herbert Schoenbohm, Defendant Holland Redfield, Defendant James Oliver and Defendant Leigh G. Goldman. However, upon review of the file and the Preliminary Injunction Hearing Transcript, it appears that Attorney Thomas A. Alkon only represents Defendant Warren B. Cole in this matter. The Court does not have any record of Attorney Thomas A. Alkon appearing in this matter as counsel for Defendant Herbert Schoenbohm, Defendant Holland Redfield, Defendant James Oliver, and Defendant Leigh G. Goldman, and there is no evidence in the record that Attorney Thomas A. Alkon had authority to enter into such an agreement with Plaintiffs on their behalf at the Preliminary Injunction Hearing. To date, Attorney Thomas A. Alkon's authority remains a question.

a. Motion for Order to Show Cause

Plaintiffs pointed out that, despite agreeing to convert the temporary restraining order into a preliminary injunction, Defendants violated the temporary restraining order shortly after the Preliminary Injunction Hearing. As proof, Plaintiffs pointed to a June 4, 2016 article in the Virgin Islands Daily News (hereinafter, "Virgin Islands Daily News Article") where Defendant Holland Redfield was identified as saying that "the group voluntarily stopped using party symbols and switched to using the name, 'Republican Party of the Virgin Islands of the United States,' instead of 'Republican Party of the U.S. Virgin Islands.'"⁹ Renewed Omnibus Motion, p. 6 (Exhibit D). Plaintiffs also pointed out that Defendants violated the temporary restraining order even before the Preliminary Injunction Hearing. As proof, Plaintiffs pointed to the St. Croix Source Article which noted that "the convention called itself the 'Republican Party of the Virgin Islands of the United States.'"¹⁰ Renewed Omnibus Motion, p. 4 (Exhibit C). Furthermore, Plaintiffs interpreted Defendants' refusal to sign the proposed preliminary injunction order prepared by Plaintiffs as confirmation of Defendants' intent to continue to use the "Republican Party of the Virgin Islands of the United States" name.¹⁰ Renewed Omnibus Motion, p. 7. Plaintiffs argued that Defendants, by

⁹ Suzanne Carlson, *GOP factions agree to 'stand down' until convention*, The Virgin Islands Daily News, June 4, 2016, provided in relevant part:

Redfield, who is a national committeeman and automatic delegate to the Republican National Convention, said the group voluntarily stopped using party symbols and switched to using the name, "Republican Party of the Virgin Islands of the United States," instead of "Republican Party of the U.S. Virgin Islands," to avoid prolonging that particular dispute. Renewed Omnibus Motion, p. 6 (Exhibit D).

¹⁰ Plaintiffs' proposed preliminary injunction order provided in relevant part:

4. Pursuant to Fed.R.Civ.P. 65(d)(1)(B) and (C), Defendants are enjoined from using the name "Republican Party of the U.S. Virgin Islands" and/or any other name that includes both (i) the word "Republican" or "GOP" and (ii) any derivation or abbreviation of the term "United States Virgin Islands."

It is important to point out that Plaintiffs' proposed preliminary injunction order failed to accurately reflect what was agreed upon by the parties at the Preliminary Injunction Hearing. At the Preliminary Injunction Hearing, Attorney Mark Eckard and Attorney Thomas A. Alkon represented to the Court, without any objection from pro se Defendant Fred Violet, Jr., that "[t]he parties have agreed to have the Court answer [sic] an order converting the temporary restraining order into a preliminary injunction order." Hr'g Tr., p. 4. No additional terms, as encompassed in paragraph 4 of Plaintiffs' proposed preliminary injunction order, was ever agreed upon, and certainly not signed off by the Court.

In fact, the additional terms included in in paragraph 4 of Plaintiffs' proposed preliminary injunction order contradicts the Court's May 27, 2016 memorandum opinion, which specifically stated that "the injunction need not extend to the point

publicizing themselves as the “Republican Party of the Virgin Islands of the United States,” they violated the temporary restraining order because it is in “clear contravention of the Court’s reasoning underlying the [temporary restraining order]”—namely, to avoid confusion. *Id.* Thus, Plaintiffs concluded, “Defendants must be ordered to show cause why they should not be held in contempt for their patent disregard of the [temporary restraining order].” *Id.*, at p. 9.

Defendant Herbert Schoenbohm, in his opposition, argued that Plaintiffs’ Renewed Omnibus Motion is “totally devoid of any other averment of any direction actions by [him] that would warrant granting Plaintiffs’ motion for an order to show cause.” Schoenbohm’s Opp., p. 2. More specifically, Defendant Herbert Schoenbohm pointed out that he was only mentioned twice in the Renewed Omnibus Motion—once on line 4, indicating that he was served on May 18, 2016, with a copy of the filings in this matter, and again on line 16, indicating the he was not present at the June 3, 2016 preliminary injunction hearing. *Id.* Thus, Defendant Herbert Schoenbohm concluded, Plaintiffs offered no proof that he—Defendant Herbert Schoenbohm—acted in violation of the temporary restraining order, and requested the Court to dismiss Plaintiffs’ Renewed Omnibus Motion as to him and all other Defendants. *Id.*, at p. 3-4.

Defendant Warren B. Cole pointed out in his opposition that Defendant Holland Redfield’s comment in the Virgin Islands Daily News Article was made in response “to the press release issued by John Canegata stating that the Defendants had conceded their position and that the Canegata-

of excluding entirely the use of the descriptive word ‘Republican’, so long as Defendants make it clear that the named group is in opposition to those currently in control of the Republican Party of the U.S. Virgin Islands.” Counsel for Plaintiffs are cautioned to be more diligent in representing the parties’ agreement accurately.

It troubles the Court that the parties were clearly in dispute over the terms of the temporary restraining order, or needed further clarification, but when they were given the opportunity to be heard at the Preliminary Injunction Hearing, they chose not to resolve the dispute or request further clarification. Instead, the parties present chose to hastily enter into an agreement to convert the temporary restraining order into a preliminary injunction and to continue the hearing to August 5, 2016. And as a result, Plaintiffs agreed to withdraw their Omnibus Motion. Then less than a week after the Preliminary Injunction Hearing, Plaintiffs filed a Renewed Omnibus Motion, which essentially makes the same arguments as the Omnibus Motion they previously withdrew, and requested an emergency hearing on the issuance of a preliminary injunction and the Renewed Omnibus Motion. This is a waste of the Court’s already limited time and resource.

backed slate had prevailed.” Cole’s Opp., p. 3. Furthermore, Defendant Warren B. Cole advised the Court that the merits of the parties’ positions will be brought for resolution before the Republican National Committee at the Republican National Convention, that “further litigation, especially based on Media interviews, is unnecessary and counterproductive,” and that “Defendants¹¹ are more than willing to follow the agreement reached in Court on June 3, 2016.” Id. Thus, Defendant Warren B. Cole requested the Court to deny Plaintiffs’ Renewed Omnibus Motion.

Here, Plaintiffs seem to imply that based on two articles—the St. Croix Source Article and the Virgin Islands Daily News Article—and Defendants’ refusal to sign the proposed preliminary injunction order they prepared,¹² Defendants are continuing to publicize themselves as the “Republican Party of the Virgin Islands of the United States” in violation of the temporary restraining order. Defendant Herbert Schoenbohm and Defendant Warren B. Cole’s oppositions were silent with regard to this issue, neither admitting nor denying the ongoing use of the “Republican Party of the Virgin Islands of the United States” name. Defendant Warren B. Cole, in his opposition, only pointed out that the “Republican Party of the Virgin Islands of the United States” name was used in response “to the press release issued by John Canegata stating that the Defendants had conceded their position and that the Canegata-backed slate had prevailed,” which seemed to imply that it was a one-time use.

Regardless of whether it is an ongoing use or it was a one-time use, the Court clearly stated in its May 27, 2016 memorandum opinion that “the injunction need not extend to the point of excluding entirely the use of the descriptive word ‘Republican’, so long as Defendants make it clear that the

¹¹ Again, until Attorney Charles E. Lockwood provides further clarification, at this time, the Court will treat this willingness to follow the agreement reached at the Preliminary Injunction as solely Defendant Warren B. Cole’s willingness.

¹² As noted above, Plaintiffs’ proposed preliminary injunction order failed to accurately reflect what was agreed upon at the Preliminary Injunction Hearing. Thus, Defendants’ refusal to sign Plaintiffs’ proposed preliminary injunction order is of no importance.

named group is in opposition to those currently in control of the Republican Party of the U.S. Virgin Islands.” *Canegata v. Schoenbaum*, 2016 V.I. LEXIS 63, 26 (Super. Ct. 2016). The Court had emphasized that it is “not commenting on Defendants’ right to espouse their cause or vigorous opposition to the present party leadership” and that “Defendants may continue to advocate for their cause, but they may not use the party name and any symbol, emblem, or insignia of the Republican National Committee, which belongs to the party” and explained that the purpose is to avoid potential confusion. *Id.*, at 25-26.

Defendants, by publicizing themselves as the “Republican Party of the Virgin Islands of the United States,” without any clarification that they are in opposition to those currently in control of the Republican Party of the U.S. Virgin Islands, will invariably still create the same confusion among citizens that the Court was trying to avoid. It is undeniable that there is patent danger for confusion where there are two similarly-named groups—the “Republican Party of the U.S. Virgin Islands” and the “Republican Party of the Virgin Islands of the United States”—both vying for the attention of the Republican voters in the U.S. Virgin Islands. Accordingly, the Court finds Defendants’ use of “Republican Party of the Virgin Islands of the United States” name, without clarification, to be in violation of the terms of the temporary restraining order.¹³

However, based on the limited record before the Court, it is difficult for the Court to ascertain whether Defendants¹⁴ acted jointly or independently in using the “Republican Party of the Virgin Islands of the United States” name without any clarification. For example, according to the Virgin

¹³ Here, the Court is only addressing the narrow issue of whether Defendants violated the terms of the temporary restraining order when they used “Republican Party of the Virgin Islands of the United States” name without further clarification. Thus, the Court’s conclusion—that such use was a violation of the terms of the temporary restraining order—is not in any form a determination or acknowledgement of the merits of either party.

¹⁴ According to the Original Complaint, Defendant Herbert Schoenbohm, in his alleged capacity as the First Vice-Chairman, issued the call for the territorial convention to be held on May 28, 2016, and Defendant Holland Redfield, Defendant James Oliver, Defendant Fred Violet, Jr., Defendant Leigh Goldman, and Defendant Warren B. Cole are members of the territorial convention subcommittee for the May 28, 2016 territorial convention. Thus, for the limited purpose of addressing this motion, the Court finds that Defendants are responsible for naming and publicizing their group as the “Republican Party of the Virgin Islands of the United States.”

Islands Daily News Article, “the group voluntarily stopped using party symbols and switched to using the name, ‘Republican Party of the Virgin Islands of the United States’ instead of ‘Republican Party of the U.S. Virgin Islands’”—it is unclear whether Defendants jointly made this decision to switch to using the “Republican Party of the Virgin Islands of the United States” name or whether it was the decision of one or two Defendants. Nonetheless, regardless of whether Defendants acted jointly or independently, the Court will use this opportunity to clarify Defendants’ seeming confusion with regard to the terms of the temporary restraining order and will not hold Defendants in contempt at this juncture. Accordingly, the Court will deny Plaintiffs’ Renewed Omnibus Motion as to their motion for order to show cause.

b. Motion for Declaration that All Acts and Votes Taken at Defendants’ May 28, 2016 Meeting are Null and Void *Ab Initio* as to the Republican Party of the U.S. Virgin Islands

Plaintiffs argued that all acts and votes taken at the May 28, 2016 meeting are null and void *ab initio* as to the Republican Party of the U.S. Virgin Islands because “whatever happened at the Defendants’ May 28 Meeting was not a function of the Republican Party of the U.S. Virgin Islands.” Renewed Omnibus Motion, p. 10. Thus, Plaintiffs concluded that, “[g]iven that Defendants have now caused the same confusion that the Court sought to prevent by issuing the [temporary restraining order], an order is required to clarify for the public that the actions and votes taken at the Defendants’ May 28 Meeting were not acts and votes of the Republican Party of the U.S. Virgin Islands.” *Id.*, at p. 11.

As noted above, Defendant Warren B. Cole pointed out in his opposition that the merits of the parties’ positions will be brought for resolution before the Republican National Committee at the Republican National Convention, that “further litigation, especially based on Media interviews, is

unnecessary and counterproductive,” and that “Defendants¹⁵ are more than willing to follow the agreement reached in Court on June 3, 2016.” *Id.* Thus, Defendant Warren B. Cole requested the Court to deny Plaintiffs’ Renewed Omnibus Motion. Defendant Herbert Schoenbohm was silent in his opposition with regard to this motion.

Here, Plaintiffs and Defendants are members of the same political party—the Republican Party of the U.S. Virgin Islands. Defendants, the dissident group, and Plaintiffs are currently engaged in rivalry for control of the Republican Party of the U.S. Virgin Islands. On May 28, 2016, the dissident group held a territorial convention whereby acts and votes were taken. Plaintiffs now request the Court to declare that all acts and votes taken at that territorial convention are null and void *ab initio* as to the Republican Party of the U.S. Virgin Islands. Plaintiffs argued that their request is warranted because Defendants used the “Republican Party of the Virgin Islands of the United States” name in violation of the temporary restraining order.

While the Supreme Court made it clear that the political question doctrine does not apply to the Superior Court,¹⁶ the Court may not always be the correct forum to determine intra-party disputes. In this instance, the Court believes that the Republican National Committee is the more appropriate forum to determine Plaintiffs’ request in this matter. In fact, the Court believes that the Republican National Committee should have the final say in clarifying to the public which group ultimately represents the Republican Party of the U.S. Virgin Islands and which meetings, actions, and/or votes are valid operations of the Republican Party of the U.S. Virgin Islands. The parties present at the Preliminary Injunction Hearing seem to agree as well. As Attorney Mark Eckard represented to the Court at the Preliminary Injunction Hearing, “I think both parties recognize that to the extent there is an underlying dispute involving internal operating rules of the party, that the

¹⁵ *Supra*, fn. 11.

¹⁶ *Bryan v. Fawkes*, 61 V.I. 201, n.6 (V.I. 2014).

[Republican National Committee] would be the place for the Defendants to bring that dispute, which I assume – I think it’s safe that they’re going to. But I think that would be the place for the Defendants to bring that dispute.” Hr’g Tr., p. 5. Defendant Warren B. Cole also indicated in his opposition that the parties will bring their dispute before the Republican National Committee. Cole’s Opp., p. 3. Accordingly, the Court will deny Plaintiffs’ Renewed Omnibus Motion as to their motion for declaration that all acts and votes taken at the May 28, 2016 meeting are null and void *ab initio* as to the Republican Party of the U.S. Virgin Islands.

II. Emergency Hearing Motion

In their Emergency Hearing Motion, Plaintiffs requested the Court to schedule an emergency hearing on: (1) the issuance of a preliminary injunction; and (2) Plaintiffs’ Renewed Omnibus Motion, or in the alternative, extend the expiration date of the temporary restraining order until after a hearing can be held for the aforementioned matters.

a. Motion for an Emergency Hearing on the Issuance of a Preliminary Injunction

Plaintiffs argued that “Defendants have refused to negotiate in good faith toward agreement on a proposed form of preliminary injunction” and requested an emergency hearing on the issuance of a preliminary injunction, or in the alternative, an extension of the terms of the temporary restraining order pending hearing on the issuance of a preliminary injunction and Plaintiffs’ Renewed Omnibus Motion. Emergency Hearing Motion, p. 2.

As noted above, Defendant Warren B. Cole advised the Court in his opposition that “Defendants¹⁷ are more than willing to follow the agreement reached in Court on June 3, 2016.” Cole’s Opp., p. 3. Thus, Defendant Warren B. Cole requested the Court to deny Plaintiffs’ Emergency Hearing Motion.

¹⁷ *Supra*, fn. 11.

At the Preliminary Injunction Hearing, Attorney Mark Eckard and Attorney Thomas A. Alkon represented to the Court, without any objection from pro se Defendant Fred Violet, Jr., that the parties agreed to convert the temporary restraining order into a preliminary injunction and to continue the hearing to August 5, 2016. However, as noted previously, the Court is concerned with Attorney Thomas A. Alkon's authority to enter into such an agreement with Plaintiffs on behalf of Defendant Herbert Schoenbohm, Defendant Holland Redfield, Defendant James Oliver and Defendant Leigh G. Goldman at the Preliminary Injunction Hearing. The stipulation for substitution of counsel filed on June 2, 2016 only indicated that Attorney Thomas A. Alkon will substitute Attorney/Defendant Warren B. Cole as counsel for Defendant Warren B. Cole. Additionally, Attorney Thomas A. Alkon represented to the Court at the Preliminary Injunction Hearing that he was appearing on behalf Defendant Warren B. Cole and did not mention any other Defendants. Accordingly, the Court will order Attorney Thomas A. Alkon to file a notice advising the Court: (1) whether he represented Defendant Herbert Schoenbohm, Defendant Holland Redfield, Defendant James Oliver, and/or Defendant Leigh G. Goldman at the Preliminary Injunction Hearing; and (2) if he did not represent them as their counsels, then whether he was authorized by them to enter into the agreement with Plaintiffs—namely, to convert the temporary restraining order into a preliminary injunction and to continue the hearing to August 5, 2016—on their behalf at the Preliminary Injunction Hearing.

Similarly, it is unclear which Defendant(s) are represented by Attorney Charles E. Lockwood. The stipulation for substitution of counsel filed on June 8, 2016 only indicated that Attorney Charles E. Lockwood of Nichols Newman Logan Grey & Lockwood, P.C. will substitute Attorney Thomas A. Alkon as counsel for Defendant Warren B. Cole. Yet, Attorney Charles E. Lockwood filed an opposition to Plaintiffs' motions for "Defendants" and identified Nichols Newman Logan Grey & Lockwood, P.C. as "Attorneys for Defendants," which implies that he was

acting on behalf of all six Defendants, or at the very least, more than just on behalf of Defendant Warren B. Cole. However, in light of the fact that Defendant Herbert Schoenbohm filed his own pro se opposition to Plaintiffs' Renewed Omnibus Motion, it is obvious that Attorney Charles E. Lockwood did not represent all six Defendants when he filed the opposition. Accordingly, the Court will also order Attorney Charles E. Lockwood to file a notice advising the Court: (1) which Defendant(s) he represented at the time he filed the opposition; and (2) which Defendant(s) he currently represents. Counsels for Defendant Warren B. Cole are cautioned to be more precise with their representation to the Court, especially when it involves identifying the specific party/parties they are appearing on behalf of.

Upon receipt of Attorney Thomas A. Alkon and Attorney Charles E. Lockwood's notices, the Court will determine whether another preliminary injunction hearing is necessary based on their representation. Accordingly, at this juncture, the Court will reserve ruling with regard to Plaintiffs' Emergency Hearing Motion as to the issuance of a preliminary injunction.

b. Motion for an Emergency Hearing on Plaintiffs' Renewed Omnibus Motion

Since the Court will deny Plaintiffs' Renewed Omnibus Motion in its entirety, Plaintiffs' Emergency Hearing Motion as to the Renewed Omnibus Motion will be rendered moot.

III. Extension of the Temporary Restraining Order

Federal Rule of Civil Procedure 65(b)(2) authorizes the Court to extend the temporary restraining order beyond the traditional 14 day period for "good cause."¹⁸ *See also, Crucians in Focus, Inc. v. VI 4D, LLLP*, 57 V.I. 529, 535 (V.I. 2012). At this time, the Court will extend the temporary restraining order for good cause shown—namely, the Court needs more information to

¹⁸ Federal Rules of Civil Procedure 65(b)(2) provides in relevant part:

The order expires at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

determine whether Attorney Thomas A. Alkon had authority to enter into an agreement with Plaintiffs on behalf of Defendant Herbert Schoenbohm, Defendant Holland Redfield, Defendant James Oliver and Defendant Leigh G. Goldman to convert the temporary restraining order into a preliminary injunction and continue the hearing at the Preliminary Injunction Hearing, and whether Attorney Charles E. Lockwood had authority to file the opposition on behalf of all six Defendants.

Additionally, the Court will also order Plaintiffs to post bond in the amount of \$3,000.00, pursuant to Federal Rule of Civil Procedure 65(c).¹⁹

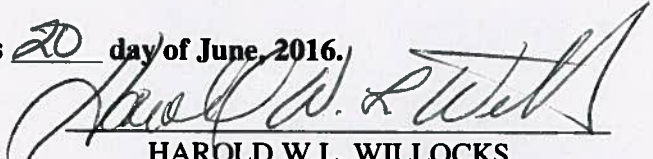
CONCLUSION

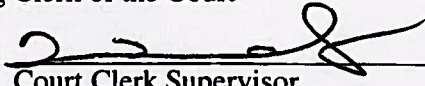
Based on the foregoing, Plaintiffs' Renewed Omnibus Motion is denied in its entirety and Plaintiffs' Emergency Hearing Motion as to the Renewed Omnibus Motion is denied as moot. The Court will reserve ruling on Plaintiffs' Emergency Hearing Motion as to the issuance of a preliminary injunction pending receipt of Attorney Thomas A. Alkon and Attorney Charles E. Lockwood's notices. An Order consistent with this Memorandum Opinion will follow.

DONE and so ORDERED this 20 day of June, 2016.

ATTEST:

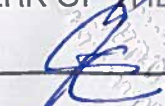
Estrella H. George
Acting Clerk of the Court


HAROLD W.L. WILLOCKS
Administrative Judge of the Superior Court

By: 
Court Clerk Supervisor

Dated: 6/20/16

CERTIFIED TO BE A TRUE COPY
This 20 day of June 20 16
ESTRELLA H. GEORGE
CLERK OF THE COURT

By:  Court Clerk II

¹⁹ In *Yusuf v. Hamed*, 59 V.I. 841, 861 (V.I. 2013), the Supreme Court of the Virgin Islands explained that "[t]he purpose of this security is to guarantee that the enjoined party will be compensated for the expenses of complying with an erroneously issued injunction, as well as placing the moving party on notice of the maximum amount of compensation it could be forced to pay." The Supreme Court of the Virgin Islands further noted that, "[b]ecause it is generally settled that, with rare exceptions, a defendant wrongfully enjoined has recourse only against the bond, courts should err on the high side in setting the amount of security." *Yusuf*, 59 V.I. at 861 (internal quotations omitted)(internal citations omitted). The Court may revisit the amount of security bond imposed at a later time, if necessary, or if the parties raise the issue by motion.