

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

|                  |   |                 |
|------------------|---|-----------------|
| JAHMAL LETTSOME, | ) |                 |
|                  | ) |                 |
| Plaintiff,       | ) | ST-11-SM-239    |
|                  | ) |                 |
| vs.              | ) | Action for Debt |
|                  | ) |                 |
| JEROME CAZAUBON, | ) |                 |
|                  | ) |                 |
| Defendant.       | ) |                 |
|                  | ) |                 |

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**MEMORANDUM AND ORDER**

**BEFORE THE COURT** is the Defendant's motion requesting that trial be held in Cruz Bay, St. John. In support of his motion, the Defendant argues that the event resulting in this litigation, an automobile accident, occurred in St. John and that the witnesses live in St. John and would be inconvenienced if the trial was to be held in St. Thomas.

The Superior Court of the Virgin Islands is divided into the Division of St. Thomas and St. John and the Division of St. Croix.<sup>1</sup> While the islands of St. Thomas and St. John compose a single judicial division, the Superior Court maintains facilities in both islands. Virgin Islands law only speaks as to which division a matter should be initiated in<sup>2</sup> and provides no guidance as to what particular courthouse a matter should be heard in. While holding trial in either island would be proper under 4 V.I.C § 78(a), the Court will first consider the criteria that are relevant when contemplating transfers between divisions, namely "the convenience of parties and witnesses" and "the interest of justice."<sup>3</sup> Additionally, while this is not a motion to dismiss on grounds of *forum non conveniens*, the Court believes a similar analysis may help resolve the issue. While that analysis considers both "private interests" and "public interests", the Court finds only the following private interests to be relevant here:

- (1) the relative ease of access to sources of proof;
- (2) the availability of compulsory process for attendance of unwilling witnesses;
- (3) the cost of

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<sup>1</sup> See VI CODE ANN. tit 4 § 1 (1997).

<sup>2</sup> § 78(a).

<sup>3</sup> § 78(b).

obtaining attendance of unwilling witnesses; (4) the possibility of viewing the premises, if viewing would be appropriate to the action; and (5) all other practical problems that make trial of a case easy, expeditious and inexpensive.<sup>4</sup>

In the context of *forum non conviens*, "[a] plaintiff's choice of forum must not be disturbed unless the balance of the private and public factors strongly favors the defendant."<sup>5</sup>

Briefly stated, the Court finds that the factors do not favor the defendant strongly enough to warrant rescheduling the matter to a date in St. John. While St. John may be more convenient for the Defendant and his witnesses, the Plaintiff likely filed in St. Thomas for his convenience. The Court also believes any inconvenience to the Defendant's witnesses would be minimal. Furthermore, process is available in either location. Accordingly, it is hereby

**ORDERED** that Defendant's Motion to Request that Hearing be Conducted on the Island of St. John, Virgin Islands is **DENIED**; and it is further

**ORDERED** that this matter is **RESCHEDULED** for Tuesday, June 28, 2011 at 9:00 a.m. in Courtroom 3 of the Superior Court, Magistrate Division, Barbel Plaza South, St. Thomas, U.S. Virgin Islands; and it is further

**ORDERED** that copies of this Memorandum and Order be served upon the parties herein.

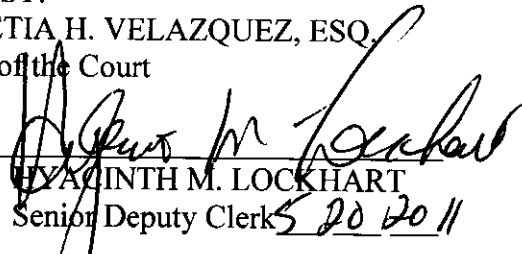
DATED: May 19, 2011



**ALAN D. SMITH**  
Magistrate of the Superior Court  
of the Virgin Islands

ATTEST:

VENETIA H. VELAZQUEZ, ESQ.  
Clerk of the Court

By: 

HYACINTH M. LOCKHART

Senior Deputy Clerk 5 20 20 11

<sup>4</sup> *Sevison v. Cruise Ship Tours, Inc.* 239 V.I. 231, 238 (1997) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 508-09 (1947)).

<sup>5</sup> *Id.*