

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

|                                                     |                   |
|-----------------------------------------------------|-------------------|
| THE KIMBERLY STONECIPHER-FISHER REVOCABLE )         |                   |
| LIVING TRUST; KIMBERLY STONECIPHER-FISHER, )        |                   |
| TRUSTEE; and AMERICAN RESORT DEVELOPMENT )          |                   |
| ASSOCIATION - RESORT OWNERS' COALITION, )           |                   |
| )                                                   | Civil No. 2017-32 |
| Plaintiffs, )                                       |                   |
| )                                                   |                   |
| v. )                                                |                   |
| )                                                   |                   |
| GOVERNMENT OF THE VIRGIN ISLANDS, )                 |                   |
| )                                                   |                   |
| Defendant. )                                        |                   |
| )                                                   |                   |
| <hr/>                                               |                   |
| GREAT BAY CONDOMINIUM OWNERS ASSOCIATION, )         |                   |
| INC.; TIMOTHY O'BRIEN; and KEITH CHEATHAM, )        |                   |
| )                                                   | Civil No. 2017-33 |
| Plaintiffs, )                                       |                   |
| )                                                   |                   |
| v. )                                                |                   |
| )                                                   |                   |
| GOVERNMENT OF THE VIRGIN ISLANDS; and )             |                   |
| JOEL A. LEE <sup>1</sup> , ACTING DIRECTOR OF THE ) |                   |
| BUREAU OF INTERNAL REVENUE, in his )                |                   |
| official capacity, )                                |                   |
| )                                                   |                   |
| Defendants. )                                       |                   |
| )                                                   |                   |
| <hr/>                                               |                   |

**ATTORNEYS:**

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**Chad Messier, Esq.**

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St. Thomas, VI

*For The Kimberly Stonecipher-Fisher Revocable Living Trust;  
Kimberly Stonecipher-Fisher, Trustee; and American Resort  
Development Association - Resort Owners' Coalition,*

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), the caption of this matter was changed to reflect the substitution of the current Director Nominee of the Bureau of Internal Revenue as a party.

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*For Great Bay Condominium Owners Association, Inc.; Timothy O'Brien; and Keith Cheatham,*

**Claude E. Walker, Attorney General**

**Carol Thomas-Jacobs, AAG**

**Ariel Marie Smith-Francois, AAG**

**Kimberly L. Salisbury-Cole, AAG**

Virgin Islands Department of Justice

St. Thomas, V.I.

*For the Government of the Virgin Islands and Joel Lee,  
Acting Director of the Bureau of Internal Revenue, in his  
official capacity.*

**ORDER**

**GÓMEZ, J.**

The trial in this matter was originally scheduled to commence on June 3, 2019. On March 8, 2019, the Kimberly Stonecipher-Fisher Revocable Living Trust (the "Trust"), Kimberly Stonecipher Fisher as trustee ("Stonecipher-Fisher"), and American Resort Development Association - Resort Owners' Coalition ("American Resort") moved for summary judgment. That same day, Great Bay Condominium Owners Association, Inc. ("Great Bay"), Timothy O'Brien ("O'Brien"), and Keith Cheatham ("Cheatham") also moved for summary judgment. On March 13, 2019, the Government of the Virgin Islands ("GVI") and Joel Lee in his

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official capacity as Acting Director of the Bureau of Internal Revenue ("Director Nominee Lee") moved for summary judgment.

On April 26, 2019, the parties in this matter--the Trust; Stonecipher-Fisher; American Resort; Great Bay; O'Brien; Cheatham; GVI; and Director Nominee Lee--filed a joint motion to continue the trial date. In that motion, the parties agreed that there are no disputes as to the record in this case. In light of this agreement and the extensively briefed competing motions for summary judgment, the parties requested that the Court continue the trial date.

On May 7, 2019, the Court held a status conference in this matter. Given the parties' agreement as to the record, the Court observed that this matter may be amenable to resolution on the papers. To that end, the Court proposed that the matter should be tried on a stipulated record. Given that option, the parties agreed to forego their motions for summary judgment and instead have this matter tried on a stipulated record.

The premises considered, it is hereby

**ORDERED** that the trial setting previously scheduled for June 3, 2019, is hereby **VACATED**; it is further

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**ORDERED** that the final pretrial conference previously scheduled for May 15, 2019, is hereby **VACATED**; it is further

**ORDERED** that this matter shall be tried on the papers; it is further

**ORDERED** that, no later than 3:00 P.M. on May 21, 2019, the parties shall submit a joint stipulated record that shall include all evidence which the parties stipulate is necessary for the Court to consider before making its decision; and it is further

**ORDERED** that the motions for summary judgment are **MOOT**.

s\ \_\_\_\_\_  
Curtis V. Gómez  
District Judge