

SDMS Document



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IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS - ST. JOHN

IN RE:

TUTU WATER WELLS CONTAMINATION
LITIGATIONMASTER DOCKET FILE
NO. 1989-107

RHODA J. HARTHMAN, CHARLOTTE A.
LABARRE, ALBERT E. HARTHMAN,
ARTHUR E. HARTHMAN, AUSTIN E.
HARTHMAN, EDGAR A. HARTHMAN,
SAMMY E. HARTHMAN and P.I.D., INC.,
WATER SERVICES, LIMITED and
TUTU SERVICES, LIMITED,

Plaintiffs,

vs.

TEXACO, INC., TEXACO CARIBBEAN, INC.,
VERNON MORGAN, ESSO STANDARD OIL,
S.A., LTD., DANIEL BAYARD, EXXON
CORPORATION, ESSO VIRGIN ISLANDS,
INC., ESSO STANDARD OIL COMPANY
(PUERTO RICO), THE DUPLAN CORPORA-
TION, LAGA INDUSTRIES, LTD., PANEX
INDUSTRIES, LTD., PANEX CO., PAUL
LAZARE and ANDREAS GAL,

Defendants.

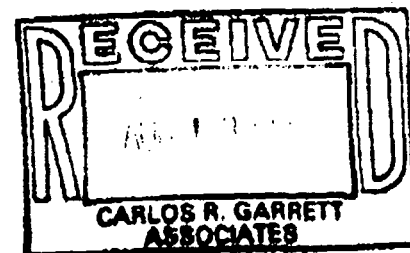
ESSO STANDARD OIL, S.A.,

Defendant and
Third-Party Plaintiff,

vs.

LAGA INDUSTRIES, LTD., DUPLAN
CORPORATION, PANEX COMPANY,
PAUL LAZARE and ANDREAS GAL,
L'HENRI, INC., RAMSAY MOTORS, INC.,

Third-Party Defendants.



CASE NO. 1989-220

TUT 007 1168

In Re: Tutu Water Wells Contamination Litigation
Four Winds Request for Inspection of Esso Tutu Service Station

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FOUR WINDS PLAZA PARTNERSHIP,

Plaintiff,

vs.

**TEXACO, INC., TEXACO CARIBBEAN, INC.,
VERNON MORGAN, ESSO STANDARD OIL,
S.A., LTD., DANIEL BAYARD, EXXON
CORPORATION, ESSO VIRGIN ISLANDS,
INC., THE DUPLAN CORPORATION, LAGA
INDUSTRIES, LTD., PANEX INDUSTRIES,
INC., PANEX CO., PAUL LAZARE and
ANDREAS GAL,**

Defendants.

CASE NO. 1989-224

ESSO STANDARD OIL, S.A.,Defendant and
Third-Party Plaintiff,

vs.

**LAGA INDUSTRIES, LTD., DUPLAN
CORPORATION, PANEX COMPANY,
PAUL LAZARE and ANDREAS GAL,
L'HENRI, INC., RAMSAY MOTORS, INC.,**

Third-Party Defendants.

REQUEST OF FOUR WINDS PLAZA FOR INSPECTION

You are requested pursuant to Rule 34 of the Federal Rules of Civil Procedure to permit representatives of Plaintiff's counsel to enter on the premises of Defendant Esso Virgin Islands, Inc. for inspection of the following area of real property: Esso Tutu Service Station, located on Parcel Nos. 384 and 391 of Estate Anna's Retreat (Tutu), No. 1 New Quarter, St. Thomas, U.S. Virgin Islands.

TUT 007 1169

(b) (1) The nature of the data expected to be obtained from the investigation of the piping described in (a)(1) is data sufficient to record the location of the piping, as would have been indicated on a schematic drawing of the piping.

(2) The nature of the data expected to be obtained in (a)(2) is photographs, soil analysis, and an analysis of the physical characteristics of the anomaly described in (a)(2).

(c) The name and addresses of individuals and/or companies proposed to conduct the investigation are the following:

Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix 00820

Law Offices of Briggs, Knoepfel & Ronca
P.O. Box 6282
St. Thomas, USVI 00804

Employees of Garrett, Vazquez & Associates
Suite 306, Edificio Darlington
Rio Piedras, PR 00925

Employees of Foundation Engineering Co. of P.R.
714 Hoare Street
Miramar, PR

Employees of Caribbean Hydro-Tech, Inc.
P.O. Box 2070, Kingshill
St. Croix, USVI 00851-2070

Photography and Videography will be conducted by employees of
Bruce Stanford & Associates
P.O. Box 11837
St. Thomas, USVI 00801

Excavating equipment will be operated by employees of
S & N Ventures
P.O. Box 180, Kingshill
St. Croix, USVI 00851

Personnel to perform survey work, paving and other associated tasks will be identified when the date of the inspection is finalized and prior to the actual inspection.

TUT 007 1171

(d) (1) The nature and the format of the raw data to be collected will be in the form of physical measurements, recordation of visual findings, photographs, videotapes, drawings by U.S. Virgin Islands licensed survey personnel, field notes and electronic audio dictation equipment.

(2) The nature and format of the raw data to be collected will be photographs, soil analysis, and laboratory analysis of the anomaly if it is determined that the anomaly has a physical existence.

(e) September 9, 10 or 11, 1992.

(f) The investigation is expected to take approximately ten (10) hours, commencing at 8:00 a.m., and it is not anticipated that it will cause disruption of the party's ordinary business at the property.

(g) Excavation for both inspections may include, without limitation, the use of hand tools, a jack hammer and/or a backhoe. The presence of contaminants during the investigation will be monitored by the use of flame-ionization detector (FID) equipped with organic vapor analyzer (OVA).

(h) It is anticipated that the investigation will require an earth change permit from the Virgin Islands Department of Planning and Natural Resources and Plaintiff will obtain the required permit(s) and will be responsible for all costs associated with same. Pursuant to the stipulated order, a copy of the application for permit(s) will be provided to Defendant Esso Virgin Islands, Inc. and Defendant will provide the necessary authorizations within five (5) days of receipt of the permit application.

The undersigned counsel certifies that at the time of such inspection, all parties required by the stipulated order will execute the hold harmless and indemnity agreement. At such time as the inspection takes place, a certificate of insurance, together with an appropriate attorney's certification, will be delivered to Defendant Esso Virgin Islands, Inc.

Dated this 21st day of July, 1992, at Christiansted, St. Croix.

LAW OFFICE OF JOHN K. DEMA, P.C.
Attorneys for Plaintiff Four Winds Plaza

CAREY-ANNE MOODY, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of July, 1992, I have caused a true and exact copy of the foregoing Motion for Trenching at Esso 2 to be served as follows:

Via Facsimile Transmission without attachments (Hard Copy Mailed with attachments):

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TUT 007 1173

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