

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

C.A.F. BY AND THROUGH HIS PARENTS AND )  
NEXT OF FRIENDS A.F. AND R.F., )

Plaintiff, )

v. )

LAVERNE TERRY, COMMISSIONER OF THE )  
DEPARTMENT OF EDUCATION AND CARRIE )  
JOHNS, ACTING STATE DIRECTOR OF THE )  
OFFICE OF SPECIAL EDUCATION, )

Defendants. )

Civil No. 2006-102

---

**APPEARANCES**

**Archie Jennings, Esq.**

St. Thomas, U.S.V.I.

*For the plaintiff.*

**Aquannette Y. Chinnery-Montell, Esq.**

**Carol Thomas-Jacobs, Esq.**

**Tamika Archer, Esq.**

St. Thomas, U.S.V.I.

*For the defendants.*

**JUDGMENT**

This matter is before the Court for adjudication on stipulated facts in the record. The defendants LaVerne Terry, commissioner of the Department of Education, and Carrie Johns, Acting State Director of the Office of Special Education, ask the Court to dismiss this matter for failure to prosecute, failure to issue process, and failure to serve the government of the Virgin

Islands. In the alternative, the defendants seek summary judgment.

For the reasons stated in the memorandum opinion of even date, it is hereby

**ORDERED** that the defendants' motion to dismiss for failure to prosecute is **DENIED**; and it is further

**ORDERED** that the defendants' motion to dismiss for failure to issue process and to serve the government of the Virgin Islands is **DENIED**; and it is further

**ORDERED** that judgment shall be entered for the defendants; and it is further

**ORDERED** that the plaintiff's claims are **DISMISSED**.

S/\_\_\_\_\_  
CURTIS V. GÓMEZ  
Chief Judge