

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**GEORGE T. CYRIL, SR.,
EVERETTE S. JONAS,**

Plaintiffs,

v.

**JOSE PEREIRA, JR., JOSE CARRERO,
CARIBBEAN SCRAP METAL,
CARIBBEAN BARGE, A.R. SAVAGE & SON, LLC,
FIRSTBANK FLORIDA, ONESTEEL
RECYCLING, INC., and MARITECH
COMMERCIAL, INC.,**

Defendants.

Civil Action No. 2016-0017

Attorneys:

Ronald E. Russell, Esq.,
St. Croix, U.S.V.I.
For Plaintiffs

**Stefan B. Herpel, Esq.,
Charlotte K. Perrell, Esq.,**
St. Thomas, U.S.V.I.
For Defendants Jose Carrero and Caribbean Scrap, LLC

**Warren B. Cole, Esq.,
Elise Catera, Esq.,**
St. Croix, U.S.V.I.
For Defendant FirstBank Florida

Charles Edward Lockwood, Esq.,
St. Croix, U.S.V.I.
For Defendant OneSteel Recycling, Inc.

Matthew J. Duensing, Esq.,
St. Thomas, U.S.V.I.
For Defendant Maritech Commercial, Inc.

ORDER

UPON CONSIDERATION of the following four Reports and Recommendations issued by Magistrate Judge George W. Cannon, Jr.: (1) Report and Recommendation on Defendant Maritech Commercial, Inc.’s (“Maritech”) Motion to Dismiss Amended Complaint (“Maritech R&R”) (Dkt. No. 106); (2) Report and Recommendation on Defendant FirstBank Florida’s (“FirstBank”) Motion to Dismiss Second Amended Complaint (“FirstBank R&R”) (Dkt. No. 107); (3) Report and Recommendation on Defendant OneSteel Recycling’s (“OneSteel”) Motion to Dismiss Second Amended Complaint (“OneSteel R&R”) (Dkt. No. 108); and (4) Report and Recommendation on Defendants Jose Carrero (“Carrero”) and Caribbean Scrap, LLC’s (“Caribbean Scrap”) Motion for Summary Judgment (“Carrero R&R”) (Dkt. No. 109); Plaintiffs George T. Cyril, Sr. and Everette S. Jonas’ (“Plaintiffs”) “Objection to the Magistrate’s 2nd Report and Recommendation” (Dkt. No. 113); and based on the findings and for the reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith; it is hereby

ORDERED that the Maritech R&R (Dkt. No. 106) is **ADOPTED**; and it is further

ORDERED that the FirstBank R&R’s (Dkt. No. 107) findings are **ADOPTED IN PART AND REJECTED IN PART** as set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, and the FirstBank R&R’s recommendation is **ADOPTED**; and it is further

ORDERED that the OneSteel R&R’s (Dkt. No. 108) findings are **ADOPTED IN PART AND REJECTED IN PART** as set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, and the OneSteel R&R’s recommendation is **ADOPTED**; and it is further

ORDERED that the Carrero R&R’s (Dkt. No. 109) findings are **ADOPTED IN PART AND REJECTED IN PART** as set forth in the accompanying Memorandum Opinion filed

contemporaneously herewith, and the Carrero R&R's recommendation is **ADOPTED**; and it is further

ORDERED that Defendant Maritech's "Motion to Dismiss Amended Complaint" (Dkt. No. 59) is **GRANTED**; and it is further

ORDERED that Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE** as to Defendant Maritech for failure to state a claim; and it is further

ORDERED that Defendant FirstBank's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 66) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that Defendant FirstBank's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 66) for lack of personal jurisdiction is **DENIED**; and it is further

ORDERED that Defendant FirstBank's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 66) for failure to state a claim is **GRANTED**; and it is further

ORDERED that Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE** as to Defendant FirstBank for failure to state a claim; and it is further

ORDERED that Defendant OneSteel's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 67) is **GRANTED**; and it is further

ORDERED that Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE** as to Defendant OneSteel for lack of personal jurisdiction; and it is further

ORDERED that Defendants Carrero and Caribbean Scrap's "Motion for Summary Judgment" (Dkt. No. 69) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that Defendants Carrero and Caribbean Scrap's "Motion for Summary Judgment" (Dkt. No. 69) is **GRANTED** as to Count I ("Grand Larceny") of the Second Amended Complaint and is otherwise **DENIED**; and it is further

ORDERED that Count I (“Grand Larceny”) of the Second Amended Complaint against Defendant Carrero and Caribbean Scrap is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Date: July 14, 2022

/s/
WILMA A. LEWIS
District Judge