

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

OCEAN VIEW INVESTMENTS HOLDING,)
LLC,

Plaintiff,

vs.

Civil Action No. 1:10-cv-14

SOUTHGATE CROSSING, LLC; RICK)
WILLIS, CHARLENE WILLIS; PABLO)
CRUZ, JR., AND EVELYN D. JOHANSEN-)
CRUZ, CO-TRUSTEES OF THE TRUST)
AGREEMENT OF EVELYN D.)
JOHANSEN-CRUZ.

Defendants.

AMBROSE, District Judge

ORDER OF COURT

AND NOW, this 22nd day of July, 2011, after careful consideration, the Motion to Dismiss pending at ECF Docket No. [27] is hereby DENIED as MOOT. The Motion sought the dismissal of the First Amended Complaint based upon the failure to serve Defendants Pablo Cruz, Jr. and Evelyn Johansen-Cruz and for the failure to prosecute the same. It is clear from the ensuing development of this case that these Defendants have entered their appearance and

are fully participating in the litigation. See Stipulation for Late Filing of Answer, Cross-claims and Third Party Claims by Pablo Cruz, Jr. and Evelyn Johansen-Cruz, ECF Docket No. [53] – to which the movants’ counsel consented; and the Answer to Amended Complaint, Cross-Claim and Claim Against Third Party filed by Pablo Cruz, Jr. and Evelyn Johansen-Cruz, ECF Docket No. [60].

By the Court:

/s/ Donetta W. Ambrose

Donetta W. Ambrose

Senior U.S. District Judge