

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

CAONA JARVIS,

Plaintiff,

2005-CV-0077

v.

**PREMUDA, S.p.A., owner and owner
pro hac vice of the Vessel FOUR ETOILES,**

Defendant.

**TO: John K. Dema, Esq.
Chetema Lucas Francis, Esq.**

ORDER AMENDING ORDER ENTERED JANUARY 8, 2008

On even date, the Court entered Order Denying Defendant's Motion For Reconsideration of Court Order Dated July 18, 2007 (Docket No. 213). However, the Court erred in determining that the said motion (Docket No. 165) referred to the Court's Order Regarding Plaintiff's Motion for Sanctions Against Defendant Based on Defendant's Concealment of, and Failure to Produce, the Maintenance Logs of the Vessel Four Etoiles, Pursuant to Fed. R. Civ. P. 37(c)(1) and 37(b)(2)(B) (Docket No. 162), entered July 18, 2007. The said motion in fact asks the Court to reconsider its decision contained in the Court's Order Regarding Plaintiff's Motion for Sanctions Against Defendant Pursuant to Fed. R. Civ. P. 37(b)(2) (Docket No. 161), which also was entered July 18, 2007.

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Having now considered the correct order and the underlying motion and response and reply, the Court finds that reconsideration of the order at issue is warranted. Pursuant to Local Rule of Civil Procedure 7.4, parties may seek reconsideration of an order issued by a judge or magistrate judge of this Court based upon "1. intervening change in controlling law; 2. availability of new evidence, or; 3. the need to correct clear error or prevent manifest injustice." LRCi 7.4. Defendant states that "reconsideration is warranted to correct clear error and prevent manifest injustice" Motion at 1-2.

Defendant argues that it timely produced the hard copies of the documents identified by Plaintiff, and found by the Court, as having not been produced. The Court concedes that it did overlook Defendant's supplement to its opposition when it entered the order (Docket No. 161) at issue. Consequently, the Court finds it has committed clear error which it now will reverse.

Accordingly, it is now hereby **ORDERED**:

1. The Court's Order Denying Defendant's Motion For Reconsideration of Court Order Dated July 18, 2007 (Docket No. 213) is **AMENDED**.
2. Defendant's Motion For Reconsideration of Court Order Dated July 18, 2007 (Docket No. 165) is **GRANTED**.

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3. That part of the Court's Order Regarding Plaintiff's Motion for Sanctions Against Defendant Pursuant to Fed. R. Civ. P. 37(b)(2) (Docket No. 161) granting said motion, specifically, paragraph numbered 2 on pages 6-7, is **REVERSED.**
4. Insofar as no other order entered subsequent to said order (Docket No. 161) of July 18, 2007, precludes such testimony, Captain Geary may offer opinions at trial based on the documents responsive to Plaintiff's document request nos. 5, 9, 10, 11, 13, and 18.

ENTER:

Dated: January 8, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE