

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IDONA WALLACE

v.

KMART CORPORATION

1:02-cv-107

**ERROL STANLEY, NIGEL CHARLES,
MELVIN NEAL, JOSEPH SONNY,
WRANDA DAVIS**

v.

**ST. CROIX BASIC SERVICES, INC., BASIC
INDUSTRIES, INC., HOVENSA, L.L.C., and
AMERADA HESS CORPORATION**

1:03-cv-55

FORREST THOMAS

v.

**CENTENNIAL COMMUNICATIONS
CORP., CENTENNIAL CARIBBEAN
HOLDING CORP., and CENTENNIAL
USVI OPERATIONS CORP.**

1:03-cv-163

MARK VITALIS,

v.

**SUN CONSTRUCTORS, INC., RICHARD
“DOC” LANGNER, and EXCEL GROUP,
INC.**

1:05-cv-101

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PATRICE CANTON

1:05-cv-143

v.

KMART CORPORATION

GLENFORD RAGGUETTE

1:06-cv-173

v.

PREMIER WINES AND SPIRITS, LTD.

TERRANCE ALEXIS

1:07-cv-91

v.

**HOVENSA, L.L.C., and HESS f/k/a
Amerada Hess Corporation**

HELEN JAMES-STEELE

1:04-CV-123

v.

FORD MOTOR COMPANY

TO: See attached distribution list

**ORDER REGARDING EMERGENCY MOTION TO QUASH PLAINTIFF'S [sic]
NOTICE OF DEPOSITION AND MOTION TO SANCTION AND/OR HOLD
ATTORNEY ROHN IN CONTEMPT**

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THIS MATTER is before the Court upon the Emergency Motion to Quash Plaintiff's [sic] Notice of Deposition and Motion to Sanction and/or Hold Attorney Rohn in Contempt (Again) For Intentionally Di[s]regarding an Order of This Court (1:02-cv-107, Docket No. 339; 1:05-cv-101, Docket No. 677) filed by Defendants Sun Constructors, Inc., Richard "Doc" Langner, and Excel Group, Inc. Defendant Ford Motor Company moved to join said motion (1:02-cv-107, Docket No. 341; 1:07-cv-91, Docket No. 194); as did Defendants HOVENSA, L.L.C, and Amerada Hess Corporation (1:02-cv-107, Docket No. 344; 1:07-cv-91, Docket No. 197) and Defendant Kmart Corporation (1:02-cv-107, Docket No. 347). Plaintiffs filed an opposition to said motion, and Defendants Sun Constructors, Inc., Richard "Doc" Langner, and Excel Group, Inc., filed a reply thereto.

Despite Plaintiffs' protestations that the notice of deposition issued for Mary Walsh on September 10, 2010, is for "trial" purposes, their opposition clearly contemplates that Ms. Walsh's testimony be used relating to Plaintiffs' motions to recuse. *See, e.g.,* Plaintiffs' Opposition to Motion to Quash at 7 (where Plaintiffs state, "It was only recently discovered that . . . Ms. Walsh would likely be unavailable to attend the hearing on the Motions to Recuse"). The Court already has ruled that discovery by Plaintiffs relating to the motions to recuse is not necessary. Even if Ms. Walsh is unavailable at such time a hearing may be held, which, at this point, is purely speculative on Plaintiffs' part, Plaintiffs may rely upon

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the affidavit which was submitted in support of Plaintiffs' motions. *See* Plaintiffs' Opposition at 6 (where Plaintiffs state, "[T]he substantive content of Ms. Walsh's testimony has been known by the Defendants as Ms. Walsh submitted an Affidavit which was submitted in support of Plaintiffs' Motions to Recuse"). Thus, as the Court held in denying Plaintiffs' motion to conduct discovery, such deposition would merely be cumulative and/or duplicative of evidence that already has been submitted. Consequently, the Court will grant the request to quash the notice of deposition.

With regard to the motion to sanction Attorney Rohn, the Court will reserve ruling until such time as Plaintiffs' appeal of the undersigned's order denying the motion to conduct discovery is resolved.

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

1. Defendants Sun Constructors, Inc., Richard "Doc" Langner, and Excel Group, Inc.'s Emergency Motion to Quash Plaintiff's [sic] Notice of Deposition and Motion to Sanction and/or Hold Attorney Rohn in Contempt (Again) For Intentionally Di[s]regarding an Order of This Court (1:02-cv-107, Docket No. 339; 1:05-cv-101, Docket No. 677) is **GRANTED IN PART**.
2. The Notice of Videotaped Trial/Hearing Deposition of Mary Walsh (1:02-cv-107, Docket No. 338), dated September 3, 2010, is **QUASHED**.

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3. The Court reserves ruling upon the Motion to Sanction and/or Hold Attorney Rohn in Contempt (Again) For Intentionally Di[s]regarding an Order of This Court.
4. Defendant Ford Motor Company's motion for joinder (1:02-cv-107, Docket No. 341; 1:07-cv-91, Docket No. 194) is **GRANTED**.
5. Defendants HOVENSA, L.L.C, and Amerada Hess Corporation's motion for joinder (1:02-cv-107, Docket No. 344; 1:07-cv-91, Docket No. 197) is **GRANTED**.
6. Defendant Kmart Corporation's motion for joinder (1:02-cv-107, Docket No. 347) is **GRANTED**.

ENTER:

Dated: September 9, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE

ECF: Lee J. Rohn, Esq.
Eugenio W.A. Geigel-Simounet, Esq.
George H. Logan, Esq.
Linda J. Blair, Esq.
Simone R.D. Francis, Esq.
David J. Cattie, Esq.
Anna H. Paiewonsky, Esq.
Stephanie L. Adler, Esq.
Daryl C. Barnes, Esq.