

## DIVISION OF ST. THOMAS AND ST. JOHN

**)Case No. 07-CV-626**

<sup>1</sup> SBRMCOA filed its motion on April 4, 2013; and Beachside filed an opposition on April 22, 2013.

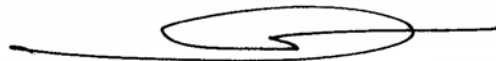
“Courts are called upon to decide actual cases and controversies, not to issue advisory opinions.”<sup>2</sup> In addition, in order to have standing, a party “must allege that he himself suffers some ‘injury in fact’ by reason of the action sought to be challenged.”<sup>3</sup>

SBRMCOA’s motion invites the Court to assume that SBRMCOA will submit a successful bid at the Marshal’s sale. However, the Court may not issue an advisory opinion based on a hypothetical set of facts. In addition, SBRMCOA has no standing to bring this motion on behalf of “some other third party bidder.” Accordingly, SBRMCOA’s motion will be denied. An Order consistent with this Opinion shall follow.

Dated: May 15, 2013

ATTEST: Venetia H. Velazquez, Esq.  
Clerk of Court

by: Donna D. Donovan  
Donna D. Donovan  
Court Clerk Supervisor 5 / 17 / 2013



HON. MICHAEL C. DUNSTON  
JUDGE OF THE SUPERIOR COURT  
OF THE VIRGIN ISLANDS

<sup>2</sup> *Julien v. Government of Virgin Islands*, 961 F. Supp. 852, 855 (D.V.I. 1997) (citing *Allen v. Wright*, 468 U.S. 737, 750 (1984)).

<sup>3</sup> *Id.*, citing *Dash v. Mitchell*, 356 F.Supp. 1292, 1295 (D.C. 1972).