

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

JUAN MENDEZ, MERCEDES CRUZ, MAXIMO GUERRERO, FELIPE FIGERUROA, HERIBERTO LABOY, MARCEL HIPPOLYTE, SANDRO RIVERA, LUCHO HERNANDEZ, GEORGIE ANTHONY ACOSTA, SHAWN SMITH, MARCELO LANDERS, ORLANDO PAGAN, MICHAEL BYNOE, ELROD BAPTISTE, BERTRIL WILLIAM, THOMAS DUPARL, JOSEPH NICHOLAS, ORSON ORLANDO FLEMMING, GREGORY LA FORCE, PIUS AURELIEN, CATHERINE SABIN, MIQUEL LIRIANO, JOSH GONDELEC, NATHANIEL HOBSON, MARK VITALIS, MARCO RIJO, SABINO CASTILLO, IRA CLAXTON, ALFRED JAMES, HUMBERTO ORTIZ, JOSEPH OSCAR, ERNESTO RODRIGUEZ, SENCION GUERRERO, ALFREDO DIAZ, CYRIL THOMAS, SOSTENES MONTILLA, ANGEL OSCAR VELASQUEZ LOPEZ, ANGEL OSCAR VELASQUEZ MARTINEZ, KEITH LOUIS SIMON, JR., JORGE RODRIGUEZ, ROBERT L. JONES CHARLEMAN, WALDEMAR OLMEDA, RODOLF R. KOCK, LUIS A. MEDINA, BIENVENIDO CARRASCO, RAQUEL CONCEPCION, JOSE GONZALEZ, and CARLOS GARCIA,

Plaintiffs,

v.

PUERTO RICAN INTERNATIONAL COMPANIES, INC. (PIC); FLUOR CORPORATION d/b/a FLUOR DANIEL CONSTRUCTION; PLANT PERFORMANCE SERVICES, LLC (P2S); and HOVENSA, LLC,

Defendants.

SHAWN SMITH and MICHAEL BYNOE,

v.

PUERTO RICAN INTERNATIONAL COMPANIES, INC. (PIC); FLUOR CORPORATION d/b/a FLUOR DANIEL CONSTRUCTION; PLANT PERFORMANCE SERVICES, LLC (P2S); and HOVENSA, LLC,

Defendants.

1:05-cv-174

1:05-cv-199

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TO: Lee J. Rohn, Esq.
Maxwell D. McIntosh, Esq.
Charles E. Engeman, Esq.
Linda J. Blair, Esq.

ORDER GRANTING PLAINTIFFS' MOTION FOR SANCTIONS

THIS MATTER came before the Court upon Plaintiffs' Motion For Sanctions For Failure to Obey Court's Order of June 29, 2009 (1:05-cv-174, Docket No. 153). The time for filing a response has expired.

The said order (Docket No. 152) directed Defendant Puerto Rican International Companies to provide to counsel for all parties its Rule 26 voluntary self-disclosures on or before July 10, 2009. Plaintiffs' said motion asserts that said Defendant failed to comply with the order. In addition, the record is void of any notice by said Defendant that such disclosures have been served upon any party.

Having thus reviewed the said motion and upon due consideration thereof, the Court finds that said Defendant is in violation of the Court's order. The said order also gave notice to said Defendant that noncompliance would result in sanctions. Consequently, the Court will grant Plaintiffs' motion.

Accordingly, it is hereby **ORDERED**:

1. Plaintiffs' Motion For Sanctions For Failure to Obey Court's Order of June 29, 2009 (1:05-cv-174, Docket No. 153) is **GRANTED**.

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2. Defendant Puerto Rican International Companies, Inc., shall provide to counsel for all parties its initial disclosures pursuant to Fed. R. Civ. P. 26(a) on or before **August 10, 2009**.
3. Defendant Puerto Rican International Companies, Inc., shall pay to counsel for Plaintiffs, on or before **August 10, 2009**, the sum of **\$500.00** as costs and attorney's fees for filing the motion for sanctions.
4. Failure to comply with this Order shall result in further sanctions, which may include precluding said Defendant from using any of the information or witnesses that should have been disclosed as support for any dispositive motions or at trial and/or striking said Defendant's affirmative defenses.

ENTER:

Dated: August 3, 2009

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