

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

GOLDEN RESORTS, LLLP, A VI
LIMITED LIABILITY LIMIT

Plaintiff)

vs)

ANDREW C SIMPSON
RICHARD J. RIDGWAY

Defendant

CASE NO. SX-08-CV-0000109

ACTION FOR: DECLARATORY
JUDGMENT

**NOTICE OF ENTRY OF
MEMORANDUM OPINION
AND ORDER**

TO: LEE J. ROHN, ESQ.
ANDREW C. SIMPSON, ESQ.
MATTHEW J. DUENSING, ESQ.
JUDGES OF THE SUPERIOR COURT
MAGISTRATES OF THE SUPERIOR COURT
ORDER BOOK
LAW CLERKS
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Please take notice that on April 27, 2011 a(n) MEMORANDUM OPINION
AND ORDER dated April 20, 2011 was entered by the Clerk in the above-entitled
matter.

Dated: April 27, 2011

Venetia H. Velazquez, Esq.
Clerk of the Court



MELISSA GUADALUPE
COURT CLERK II/INTERPRETER

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

GOLDEN RESORTS, LLP,	)	
	)	CASE NO. SX-08-CV-109
Plaintiff,	)	
	)	ACTION FOR DECLARATORY
v.	)	JUDGMENT; TRESPASS; SLANDER OF
	)	TITLE; TORTIOUS INTERFERENCE WITH
ANDREW SIMPSON and RICHARD J.	)	CONTRACT; PUNITIVE DAMAGES; and
RIDGWAY,	)	INJUNCTIVE RELIEF
	)	
Defendants.	)	JURY TRIAL DEMANDED
	)	

RICHARD J. RIDGWAY,	)	
	)	CASE NO. SX-08-CV-284
Plaintiff,	)	
	)	ACTION TO QUIET TITLE TO REAL
v.	)	PROPERTY
	)	
GOLDEN RESORTS LIMITED LIABILITY	)	
PARTNERSHIP; GOLDEN HOLDINGS	)	JURY TRIAL DEMANDED
LLC; GOLDEN GAMING, LLC; PAUL	)	
GOLDEN; JERICO ALL WEATHER	)	
OPPORTUNITY FUND, LP; and ALL	)	
PERSONS CLAIMING ANY LEGAL OR	)	
EQUITABLE RIGHT, TITLE, ESTATE,	)	
LIEN, OR INTEREST IN THE PROPERTY	)	(CONSOLIDATED)
DESCRIBED IN THE COMPLAINT	)	
ADVERSE TO PLAINTIFF'S TITLE, OR	)	
ANY CLOUD ON PLAINTIFF'S TITLE	)	
THERE TO and DOES 1 THROUGH 10,	)	
INCLUSIVE,	)	
	)	
Defendants.	)	

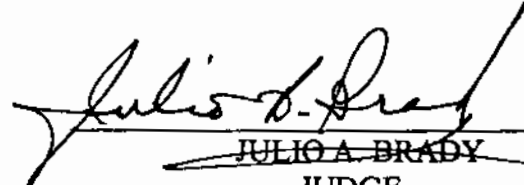
ORDER

THIS MATTER is before the Court on Defendants' Motion For Reconsideration of the Court's decision to grant Summary Judgment in favor of Golden Resorts, LLP, and Plaintiff's

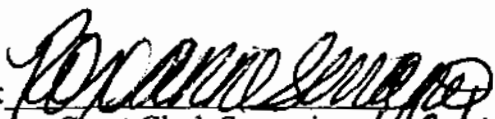
Opposition thereto. For the reasons more fully set forth in the accompanying Memorandum Opinion, it is hereby

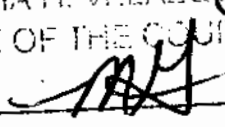
ORDERED that Defendant's Motion for Reconsideration is DENIED.

Dated: April 20, 2011.


JULIO A. BRADY
JUDGE

ATTEST:
VENETIA H. VELAZQUEZ, ESQ.
Clerk of the Court

By: 
Court Clerk Supervisor 4/20/11

CERTIFIED TO BE A TRUE COPY
This 2nd day of May, 2011
VENETIA H. VELAZQUEZ, ESQ.
CLERK OF THE COURT
By:  Court Clerk

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

GOLDEN RESORTS, LLP,	)	
Plaintiff,	)	CASE NO. SX-08-CV-109
v.	)	
ANDREW SIMPSON and RICHARD J.	)	ACTION FOR DECLARATORY
RIDGWAY,	)	JUDGMENT; TRESPASS; SLANDER OF
	)	TITLE; TORTIOUS INTERFERENCE WITH
	)	CONTRACT; PUNITIVE DAMAGES; and
	)	INJUNCTIVE RELIEF
Defendants.	)	JURY TRIAL DEMANDED

RICHARD J. RIDGWAY,	)	
Plaintiff,	)	CASE NO. SX-08-CV-284
v.	)	
	)	ACTION TO QUIET TITLE TO REAL
	)	PROPERTY
GOLDEN RESORTS LIMITED LIABILITY	)	
PARTNERSHIP; GOLDEN HOLDINGS	)	JURY TRIAL DEMANDED
LLC; GOLDEN GAMING, LLC; PAUL	)	
GOLDEN; JERICHO ALL WEATHER	)	
OPPORTUNITY FUND, LP; and ALL	)	
PERSONS CLAIMING ANY LEGAL OR	)	
EQUITABLE RIGHT, TITLE, ESTATE,	)	
LIEN, OR INTEREST IN THE PROPERTY	)	(CONSOLIDATED)
DESCRIBED IN THE COMPLAINT	)	
ADVERSE TO PLAINTIFF'S TITLE, OR	)	
ANY CLOUD ON PLAINTIFF'S TITLE	)	
THERE TO and DOES 1 THROUGH 10,	)	
INCLUSIVE,	)	
Defendants.	)	

MEMORANDUM OPINION

THIS MATTER is before the Court on Defendants' Motion For Reconsideration of the Court's decision to grant Summary Judgment in favor of Golden Resorts, LLP (hereinafter Golden Resorts) in Civil No. SX-08-CV-284 which in effect rejected Richard J. Ridgway's

high bar for claimants who seek a judgment that would divest the title holder of his/her/its property. Just as the Legislature of the Virgin Islands sets public policy by enacting laws, the courts of this Territory in interpreting and applying these laws in cases equally create judicial policy by their decisions. Having examined and studied many of the case precedents on this issue, ranging from *Prince v. Duvergee*, 1 V.I. 425 (D. V.I. 1938)¹⁰ in 1938, to *Cabrita Point Development, Inc. v. Evans, supra* in 2009, (which comprise a body of law which this Court must accept as the judicial public policy on the issue of adverse possession), this Court is confident that the rejection of this claim of adverse possession is compatible with the letter and spirit of V.I. CODE ANN., tit. 28, § 11 enacted by our Legislature and consistent with the aforementioned judicial public policy to guard the rights of title holders to real property in our small but precious habitat.

CONCLUSION

It is clear to this Court that Ridgway's Motion For Reconsideration raises (1) no intervening change in controlling law; (2) no availability of new evidence; nor (3) the need to correct clear error or prevent manifest injustice as required by Local Rule of Civil Procedure 7.3. The Court finds that Ridgway did not provide sufficient evidence to defeat summary judgment. Furthermore, Golden Resorts and its predecessors, having legitimately acquired title to the Great Pond Property, made use of the property as one would expect an owner to do. Golden Resorts and other previous title holders to the Great Pond property have clearly demonstrated their

¹⁰ Apparently, this case was the first opinion in the District Court on this issue. It was written by former Governor Hastie, who was later appointed by President Truman in 1949 to the Third Circuit of Appeals where he served for twenty two (22) years with distinction. In his ruling, Judge Hastie noted that the issue of hostility of the adverse possession claim would be a factual determination by a jury. However, the final sentence in the opinion was: "Counsel may prepare and submit findings and a decree consistent with this opinion." *Id.* at 430. We can only speculate whether the case was decided by a court decree or a jury verdict.

