

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2018-006**
)
AMENDMENTS TO THE VIRGIN)
ISLANDS RULES OF CIVIL)
PROCEDURE.)
_____)

ORDER OF THE COURT

THIS MATTER is before the Court pursuant to a September 5, 2018 transmittal from the Advisory Committee on Rules, which recommends several amendments to the Virgin Islands Rules of Civil Procedure. Accordingly, it is hereby

ORDERED that Rule 4(n) of the Virgin Islands Rules of Civil Procedure **SHALL BE REPEALED** and all subsequent subsections be re-numbered accordingly. It is further

ORDERED that Rule 5(a)(1) of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** by striking the phrase “anything filed” and replacing it with the phrase “all papers after the complaint that are filed”. It is further

ORDERED that Rule 6-1 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** in the following instances:

- By striking the word “and” at the conclusion of Rule 6-1(a)(2) and inserting the word “and” at the conclusion of Rule 6-1(a)(3);
- By inserting the following new language as Rule 6-1(a)(4): “if the motion requests affirmative relief, the motion must be accompanied by a proposed order granting the relief sought.”;
- In Rule 6-1(a)(d)(3), by inserting the phrase “at least” in front of the phrase “10 days”; and

- In Rule 601(a)(e)(2), by striking the phrase “Except as provided in Rule 56-1” and inserting in its place the phrase “Unless otherwise ordered by the court”.

It is further

ORDERED that Rule 6-3 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** by striking the phrase “the basis of” in Rule 6-3(b) and Rule 6-3(c). It is further

ORDERED that Rule 15-2 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** by striking the phrase “shall adjourn the hearing to some future day, upon such terms as it shall think proper” and inserting in its place the phrase “may adjourn the hearing for an appropriate period if justice so requires”. It is further

ORDERED that Rule 20(a)(2) of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** by striking the word “admiralty”. It is further

ORDERED that Rule 45 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** in the following instances:

- In Rule 45(b)(1), by striking the phrase “Tendering Fees”; and
- In Rule 45(b)(3), by striking the phrase “consistent with the provisions of 5 V.I.C. § 505” and replacing it with the phrase “in accordance with the provisions of 5 V.I.C. § 4922 et seq.”

It is further

ORDERED that Rule 48 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** by striking “5” and replacing it with “4”. It is further

ORDERED that Rule 60(a) of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** by striking the word “court” when it appears in lower-case in the last sentence. It is further

ORDERED that Rule 66 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** to insert the following new language at the conclusion of all existing language: “An action in which a receiver has been appointed may be dismissed only by court order.” It is further

ORDERED that Rule 71.1 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** to strike the phrase “Civil Rules” and replace it with the phrase “Virgin Islands Rules of Civil Procedure”. It is further

ORDERED that Rule 79-2 of the Virgin Islands Rules of Civil Procedure **SHALL BE AMENDED** to strike the phrase “of \$50, payable to the court” and replace it with the phrase “in an amount to be set by the court”. It is further

ORDERED that, pursuant Rule 37(a) of the Virgin Islands Rules of Appellate Procedure, the Bench, Bar, and the public **MAY FILE** comments with the Clerk of this Court no later than thirty (30) days from the date of entry of this Order. It is further

ORDERED that these amendments **SHALL GO INTO EFFECT on December 10, 2018**, unless modified as a result of comments submitted under Rule 37(a).

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 15th day of November, 2018.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:
VERONICA J. HANDY, ESQ.
Clerk of the Court