

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMS/ST. JOHN/ST. CROIX

_____)
Plaintiff)
IN RE: Vs.)
ORDER ADOPTING)
SUPERIOR COURT RULE 10.1 Defendant)

CASE NO. SX-13-MC-45

ACTION FOR:

NOTICE
OF
ENTRY OF JUDGMENT/ORDER

TO: JUSTICES OF THE SUPREME COURT Esquire HINDA CARBON, V.I. BAR ASSOC. FOR DISTRIBUTION
JUDGES OF THE SUPERIOR COURT Esquire VENETIA H. VELAZQUEZ, ESQ.
MAGISTRATES OF THE SUPERIOR COURT Esquire LIBRARY/IT

Please take notice that on MAY 31, 2013 Order was
entered by this Court in the above-entitled matter.

Dated: June 7, 2013

VENETIA H. VELAZQUEZ, ESQ.

Clerk of the Superior Court

By: 
JUDITH M. WARD-HALL

Court Clerk Supervisor

**SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. THOMAS AND ST. JOHN AND ST. CROIX**

IN RE:

**AMENDMENTS TO THE RULES OF THE
SUPERIOR COURT ; RULE 10.1**

MISC. NO. 45/13

ORDER

Pursuant to the provisions of Section 21(c) of the Revised Organic Act of 1954, as amended (48 U.S.C. § 1611 (c)), it is hereby

ORDERED that the rules of the Superior Court of the Virgin Islands are hereby amended to add a new Section 10.1 immediately following Rule 10, as follows:

Rule 10.1. Continuances.


- (a) **Generally.** Continuances of trials, conferences, other scheduled hearings, whether by motion of one party or by stipulation of all parties, will not be routinely granted, but will be granted only upon a demonstration of good cause. Such motions or stipulations must be in writing and served and filed at the earliest practical date prior to the affected trial, conference, or hearing but, in any event, not later than the deadline set forth in subsection (d). Motions or stipulations seeking a continuance must be supported by affidavit of counsel demonstrating good cause, and accompanied by an affidavit of the moving party acquiescing to the request.
- (b) **Absence of witness.** When the basis of the request for continuance is based upon the absence of a witness, the movant must: (1) demonstrate that the witness is material to the movant's case; (2) demonstrate that the movant has unsuccessfully exhausted reasonable efforts to secure the attendance of the witness for the trial, conference, or hearing, and; (3) provide a date by which the attendance of the witness can be secured for the trial, conference, or hearing.
- (c) **Conflict of counsel.** When the basis of the request for continuance is based on a scheduling conflict of counsel, the moving attorney must: (1) detail the nature of counsel's scheduling conflict; (2) state when the scheduling conflict arose; (3) state whether opposing counsel agrees to the request for continuance, and; (4) provide dates on which counsel will be available for the trial, conference or hearing.

(d) **Time.** All motions for continuance must be filed and served not less than five (5) business days prior to the scheduled trial, conference, or hearing. A motion filed less than five (5) business days prior to the scheduled trial, conference, or hearing will only be considered upon a showing of exceptional circumstances.

IT IS FURTHER ORDERED that these amendments shall become effective on **JULY 6, 2013.**

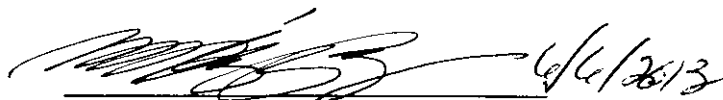
SO ORDERED this 31st day of May, 2013.

DATED: June 6, 2013



**DARRYL DEAN DONOHUE, SR.
PRESIDING JUDGE**

ATTEST:



**VENETIA H. VELAZQUEZ, ESQ.
CLERK OF THE COURT**

cc: Justices of the Supreme Court
Judges of the Superior Court
Members of the Virgin Islands Bar
Library (For Publication)
Order Book

CERTIFIED TO BE A TRUE COPY
This 10th day of June 2013
VENETIA H. VELAZQUEZ, ESQ.
CLERK OF THE COURT
By [Signature] Court Clerk