

SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**THE ASSOCIATION OF ST. C
CONDOMINIUM OWNERS, INC.,**

PLAINTIFF,

v.

**MARJORIE ROBBINS, JACKIE JOSEPH,
KAREN RASMUSSEN, DIANA
ROBINSON, ANN MARIE MEDINA, AND
SHARONE PIERRE,**

DEFENDANTS.

Civil No. SX-2022-CV-401

TEMPORARY RESTRAINING ORDER

THIS MATTER came before the Court on the jointly filed April 24, 2024 emergency motion for temporary restraining order, or in the alternative, for preliminary injunction (hereinafter “Emergency Motion”) of Plaintiff the Association of St. C Condominium Owners, Inc. (hereinafter “Plaintiff”) in this instant matter—*The Association of St. C Condominium Owners, Inc. v. Robbins, et al.*, Civil Case No. SX-2022-CV-401—and the defendants in a separate civil matter—*Hines, et al. v. Merna, et al.*, Civil Case No. SX-2023-CV-198 (hereinafter “2023 Case”). In response, Defendant Marjorie Robbins, Defendant Jackie Joseph, Defendant Karen Rasmussen, Defendant Diana Robinson, Defendant Ann Marie Medina, and Defendant Sharone Pierre (collectively, hereinafter “Defendants”) in this matter filed an opposition to the Emergency Motion.

STANDARD OF REVIEW

Rule 65 of the Virgin Islands Rules of Civil Procedure (hereinafter “Rule 65”) governs injunctions and restraining orders. “[A] TRO is civil equitable relief granted for the purpose of preserving the status quo.” *In re Najawicz*, 52 V.I. 311, 335 (V.I. 2009); *see Appleyard v. Juan F. Luis Hosp. & Med. Ctr.*, 2014 V.I. LEXIS 56, *4 (V.I. Super. Ct. July 28, 2014) (unpublished) (“A temporary restraining order is a stop-gap procedural device to preserve the status quo until a preliminary or permanent injunction can be considered.”). Under Rule 65, “[e]very order granting an injunction and every restraining order must: (A) state the reasons why it issued; (B) state its terms specifically; and (C) describe in reasonable detail -- and not by referring to the complaint or other document -- the act or acts restrained or required” and that “[t]he order binds only the

following who receive actual notice of it by personal service or otherwise: (A) the parties; (B) the parties' officers, agents, servants, employees, and attorneys; and (C) other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B)." V.I. R. Civ. P. 65(d)(1) and (2). Furthermore, under Rule 65, "[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained" but "[t]he Government of the Virgin Islands, its officers, and its agencies are not required to give security." V.I. R. Civ. P. 65(c). The temporary restraining order expires at the time after entry -- not to exceed 14 days -- that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension" and "[t]he reasons for an extension must be entered in the record." V.I. R. Civ. P. 65(b)(2).

DISCUSSION

The Court notes at the outset that the Emergency Motion was improperly filed under two captions—the caption for this instant case and the caption for the 2023 Case. The two cases were never consolidated. Moreover, the arguments in the Emergency Motion addressed the likelihood of success on the merits of this instant case and not the 2023 Case since Plaintiff filed a complaint against Defendants in this case but the defendants in the 2023 Case (which are individuals being sued in their capacity as members of the Board of Directors of The Association of St. C. Condominium Owners, Inc.) did not allege any claims against the plaintiffs (which are various individuals that own units at St. C. Condominium) in the 2023 Case. As such, the Court will only address the Emergency Motion as it pertains to this matter and will enter a separate order striking the Emergency Motion in the 2023 Case.

In its Emergency Motion, Plaintiff sought to enjoin Defendants and their counsel from: "1. holding and representing themselves to the community as the Association of St. C Condominium Owners, Inc.; 2. from soliciting or calling a Special Meeting; 3. from conducting an illegal Special Meeting under the name of the Association of St. C Condominium Owners, Inc or any meeting for the removal of Board members on Thursday, April 25, 2024 or any other day." (Motion.) At this juncture, given that the Special Meeting is scheduled for later today, April 25, 2024, the Court will not be able to give it the proper attention and hold a hearing beforehand, the Court finds it most equitable to grant the temporary injunction to preserve the status quo. *In re Najawicz*, 52 V.I. at 335. As such, the Court will enjoin Defendants, their officers, agents, servants, employees, and

attorneys, and any other persons who are in active concert or participation with them (hereinafter "Defense Parties") from calling or conducting any meeting or special meeting under the name of the Association of St. C Condominium Owners, Inc. for the removal of Board members on Thursday, April 25, 2024 or any other day. At this time, the Court will reserve Plaintiff's request to enjoin the Defense Parties from holding and representing themselves to the community as the Association of St. C Condominium Owners, Inc. since it does not have the same urgency as the meeting that is taking place later today. Additionally, since this is a non-commercial case where a monetary amount is not at issue and due to the urgency of this Order, the Court will temporarily waive the security requirement at this time. A hearing will be scheduled shortly and the issue as to security can be addressed at the time.

CONCLUSION

Based on the foregoing, it is hereby:

ORDERED that that the Defense Parties are **ENJOINED** from calling or conducting any meeting or special meeting under the name of the Association of St. C Condominium Owners, Inc. for the removal of Board members on Thursday, April 25, 2024 or any other day. It is further:

ORDERED that security requirement is **TEMPORARILY WAIVED**. And it is further:

ORDERED that this temporary restraining order will **EXPIRE FOURTEEN DAYS FROM THE DATE OF ENTRY OF THIS ORDER**.

DONE and so **ORDERED** this 25th day of April 2024.

ATTEST:

Tamara Charles
Clerk of the Court

By: J. Maranda

Court Clerk Supervisor

Dated: 4/25/2024

Harold W.L. Willocks

HAROLD W.L. WILLOCKS
Administrative Judge of the Superior Court

CERTIFIED TO BE A TRUE COPY

This 25th day of April, 2024

TAMARA CHARLES
CLERK OF THE COURT

By J. Maranda Court Clerk II