

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS**

UNITED STATES OF AMERICA,)	
)	C.A. No. 3:08-CV-158
Plaintiff,)	
)	
v.)	
)	
1. THE TERRITORY OF THE VIRGIN)	
ISLANDS; and)	
)	
2. THE VIRGIN ISLANDS POLICE)	
DEPARTMENT,)	
)	
Defendants.)	

**PARTIES’ JOINT MOTION, AND MEMORANDUM IN SUPPORT OF JOINT
MOTION, TO TERMINATE OCTOBER 9, 2013 EVIDENTIARY HEARING**

Plaintiff, the United States of America, and Defendants, the Territory of the Virgin Islands and the Virgin Islands Police Department (“VIPD”) (collectively, “the parties”) jointly move the Court to terminate the currently scheduled October 9, 2013 evidentiary hearing, in light of the parties’ successful renegotiation and filing of a revised Consent Decree Action Plan (“Action Plan”) for the Court’s consideration and approval. If approved, the revised Action Plan will render the subject of the October 9, 2013 hearing moot. In support of this motion, the parties represent as follows:

1. On June 28, 2013, Defendants filed a motion for an extension of time to comply with their obligations to develop and implement certain processes and procedures regarding audits, as required by the Court-ordered Action Plan in the above-captioned matter (Dkt. # 69). Specifically, Defendants requested that the Court extend their time for compliance with these requirements from June 30, 2013 to October 31, 2013. *Id.*

2. On July 2, 2013, the United States responded to Defendants' motion, indicating that it did not necessarily oppose the extension (Dkt. # 70). The United States requested, however, that prior to ruling on the motion, the Court require Defendants to provide a detailed explanation of the following: (1) How Defendants plan to comply with the relevant requirements for which they are seeking an extension, including, but not limited to explaining when and how they plan to engage the United States for the required consultation on the relevant provisions; (2) Why Defendants believe October 31, 2013 is an appropriate deadline for each of the eight provisions for which they seek an extension; and (3) How the proposed extension will affect Defendants' ability to comply with the Consent Decree's final substantial compliance deadline of October 31, 2013. *Id.*
3. On September 7, 2013, the Court ordered an evidentiary hearing on VIPD's June 28, 2013 motion, to be held at 9:30am on September 18, 2013 (Dkt. # 72).
4. In the meantime, in August 2013, Defendants approached the United States, indicating that they would be unable to meet the Consent Decree's final substantial compliance deadline of October 31, 2013, and requesting an extension. Since then, the parties have spent countless hours working together collaboratively and successfully, with significant input from the independent monitors, to negotiate modifications to the Action Plan. Today, in addition to this motion, the parties are filing with the Court a motion to approve and adopt the revised Action Plan and make it part of the Consent Decree.
5. As detailed in the parties' motion for approval of the revised Action Plan, among other things, that document extends deadlines for currently unmet Action Plan requirements, including the audit-related requirements that are the subject of Defendants' June 28, 2013

motion and the scheduled October 9, 2013 hearing.

6. The parties' agreed-upon changes to the Action Plan address the concerns set forth in the United States' response to the Defendants' June 28, 2013 motion. In particular, the changes provide extensions as appropriate and articulate a common understanding of how Defendants will meet the audit-related requirements of the Consent Decree. Thus, subject to the Court's approval of the revised Action Plan, the revisions to the plan render the subject of the October 9, 2013 hearing moot.
7. Accordingly, in the interests of judicial economy and efficiency, and to conserve the time and resources of the Court, parties, and monitors, the parties respectfully request that the Court terminate the October 9, 2013 hearing on Defendants' June 28, 2013 motion for extension of time to comply with the audit requirements of the November 2, 2012 Consent Decree Action Plan.¹

Wherefore the parties respectively request that the Court sign the attached Order.

¹ Because of the parties' high level of cooperation and agreement on the revised Action Plan, the parties hope that the Court is able to approve that document based on the parties' joint motion for approval. Should the Court wish to hear from the parties and monitors regarding the revisions to the Action Plan and/or the status of Defendants' compliance with the Consent Decree, the parties and monitors would be glad to appear for a future status hearing at the Court's convenience.

Respectfully submitted,

FOR THE DEFENDANTS:

VINCENT F. FRAZER
Attorney General

Dated: October 1, 2013

/s/ Carol Thomas-Jacobs
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Parties' Joint Motion to Terminate October 9, 2013 Evidentiary Hearing in United States v. Territory of the Virgin Islands, 3:08-CV-158, was filed electronically on October 1, 2013, using the CM/ECF system, which will send electronic notification to the following:

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ORDER

Before the Court is Defendants’ Motion for Extension of Time to Comply With Audit Requirements in the Action Plan, along with the United States’ response. An evidentiary hearing regarding Defendants’ motion currently is scheduled for October 9, 2013 at 9:30am. The parties have jointly requested that the Court terminate the hearing in light of their successful renegotiation of the Consent Decree Action Plan.

In conjunction with their motion to terminate the October 9, 2013 hearing, the parties filed an amended version of the Action Plan. Among other things, that document extends Defendants’ time to comply with the audit-related requirements that are the subject of the October 9, 2013 hearing, and addresses the issues the United States raised in response to Defendants’ motion. Accordingly, the amended Action Plan renders the October 9, 2013 hearing moot.

In the interest of judicial economy and efficiency and to conserve the time and resources, of the Court, parties, and monitors, the parties’ motion is GRANTED; and it is

further ORDERED that the evidentiary hearing scheduled for October 9, 2013 is hereby TERMINATED.

DATED this _____ day of _____, 2013

HONORABLE CURTIS V. GOMEZ
District Judge