

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

CLIFFORD BOYNES, et al.,)	
)	
Plaintiffs,)	Civil Action No. 2021-0253
)	
v.)	
)	
LIMETREE BAY VENTURES, LLC, et al.,)	
)	
Defendants.)	
_____)	
HELEN SHIRLEY, et al.,)	
)	Civil Action No. 2021-0259
Plaintiffs,)	
)	
v.)	
)	
LIMETREE BAY VENTURES, LLC, et al.,)	
)	
Defendants.)	
_____)	
FRANCIS E. CHARLES and THERESA J. CHARLES,)	
)	Civil Action No. 2021-0260
Plaintiffs,)	
)	
v.)	
)	
LIMETREE BAY VENTURES, LLC, et al.,)	
)	
Defendants.)	
_____)	
BEECHER COTTON, et al.,)	
)	Civil Action No. 2021-0261
Plaintiffs,)	
)	
v.)	
)	
LIMETREE BAY VENTURES, LLC, et al.,)	
)	
Defendants.)	
_____)	

ORDER

UPON CONSIDERATION of Plaintiffs’ “Amended Motion[s] for Temporary Restraining Order and Preliminary Injunction;”¹ Plaintiffs’ and Defendant Limetree Bay Terminals’ (“Terminals”) “second phase” briefing; and for the reasons stated in the Court’s April 28, 2023 First Phase Memorandum Opinion² and the Court’s July 20, 2023 Second Phase Memorandum Opinion, the latter of which is filed contemporaneously herewith, it is hereby

ORDERED that Plaintiffs’ “Amended Motion[s] for Temporary Restraining Order and Preliminary Injunction”³ are **GRANTED IN PART**; and it is further

ORDERED that Plaintiffs’ “Amended Motion[s] for Temporary Restraining Order and Preliminary Injunction,” are **GRANTED** insofar as Plaintiffs have established their entitlement, during the pendency of this litigation, to a water distribution program by Terminals for Plaintiffs and putative class members who cannot afford to purchase water without trading off other basic necessities; and it is further

ORDERED that the water distribution program shall be established and operated in accordance with the terms set forth in the “Order Implementing Water Distribution Program”; and it is further

ORDERED that Plaintiffs’ “Amended Motion[s] for Temporary Restraining Order and Preliminary Injunction” are otherwise **DENIED**, as set forth in the Court’s April 28, 2023 First Phase

¹ Civ. No. 2021-0253 (“*Boynes*”), Dkt. Nos. 141, 142; Civ. No. 2021-0260 (“*Charles*”), Dkt. Nos. 68, 68-1; Civ. No. 2021-0261 (“*Cotton*”), Dkt. Nos. 170, 171; Civ. No. 2021-0259 (“*Shirley*”), Dkt. No. 41.

² *Boynes*, Dkt. No. 285; *Charles*, Dkt. No. 200; *Cotton*, Dkt. No. 335; *Shirley*, Dkt. No. 140.

³ *Boynes*, Dkt. No. 141; *Charles*, Dkt. No. 68; *Cotton*, Dkt. No. 170; *Shirley*, Dkt. No. 41.

Order,⁴ for the reasons detailed in the Court’s April 28, 2023 First Phase Memorandum Opinion,⁵ and it is further

ORDERED that Plaintiffs shall have up to and including **August 4, 2023** to post an initial bond of \$50,000 with the Clerk of Court, or, in the alternative, to file a notice informing the Court that Plaintiffs withdraw their request for preliminary injunctive relief; and it is further

ORDERED that Plaintiffs and Terminals shall have up to and including **August 11, 2023** within which to jointly submit, for the Court’s approval, a proposed Claim Form consistent with the Court’s “Order Implementing Water Distribution Program”; and it is further

ORDERED that Plaintiffs and Terminals shall have up to and including **August 11, 2023** within which to jointly submit, for the Court’s approval, a proposed map, to be posted on www.LimetreeWaterProgram.com, depicting the Covered Area consistent with the Court’s “Order Implementing Water Distribution Program”; and it is further

ORDERED that Plaintiffs and Terminals shall have up to and including **August 11, 2023** to jointly propose, for the Court’s approval, the name and biographical information of an individual to serve as Administrator of the Water Distribution Program; and it is further

ORDERED that Plaintiffs and Terminals shall have up to and including **August 11, 2023** to jointly propose, for the Court’s approval, the name and biographical information of an individual to serve as Special Master; and it is further

ORDERED that Plaintiffs and Terminals shall have up to an including **January 12, 2024** within which to each file a notice, not to exceed ten pages, informing the Court as to the status of the

⁴ *Boynes*, Dkt. No. 284; *Charles*, Dkt. No. 199; *Cotton*, Dkt. No. 334; *Shirley*, Dkt. No. 139.

⁵ *Boynes*, Dkt. No. 285; *Charles*, Dkt. No. 200; *Cotton*, Dkt. No. 335; *Shirley*, Dkt. No. 140.

Water Distribution Program and any issues associated therewith that require the Court's attention; and it is further

ORDERED that Plaintiffs and Terminals shall have up to an including **January 12, 2024** within which to file a joint notice informing the Court of the number of households participating in the Water Distribution Program; and it is further

ORDERED that a status conference regarding the Water Distribution Program is **SCHEDULED** for **January 26, 2024 at 9:30 a.m.** in STX Courtroom 1 before the undersigned District Judge; and it is further

ORDERED that Plaintiffs and Terminals are required to attend the status conference, and counsel who will be speaking on behalf of Terminals and each of the *Cotton*, *Boynes*, *Charles*, and *Shirley* Plaintiffs are required to appear in person at the status conference; and it is further

ORDERED that all other counsel, including counsel for all other parties may, but are not required to, attend the status conference, and, if attending, may do so via videoconference; and it is further

ORDERED that the Clerk's Office shall contact counsel for the parties to provide the necessary call-in information for counsel who will be observing the status conference via videoconference; and it is further

ORDERED that Plaintiffs' "Motion to Take Judicial Notice of Certain Exhibits and for Application of Relaxed Evidentiary Standard at Preliminary Injunction Hearing"⁶ is **DENIED AS MOOT**; and it is further

⁶ *Boynes*, Dkt. No. 190; *Charles*, Dkt. No. 118; *Cotton*, Dkt. No. 250; *Shirley*, Dkt. No. 72.

ORDERED that the *Cotton* Plaintiffs’ “Amended Motion to Expedite Discovery Production of Insurance Information”⁷ is **DENIED AS MOOT**; and it is further

ORDERED that the stay entered by the Court on the *Boynes*, *Shirley*, *Charles*, and *Cotton* cases with respect to “all matters not pertaining to the Amended Motions for Injunctive Relief”⁸ is **LIFTED**.

SO ORDERED.

Date: July 20, 2023

_____/s/_____
WILMA A. LEWIS
District Judge

⁷ *Cotton*, Dkt. No. 179.

⁸ See *Boynes*, Dkt. No. 136 (February 2, 2023 Order) at 5; *Charles*, Dkt. No. 79 at 5; *Cotton*, Dkt. No. 196 at 5; *Shirley*, Dkt. No. 42 at 5.