

FILED

April 13, 2021

ST-2020-CV-00155

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

CIVIL CASE NO.: ST-2020-CV-00155

GHISLAINE MAXWELL,

Plaintiff,

vs.

ESTATE OF JEFFREY E. EPSTEIN,
DARREN K. INDYKE, in his capacity as
EXECUTOR OF THE ESTATE OF JEFFREY
E. EPSTEIN, RICHARD D. KAHN, in his
capacity as EXECUTOR OF THE ESTATE
OF JEFFREY E. EPSTEIN, and NES, LLC, a
New York Limited Liability Company,

Defendants.

**PLAINTIFF'S REPLY TO CO-EXECUTORS' BRIEF
PURSUANT TO MARCH 17, 2021 ORDER**

Plaintiff, GHISLAINE MAXWELL (hereinafter, "**Plaintiff**"), pursuant to this Court's Order dated March 17, 2021, hereby files her reply to the brief filed on March 29, 2021 by Co-Executors Darren K. Indyke and Richard D. Kahn (the "**Co-Executors**"). In short, Plaintiff agrees that the Court should not designate this matter complex or assign the case to the judge assigned to Case No. ST-2020-CV-00014, *Government of the Virgin Islands v. Darren K. Indyke, et al.* (the "**CICO action**").

First, this action for indemnification does not meet the Complex Litigation Division's assignment criteria. Plainly, this case does not "require[] exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel."

V.I. R. Civ. P. 92(a). Nor does this action fit within any of the categories of “presumptively complex claims” established by V.I. R. Civ. P. 92(b). Plaintiff’s claims do not involve a mass tort or toxic tort; do not involve a design defect; do not arise out of a natural disaster; are not a class action; and do not involve insurance claims arising out of multi-party proceedings. Further, none of the factors in V.I. R. Civ. P. 92(c)(1)—which all relate to mass tort fact patterns—applies here. Finally, the factors enumerated in V.I. R. Civ. P. 92(c)(2) strongly weigh against assignment. Notably, as far as Plaintiff is aware, no judge is presently assigned to the Complex Litigation Division. Assigning this action to a division without a judge will only cause unreasonable delay and increase the burden on the judicial system and on the parties. *See, e.g., Highland Credit Opportunities CDO, Ltd v. Evans-Freke*, 2021 WL 1040502, *6 (V.I. Super. Mar. 17, 2021) (“[D]esignating this case as complex now, when there is no judge assigned exclusively to the Complex Litigation Division at this moment, would be tantamount to staying the case.”) There is also no apparent need for specialized expertise or case processing here, and no advantage to coordinating discovery or other procedures with any other action.

Second, there is no reason to assign the case to the same judge assigned to the CICO action. Plaintiff is not a party to the CICO action. To Plaintiff’s knowledge, there are no facts or claims in common between this action and the CICO action. Therefore, assignment of this case to the same judge handling the CICO action is not necessary to avoid delay or inconsistent rulings.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this case not be transferred to the Complex Litigation Division and that it remain with its presently assigned judge.

Dated: April 13, 2021

Respectfully submitted,

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
Attorneys for Plaintiff
9300 S. Dadeland Blvd., 4th Floor
Miami, FL 33156
T: (340) 693-0230
F: (340) 693-0300

By: /s/ Kyle R. Waldner
Kyle R. Waldner, Esq.
kwaldner@qpwbllaw.com
V.I. Bar No.: 1038

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 13, 2021, I filed the foregoing, which complies with the page or word limitation set forth in Rule 6-1(e), with the Clerk of the Court using the Court's electronic filing system, which will send a notice of such filing to the following:

Christopher Allen Kroblin, Esq.
KELLERHALS FERGUSON KROBLIN PLLC
Royal Palms Professional Building
9053 Estate Thomas, Suite 101
St. Thomas, V.I. 00802
ckroblin@kellfer.com

Ariel M. Smith, Esq. (AAG)
VIRGIN ISLANDS DEPARTMENT OF JUSTICE
Office of the Attorney General
34-38 Kronprindsens Gade
St. Thomas, U.S. Virgin Islands 00802
ariel.smith@doj.vi.gov

Gordon C. Rhea, Esq.
GORDON C. RHEA, PC
1533 Appling Dr.
Mt. Pleasant, SC 29464
grhea@rpwb.com

/s/ Kyle R. Waldner
Kyle R. Waldner, Esq.