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

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, Defendant.	)	Case No. ST-20-CV-155

GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS'
REPLY BRIEF IN SUPPORT OF MOTION TO INTERVENE

The Government of the United States Virgin Islands ("Government"), by and through its undersigned counsel, hereby submits this Reply Brief in support of its motion for an order permitting the Government to intervene in this action as of right pursuant to V.I. R. Civ. P. 24(a) or else by leave pursuant to V.I. R. Civ. P. 24(b). The Government states in further support of its motion as follows.

PRELIMINARY STATEMENT

The Government moves to intervene in this action by Plaintiff Ghislaine Maxwell seeking indemnification and advancement of legal expenses from Defendants the Estate of Jeffrey E. Epstein and its Co-Executors—Darren K. Indyke and Richard D. Kahn—on two distinct but closely related grounds. First, the Government has an interest in preserving Epstein Estate funds to satisfy a judgment in its pending action against Defendants alleging that Epstein and others

engaged in a criminal sex-trafficking enterprise in the Virgin Islands for which the Government seeks forfeiture, divestiture, disgorgement, and payment of civil penalties and damages under the Criminally Influenced and Corrupt Organizations Act ("CICO"), 14 V.I.C. §§ 601 *et seq.* Second, the Government has an investigatory interest in Maxwell's involvement with Epstein's criminal sex-trafficking and sexual abuse conduct pursuant to its authority under CICO, 14 V.I.C. § 612, which Maxwell has thwarted by resisting and evading service of the Government's investigatory subpoena, even while she has invoked the jurisdiction of the Virgin Islands Courts to obtain indemnification for the very same alleged conduct.

Maxwell opposes the Government's motion to intervene on numerous grounds, none of which have merit. First, Maxwell contends she lacks sufficient notice of the Government's claims because it failed to attach a pleading as required by V.I. R. Civ. P. 24(c). This is incorrect. The Government attached as Exhibit A to its motion the Amended Complaint in its CICO action setting forth all of its claims against Defendants and the factual bases therefor. The CICO Complaint serves Rule 24's purpose of giving the parties notice of what the Government's claims and interests are. *See, e.g., U.S. v. Metro St. Louis Sewer Dist.*, 589 F.3d 829, 834 (8th Cir. 2009) ("Appellees argue that MIEC's failure to submit a pleading is sufficient to deny its motion to intervene, but we conclude that the statement of interest satisfies Rule 24(c) because it provides sufficient notice to the court and the parties of MIEC's interests."); *Massachusetts v. Microsoft Corp.*, 373 F.3d 1199, 1236 n.19 (D.C. Cir. 2004) ("The Government and Microsoft make no claim they had inadequate notice of the intervenors' appeal, and we find no reason to bar intervention based solely upon this technical [lack of pleading] defect, if defect it be."). Maxwell and the Epstein Estate have ample notice of the Government's claims and interests.

Second, Maxwell argues that the Government's pending CICO claims against Defendants do not provide a sufficient interest because they are contingent, not yet having been litigated to judgment. Maxwell relies almost entirely on federal court cases within the Third Circuit for this argument. These cases are not controlling. *See Bruni v. Alger*, 71 V.I. 71, 76 n.11 (Super. Ct. 2019) (decisions interpreting federal rules of procedure are persuasive, not binding, authority as to analogous Virgin Islands Rules provisions). Here, far more persuasive are decisions in at least six other federal Circuits rejecting the Third Circuit's analysis and holding that a pending claim may provide a sufficient interest for intervention in the defendant's coverage action. *See, e.g., Utahns for Better Transp. v. U.S. Dept. of Tramsp.*, 295 F.3d 1111, 1115-16 (10th Cir. 2002) ("The threat of economic injury from the outcome of litigation undoubtedly gives a petitioner the requisite interest [in intervention as of right]."); *Security Ins. Co. v. Schipporeit, Inc.*, 69 F.3d 1377, 1380-81 (7th Cir. 1995); *Teague v. Baker*, 931 F.2d 259, 261 (4th Cir. 1991); *TIG Specialty Ins. Co. v. Fin. Web.com, Inc.*, 208 F.R.D. 336, 338 (M.D. Fla. 2002); *St. Paul Fire & Marine Ins. Co. v. Summit-Warren Ind's Co.*, 143 F.R.D. 129, 134 (N.D. Ohio 1992); *New Hampshire Ins. Co. v. Greaves*, 110 F.R.D. 549, 552 (D.R.I. 1986). The Government has a clear and sufficient interest in the outcome of this action.

Third, Maxwell argues that intervention is unnecessary because the Government's interest in ensuring availability of the Epstein Estate's funds is secured by the Government's Criminal Activity Liens placed pursuant to 14 V.I.C. § 610. This is incorrect because the Government's Criminal Activity Liens under CICO are limited to Epstein's funds or property situated or owned in the Virgin Islands, *see* 14 V.I.C. § 610(e)(1)-(2), and because the Epstein Estate is fighting enforcement of the Government's Liens at every turn. *See* Exhibit M hereto (Letter of Counsel for Epstein Estate and Co-Executors to Probate Court, Sept. 15, 2020) at 2 ("[W]e urgently ask the

Court to . . . issue an Order for the Attorney General to release the liens on the Estate's FirstBank account in the amount [$7,200,000] requested in the Estate's correspondence with the Attorney General.").

Finally, Maxwell argues that the Government's interest in the outcome of this case is adequately protected by the Epstein Estate's interest in protecting its own funds. This, too, is incorrect. Numerous of the above-cited federal courts reject the same argument that the parties to a coverage action can adequately represent the interests of a tort claimant. *See, e.g.*, *Security Ins.*, 69 F.3d at 1381; *Teague*, 931 F.3d at 262. Here, the Epstein Estate and its Co-Executors clearly are *inadequate* to represent the Government's interest in preserving Estate funds because

- Maxwell herself pleads that "Indyke, in his capacity as Executor of the Estate, also made assurances to Maxwell that Maxwell's legal fees and obligations would be reimbursed by Epstein and the Estate . . . ." Complaint, ¶ 21; and

- Indyke and Kahn *admit* that "the Estate is indemnifying certain current and former employees of and professionals on behalf of one or more defendants in the Attorney General's suit." Ex. M (Letter of Counsel for Epstein Estate and Co-Executors to Probate Court, Sept. 15, 2020) at 2.

There thus is no question that the Co-Executors *are not* acting to preserve Estate funds. The Government's interest in preservation thus is not adequately represented by the Epstein Estate or its Co-Executors, the Defendants in the Government's CICO enforcement action.

For all of these reasons and as set forth more fully below, the Court should grant the Government's motion to intervene.

ARGUMENT

A. The Motion Gives Ample Notice of the Government's Claims and Interests.

Maxwell begins her opposition by arguing that the Government's motion to intervene is "procedurally defective" because it does not attach a pleading as required by Rule 24(c) and that, because of this alleged failure, the motion "does not adequately provide notice to Plaintiff of the

precise nature of [the Government's] claims." Opposition at 3-4. This argument is factually and/or legally incorrect.

Rule 24 provides that a motion to intervene "must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought." V.I. R. Civ. P. 24(c). The Government satisfied this requirement by attaching as Exhibit A to its motion its First Amended Complaint in its CICO action against Defendants the Epstein Estate and its Co-Executors and others. The CICO Complaint is 54 pages, contains 114 paragraphs of factual allegations, and states 24 separate counts setting forth the legal grounds for each item of relief the Government seeks from Defendants. The Government also attached as Exhibit B its CICO Subpoena Duces Tecum, the service of which Maxwell previously resisted and evaded, which states clearly that the Government is seeking documents from her related to "the rape, abuse, exploitation and trafficking of young women and underage girls by Jeffrey E. Epstein and his associates" in violation of Virgin Islands law. Maxwell does not even address the Government's submission of its CICO Complaint or Subpoena, let alone explain how or why they do not satisfy the Rule's requirement of a pleading to give notice of interest.

Since Maxwell ignores the Government's attached CICO Complaint and Subpoena, she does not address whether or how Rule 24(c) contemplates something different. But even if it did, this would be purely a matter of form, not substance, because the CICO Complaint and subpoena clearly satisfy the pleading provision's *purpose*—to give the litigating parties notice of the intervening party's claims and interest. *See generally In re L.O.F.*, 62 V.I. 655, 665 (2015) ("It is a settled rule that in the construction of statutes an interpretation is never to be adopted that would defeat the purpose of the enactment.") (internal quotation marks and citation omitted).

This is the conclusion reached by numerous federal circuit courts of appeal in applying the identical pleading provision of Fed. R. Civ. P. 24(c). *See Peaje Invs. LLC v. Garcia-Padilla,* 845 F.3d 505, 515 (1st Cir. 2017) ("Accordingly, denial of a motion to intervene based solely on the movant's failure to attach a pleading, absent prejudice to any party, constitutes an abuse of discretion."); *Metro St. Louis, supra*, 569 F.3d at 834 ("[T]he statement of interest satisfies Rule 24(c) because it provides sufficient notice to the court and the parties of MIEC's interests."); *Providence Baptist Church v. Hillandale Comm., Ltd.*, 425 F.3d 309, 314 (6th Cir. 2005) ("Furthermore, neither party has ever claimed that any prejudice would result from granting the motion to intervene despite the failure to attach a pleading; the parties are clearly on notice as to Hillandale Committee's position and arguments."); *Mass. v. Microsoft, supra,* 373 F.3d at 1236 n.19 ("The Government and Microsoft make no claim they had inadequate notice of the intervenors' appeal, and we find no reason to bar intervention based solely upon this technical defect, if defect it be.").

Since Maxwell cannot plausibly claim lack of notice of the Government's interests in preservation of the Epstein Estate's funds and in service of its CICO investigatory subpoena, her argument for denial of intervention based upon Rule 24(c) fails and should be rejected.

B. The Government Has a Clear and Sufficient Interest in the Outcome of this Action.

Maxwell next argues that the Government's interest in preservation of Epstein Estate funds is insufficient for intervention because the interest is "contingent" until a judgment is entered in the Government's CICO action against the Estate. The Court should reject this argument because it relies upon an overly rigid and stringent conception of the "interest" that supports intervention as of right under Rule 24(a)(2).

Maxwell cites as support for her argument decisions of the U.S. Court of Appeals for the Third Circuit and the U.S. District Court for the District of the Virgin Islands, which was bound by Third Circuit precedent. *See* Opposition at 6-7 (citing *Mountain Top Condo Ass'n v. Dave Stabbert Master Builder, Inc.*, 72 F.3d 261, 366 (3d Cir. 1995); *Gen. Star Indem. Co. v. V.I. Port Auth.*, 224 F.R.D. 372, 375-76 (D.V.I. 2004)). These decisions, however, both applying Federal Rule 24, are not controlling on this Court's application of Virgin Islands Rule 24. *See, e.g., Bruni v. Alger, supra*, 71 V.I. at 76 n.11 (decisions applying Federal Rules of Civil Procedure are persuasive, not binding authority, as to analogous Virgin Islands Rules).

Here, the Court should not find the Third Circuit's interpretation of Federal Rule 24 persuasive because it is contrary to decisions of courts in at least six other federal circuits—the First, Fourth, Sixth, Seventh, Tenth, and Eleventh Circuits—which find that the holder of a pending claim may have a sufficient interest to intervene in a related coverage case. *See Utahns for Better Transp., supra*, 295 F.3d at 1115 ("The threat of economic injury from the outcome of litigation undoubtedly gives a petition the requisite interest" to intervene); *Security Ins. Co., supra*, 69 F.3d at 1380-81 (affirming grant of intervention by tort claimant in coverage action); *Teague, supra*, 931 F.2d at 261 ("[O]ther [courts] have allowed intervention in a dispute between an insurer and its insured even when the intervenor's interest is contingent on the outcome of other litigation. We find the reasoning of this latter authority persuasive.") (citations omitted); *TIG Specialty Ins. Co., supra*, 208 F.R.D. at 338 (potential deprivation of source of recovery if intervenor prevails on its claim is a sufficient interest); *St. Paul Fire & Marine, supra*, 143 F.R.D. at 134 ("There is nothing in the wording or history of Rule 24 which indicates intent to exclude would be intervenors whose interest in the pending litigation is not yet vested.") (quoting *New Hampshire Ins. Co., supra*, 110 F.R.D. at 552); *see also Romero v. Bd. of Cty. Comm'rs*, 313 F.R.D. 133, 140 (D.N.M.

2016) ("[T]he Tenth Circuit and numerous other Courts of Appeal have permitted intervenors with a contingent interest to intervene.").

In *Teague*, *supra*, the U.S. Court of Appeals for the Fourth Circuit held that class action plaintiffs seeking to intervene in a coverage action involving the class action defendant had a sufficient interest because they "stand to gain or lose by the direct legal operation of the district court's judgment" in the coverage case. 931 F.2d at 261. That same conclusion applies here. If this Court rules that the Epstein Estate must indemnify Maxwell for claims related to her relationship with Epstein and to "advance" her attorneys' fees (while she is in prison awaiting trial on federal criminal charges), then the Government stands to lose funds for the satisfaction of a judgment in its CICO action against the Epstein Estate.

Maxwell also argues that the Government's separate but related investigatory interest under CICO as to her involvement with Epstein's conduct is not sufficient to support intervention. *See* Opposition at 12-14. Maxwell focuses primarily on the Government's ability to enforce its CICO subpoena by other means, rather than on the investigatory interest itself. The Government's interest is established by statute, 14 V.I.C. § 612(a), and involves the same subject matter as this action—Maxwell's relationship to the Epstein Enterprise's conduct. *Compare* Maxwell Complaint, ¶ 1 ("This is an action for indemnification for and advancement of the attorneys' fees, security costs, costs to find safe accommodation, and all other expenses Maxwell has reasonably incurred and will incur by reason of her employment relationship with Jeffrey E. Epstein ('Epstein') and his affiliated businesses . . . ."); *with* Gov't Ex. B (CICO Subpoena) (seeking documents from Maxwell related to "the rape, abuse, exploitation and trafficking of young women and underage girls by Jeffrey E. Epstein and his associates" in violation of Virgin Islands law). This related interest thus provides an additional basis supporting the Government's intervention.

Based on the substantial weight and persuasive force of the foregoing authority applying the analogous federal rules provision, the Court should hold that the Government's pending CICO claims against the Epstein Estate provide it with a clear and sufficient interest to intervene to ensure preservation of Estate funds.

C. The Government's Interest in Preserving Epstein Estate Funds for Payment of a Judgment May Be Impaired Absent Allowance of Intervention.

Maxwell separately argues that the Government's interest in preservation of Epstein Estate funds will not be impaired by any judgment or resolution of this action because the Government has placed Criminal Activity Liens on certain Estate assets pursuant to 14 V.I.C. § 610. *See* Opposition at 10-11. The Court should reject this argument because it ignores the difference in scope between all Epstein Estate assets and those covered by the Government's Criminal Activity Liens.

CICO's Criminal Activity Lien provisions permit the Government to place liens upon a CICO defendant's property that is "situated in the Territory of the Virgin Islands" or its "beneficial interest" that is "located in the Territory of the Virgin Islands." 14 V.I.C. § 610(e)(1)-(2). Maxwell acknowledges this territorial limitation. *See* Opposition at 10 ("***These liens cover all real and personal property located in the Virgin Islands in the name or under the signatory authority of the Estate.***") (emphasis in original).

The Government's claims for forfeiture, divestiture, maximum civil penalties per violation, treble and punitive damages, and disgorgement of ill-gotten gains under CICO, *see* Ex. A-CICO Complaint at 53-54 (Prayer for Relief), are not so limited. *See* 14 V.I.C. § 607(c), (e) (provisions for awarding damages and civil penalties, without territorial limit).

Since the Epstein Estate assets covered by the Government's Criminal Activity Liens are not co-extensive with the relief the Government may obtain through a judgment on its CICO

claims, the Court should reject Maxwell's argument that the Liens alone are sufficient to secure the Government's interests without intervention.

Although the foregoing suffices to reject Maxwell's argument, it also bears emphasis that Defendants the Epstein Estate and its Co-Executors are resisting and seeking to evade the Government's Criminal Activity Liens at every turn. As just one example, even though the Attorney General and the Superior Court in the CICO action have sole and exclusive authority to release funds covered by the Liens, *see* 14 V.I.C. § 610(r) (Attorney General's authority), (t) (CICO Court's authority), the Co-Executors repeatedly have asked and currently are asking the *Probate Court* to order release of over $7,000,000 covered by the Government's Criminal Activity Liens. *See* Ex. M hereto (Letter of Counsel for Epstein Estate and Co-Executors to Probate Court, Sept. 15, 2020) at 2 ("[W]e urgently ask the Court to . . . issue an Order for the Attorney General to release the liens on the Estate's FirstBank account in the amount [$7,200,000] requested in the Estate's correspondence with the Attorney General."). While these requests have no legal merit, their existence is at least relevant to Maxwell's assertion that the Government's interest are absolutely secured by the Criminal Activity Liens.

Maxwell also argues that the Government's investigatory interest under CICO as to her involvement with Epstein's conduct will not be impaired absent intervention because the Government may protect this interest by other means—by enforcing its CICO subpoena in the state where she resides. *See* Opposition at 14 (citing 14 V.I.C. § 612(k)). In so arguing, Maxwell *admits* that she avoided service of the Government's CICO Subpoena by refusing to authorize her attorney in the Virgin Islands to accept service. *See* Opposition at 14 (Government's subpoenas "were served to persons who did not have authority to accept them."). She also does not deny that she resisted or evaded service in the, previously unknown, state where she resided prior to her

arrest. *See* Gov't Motion at 4-6. She also does not consent to service or to a court's personal jurisdiction over her as a citizen of New York where she is imprisoned. She has, however, consented to *this Court's* jurisdiction over her claims related to her relationship with Jeffrey Epstein. This action in this Court thus is the one venue in which the Government's investigatory interest is certain not to be impaired.

For all of these reasons, the Court should reject Maxwell's argument and should hold that the Government's interests in preservation of Epstein Estate funds and in advancement of its investigation of Maxwell may be impaired absent intervention.

D. The Epstein Estate Does Not Adequately Represent the Government's Interests.

Maxwell also argues that the Government may not intervene because the Epstein Estate and its Co-Executors, in her telling, share and thus adequately represent the Government's interest in preserving Estate funds. *See* Opposition at 15-17 ("To the extent that the Government is concerned with the dissipation of the Estate's assets, the Trustees adequately represent the Government's interest here."). They do not.

Maxwell's own Complaint allegations undercut this argument. As one of the grounds for her alleged right to indemnification and advancement of legal costs, Maxwell alleges that separate and apart from Epstein's promises, Defendant "Indyke, *in his capacity as an Executor of the Estate*, also made assurances to Maxwell that Maxwell's legal fees and obligations would be reimbursed by Epstein and the Estate, and that Maxwell's legal fees and expenses would be paid going forward." Complaint, ¶ 21 (emphasis added). How this promise by Indyke squares with his "fiduciary duties to all who may have a beneficial interest in the estate," Opposition at 15, or to otherwise preserve Epstein Estate funds, Maxwell does not say.

Nonetheless, her allegation that Indyke is offering up Epstein Estate funds for the legal defense of persons not specifically identified as Estate beneficiaries is borne out by Indyke and Kahn's recent admission to the Probate Court that *this is exactly what they are doing.* Their counsel's September 15, 2020 letter to the Probate Court acknowledges that "the Estate is indemnifying certain current and former employees of and professionals on behalf of one or more defendants in the Attorney General's suit." Ex. M hereto (Sept. 15, 2020 letter) at 2. Specifically, the Government has learned that the Estate is paying the legal fees for an immigration attorney it believes may have obtained visas for Epstein's trafficking victims. Paying the legal fees of individuals alleged to have participated in Epstein's trafficking enterprise demonstrates the Estate's interest in preventing the disclosure of information relevant to the Government's case *in the Government's case*, and belies Maxwell's assertion that the Government's and the Estate's interests in preservation of funds are perfectly aligned.

At risk of stating the obvious, the Estate of Jeffrey E. Epstein and its Co-Executors are not adequate representatives for the Government's interest in preserving the availability of Estate funds to satisfy a CICO action judgment based upon Epstein's sex-trafficking and other related criminal conduct. The Court therefore should grant the Government intervention as of right under Rule 24(a).

E. The Government Also Satisfies Rule 24(b)'s Requirements for Permissive Intervention.

Maxwell's arguments for denying permissive intervention pursuant to V.I. R. Civ. P. 24(b) also have no merit and should be rejected if intervention as of right is denied (*which it should not be*).

Maxwell first argues that permissive intervention should be denied because the Government's claims do not share "a common question of law or fact," V.I. R. Civ. P. 24(b)(1)(B),

with the claims in her indemnification action. *See* Opposition at 17. This is incorrect. The Government's CICO claims against Defendants, its investigated claims against Maxwell, and Maxwell's claims against Defendants all present the common question of: Who is liable to pay a judgment on the Government's CICO claims against Defendants (and/or Maxwell) for their involvement in or connection to the rape, abuse, exploitation, and trafficking of young women and underage girls by Epstein and his associates?

Numerous federal courts have addressed the question of whether a tort claim and an indemnification claim present a common question of law or fact, and concluded that they do. *See Security Ins. Co., supra,* 69 F.3d at 1381 (common question and independent jurisdiction requirements "are clearly met in this case"); *Nationwide Mut. Ins. Co. v. Nat'l REO Mgmt., Inc.*, 205 F.R.D. 1, 6 (D.D.C. 2000) ("Thus, while the insurance contract may not be an issue in the underlying case in Superior Court, the factual similarities between the two cases are enough to establish a common question of fact. Specifically, both the present case and the underlying case arise from alleged carbon monoxide emissions from a furnace in the defendant's building that began on February 23, 1995. In addition, neither case can be decided without determining the source of the applicant's injuries. Accordingly, for purposes of [Federal] Rule 24(b), the court finds a common question of fact in the present lawsuit and the underlying lawsuit in Superior Court."). This Court should hold the same here.

Maxwell's next and final argument is that the Government's intervention will cause undue delay and prejudice because the Government "proposes to inject legal issues that diverge substantially from those involved in this indemnification action." Opposition at 18. Not so.

The only such issues Maxwell identifies are those "concerning the Government's intent to conduct a criminal investigation of Plaintiff within the context of this civil action." *Id.* This

question, however, would be answered by the intervention itself. Once intervention is granted, the Government will seek to: (a) oppose unauthorized expenditures of Epstein Estate's funds, which Maxwell contends already is or should be the Estate's position, *see* Opposition at 16; and (b) enforce its investigatory subpoena against Maxwell, which raises a discrete question clearly answered under 14 V.I.C. § 612(a), as Maxwell also appears to recognize (but nonetheless wants to be answered in any other court where she has not yet consented to jurisdiction), *see* Opposition at 13-14.

At bottom, the only thing the Government's intervention threatens is to provide facts answering the questions already raised by Maxwell's indemnification claim in this action. Maxwell seeks indemnification from the Epstein Estate based upon her purported "prior employment relationship" with Epstein and his businesses in connection with any claim "related to Epstein, his affiliated businesses, *and his alleged victims.*" Complaint, ¶ 1 (emphasis added). The Epstein Estate's Co-Executors already are "indemnifying certain current and former employees of and professionals on behalf of" Epstein's companies. Ex. M (Sept. 15, 2020 letter to Probate Court). Only the Government stands at the ready to determine:

- what actual conduct by Epstein and Maxwell is at issue in connection with claims by Epstein's "alleged victims;"
- whether the criminal sex-trafficking and sexual abuse conduct that is alleged would fall within the scope of any purported employment relationship; and/or
- whether, employment relationship or no, it is a legitimate expenditure of Epstein Estate funds to provide legal representation to persons connected to an alleged criminal sex-trafficking enterprise instead of preserving funds for the Estate's true beneficiaries and claimants.

Thus, rather than unduly complicate this litigation, the Government's intervention would guide it towards a fact-based resolution of the issues Maxwell's indemnification claims actually present.

For each of these reasons, the Court should grant permissive intervention under Rule 24(b) if intervention as of right under Rule 24(a) is denied (*which it should not be*).

CONCLUSION

For all of the reasons set forth herein and in the moving papers, the Court should grant the Government's motion to intervene as of right under Rule 24(a) or else by permission under Rule 24(b).

Respectfully submitted,

DENISE N. GEORGE, ESQUIRE
ATTORNEY GENERAL

Dated: September 22, 2020 By: /S/ Carol Thomas-Jacobs

CAROL THOMAS-JACOBS, ESQ.
Chief Deputy Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
3438 Kronprindsens Gade
St. Thomas, U.S. Virgin Islands 00802
Email: carol.jacobs@doj.vi.gov
(340) 774-5666 ext. 10101

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing Reply Brief in Support of Motion to Intervene complies with the word and page requirements of V.I.R. Civ. P. 6-1(e) and a true and correct copy of the Motion was served via regular mail, postage prepaid, with a courtesy copy sent by email to counsel of record on September 22, 2020 to:

KYLE R. WALDNER, ESQ.
QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
9300 S. Dadeland Blvd., 4th Floor
Miami, FL 33156
E-mail: kwaldner@qpwblaw.com

DAVID CATTIE, ESQ.
THE CATTIE LAW FIRM, P.C.
1710 Kongens Gade
St. Thomas, V.I., 00802
e-mail: david.cattie@cattie-law.com

CHRISTOPHER ALLEN KROBLIN, ESQ.
ANDREW W. HEYMANN, ESQ.,
WILLIAM BLUM, ESQ.
SHARI D'ANDRADE, ESQ.
KELLERHALS FERGUSON KROBLIN PLLC
Royal Palms Professional Building
9053 Estate Thomas, Suite 101
St. Thomas, V.I. 00802-3602
Email: ckroblin@kellfer.com
aheymann@solblum.com
wblum@solblum.com
sdandrade@kellfer.com
mwhalen@kellfer.com

ANDREW TOMBACK
McLaughlin & Stern, LLP
260 Madison Avenue
New York, New York 10016
United States
Email: ATomback@mclaughlinstern.com

DANIEL WEINER
MARC A. WEINSTEIN
HUGHES HUBBARD & REID, LLP
One Battery Park Plaza
New York, NY 10004-1482
United States
Email: daniel.weiner@hugheshubbard.com
marc.weinstein@hugheshubbard.com

/S/ Carol Thomas-Jacobs

CAROL THOMAS-JACOBS, ESQ.
Chief Deputy Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
3438 Kronprindsens Gade
St. Thomas, U.S. Virgin Islands 00802
Email: carol.jacobs@doj.vi.gov
(340) 774-5666 ext. 10101