

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

VIRGIN ISLANDS CONSERVATION SOCIETY, INC.,)
)
 Petitioner,) CASE NO. ST-16-CV-395
)
 v.)
)
 VIRGIN ISLANDS BOARD OF LAND USE APPEALS,)
)
 Respondent.)
_____)

ORDER

On July 8, 2016, Petitioner filed a Petition for Writ of Review seeking review of the June 6, 2016, written decision in Board of Land Use Appeals Cases Nos. 005-6/2014 and 008/2014.

Pursuant to 4 V.I.C. §76, 5 V.I.C. §1421, 29 V.I.C. §236(k) and 29 V.I.C. §295(b)(6), this Court has jurisdiction to review a final decision of the Board of Land Use Appeals. The Court has reviewed the Petition and has determined that there has been apparent compliance with the statutory prerequisites of a Writ of Review and that Petitioner has no appeal or other plain, speedy, and adequate remedy as a means of review of that decision. Consequently, it is

ORDERED as follows:


1. The Petition on Appeal is GRANTED; and
2. Petitioner shall file proof of service of the Summons and Petition with the Court by August 31, 2016; and
3. The Acting Clerk of the Court shall issue a Writ of Review directed to the Commissioner of the Department of Planning and Natural Resources and the Chair of the Board of Land Use Appeals requiring that the Commissioner and the Chair


file with the Court and serve upon the Petitioner, by September 1, 2016, a certified copy of the record of proceedings below and all documents and records, including transcripts of hearings, that resulted in the June 6, 2016, written decision in Board of Land Use Appeals Cases Nos. 005-6/2014 and 008/2014; and

4. By September 20, 2016, Petitioner shall submit its Memorandum of Law with points and authorities in support of the Petition; and Respondent shall file its opposing Memoranda of Law by October 10, 2016; and
5. Copies of this Order shall be personally served on the Chair of the Board of Land Use Appeals and the Commissioner of the Department of Planning and Natural Resources, and copies shall be directed to counsel for Petitioner, the Attorney General of the Virgin Islands, and the Solicitor General of the Virgin Islands.

Dated: August 1, 2016.

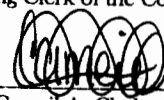
ATTEST: Estrella H. George
Acting Clerk of the Court ___/___/___

by: 
Donna D. Donovan
Court Clerk Supervisor 08, 02, 2016


HON. MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

CERTIFIED A TRUE COPY

DATE: 8-08-16
ESTRELLA H. GEORGE
Acting Clerk of the Court

By: 
Carneil A. Clarke
Court Clerk II

IN THE SUPERIOR COURT THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

VIRGIN ISLANDS CONSERVATION SOCIETY, INC.,)
)
 Petitioner,) CASE NO. ST-16-CV-395
)
 v.)
)
 BOARD OF LAND USE APPEALS,)
)
 Respondent.)
_____)

WRIT OF REVIEW

WHEREAS Petitioner has filed a Petition on Appeal seeking review of the June 6, 2016, written decision in Board of Land Use Appeals Cases Nos. 005-6/2014 and 008/2014; and

WHEREAS the Court has reviewed the Petition and supporting documents and has concluded that there has been apparent compliance with the statutory prerequisites of a Writ of Review or appeal of that dismissal; and

WHEREAS on August 1, 2016, the Court entered an Order granting Petitioner's request for a Writ of Review;

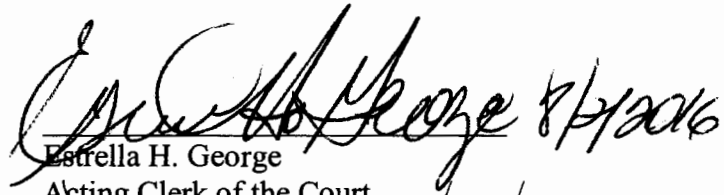
IT IS ORDERED as follows:

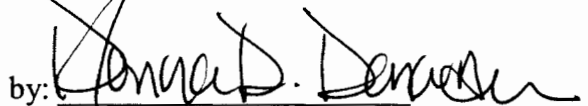
1. By September 1, 2016, the Commissioner of the Department of Planning and Natural Resources and the Chair of the Board of Land Use Appeals shall file with the Court and serve upon the Petitioner, a certified copy of the record of proceedings below and all documents and records, including transcripts of hearings, that resulted in the June 6, 2016, written decision in Board of Land Use Appeals Cases Nos. 005-6/2014 and 008/2014, together with the Board's and Department's file involving the Petitioner's appeal, to be delivered to the Superior Court of the Virgin Islands,

Alexander A. Farrelly Justice Center, and to be served on Petitioner, through its
counsel; and

2. By September 20, 2016, Petitioner shall submit its Memorandum of Law with points
and authorities in support of the Petition; and Respondent shall file its opposing
Memoranda of Law by October 10, 2016; and
3. Copies of this Order shall be personally served on the Chair of the Board of Land
Use Appeals and the Commissioner of the Department of Planning and Natural
Resources, and copies shall be directed to counsel for Petitioner, the Attorney
General of the Virgin Islands, and the Solicitor General of the Virgin Islands.

Dated: August 1, 2016.


Estrella H. George
Acting Clerk of the Court

by: 
Donna D. Donovan
Court Clerk Supervisor 08/02/2016

CERTIFIED A TRUE COPY

DATE: 8-08-16

ESTRELLA H. GEORGE
Acting Clerk of the Court

By: 
Court Clerk II

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

VIRGIN ISLANDS CONSERVATION SOCIETY INC.,	Plaintiff)	CASE NO. ST-16-CV-0000395
)	
)	
)	
	vs)	ACTION FOR: WRIT OF REVIEW
)	
VIRGIN ISLANDS BOARD OF LAND USE APPEALS)	
)	

Defendant

**NOTICE OF ENTRY OF
ORDER & WRIT OF REVIEW**

TO: ANDREW SIMPSON, ESQ. (340) 719-3903
DARIEN WHEATLEY C/O VI. BOARD OF LAND
USUAGE APPEALS- GERS BLD.
COMMISSIONER OF DPNR
CLAUDE WLAKER, ESQ., AG.
PAMELA TEPPER, ESQ., SOLICITOR GENERAL

Please take notice that on August 05, 2016 a(n) ORDER & WRIT OF
REVIEW dated August 01, 2016 was entered by the Clerk in the above-entitled
matter.

Dated: August 05, 2016

Estrella H. George
Acting Clerk of the Court

CAMEIL A. CLARKE
COURT CLERK II