

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

SAVE CORAL BAY, INC.,
CORAL BAY COMMUNITY COUNCIL,
and DAVID SILVERMAN,

Plaintiffs,

NO. 3:26-cv-00042

UNITED STATES ARMY CORPS OF
ENGINEERS, the DISTRICT
COMMANDERS FOR THE
JACKSONVILLE DISTRICT OF THE
ARMY CORPS OF ENGINEERS,
MATTHEW A. WESTCOTT and
BRANDON BOWMAN (in their official
capacity), and the CHIEF, PALM BEACH
GARDENS SECTION, ARMY CORPS OF
ENGINEERS (in her official capacity),

Defendants.

NOTICE OF FIRST AMENDED COMPLAINT

Plaintiffs, by and through undersigned counsel, hereby provide notice to amend their complaint as of right pursuant to Federal Rule of Civil Procedure 15(a)(1). Pursuant to District Court Local Rule 15.1, the undersigned attaches a red-lined version of the First Amended Complaint as **Exhibit 1** and a clean copy as **Exhibit 2**.

I. Applicable Law

Rule 15(a)(1) of the Federal Rules of Civil Procedure permits a party to amend a pleading once as a matter of course within 21 days of serving the pleading or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12 (b), (e), or (i), whichever is earlier.” Plaintiffs

served Defendants on August 17, 2026. Here, the Defendants have 60 days to serve an answer under Federal Rule of Civil Procedure 12(a)(2) and because Defendants have not yet filed or served either a responsive pleading or a pre-answer motion under Federal Rule of Civil Procedure 12, the alternative 21-day clock under Rule 15(1)(1)(B) has not yet been triggered or expired. Thus, the notice to amend as a right is timely.

Respectfully submitted,

/s/ Melody D. Westfall

Melody Westfall (R2052)

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Dated: September 17, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September 2026, I electronically filed the foregoing Notice of First Amended Complaint with the Clerk of the Court using the CM/ECF system, which will send notification to all CM/ECF participants registered to receive service in this matter, including counsel of record for all Defendants.

/s/ Melody D. Westfall

Melody Westfall (R2052)

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Counsel for Plaintiffs