

**FILED**

May 22, 2021  
SCT-Civ-2021-0017  
VERONICA HANDY, ESQUIRE  
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**SAVE CORAL BAY, INC.,**

**APPELLANT-PLAINTIFF,**

**V.**

**ALBERT BRYAN, JR. IN HIS OFFICIAL  
CAPACITY AS GOVERNOR OF THE VIRGIN  
ISLANDS AND SUMMERS END GROUP,  
LLC,**

**APPELLEES-DEFENDANTS.**

**SCT- CIV-2021-\_\_\_\_\_**

**RE: SUPER. CT. NO.  
ST-2020-CV-00298**

**NOTICE OF APPEAL**

Save Coral Bay, Inc., plaintiff-appellant in the above captioned case, by and through the undersigned counsel, hereby appeals a final order entered on May 14, 2021, which dismissed Save Coral Bay's complaint on separation of powers grounds. Save Coral Bay appeals from all issues inherent in the dismissal, including, *without limitation*, the following:

1. Whether interpretation of the term "ratify" as found in 12 V.I.C. § 911 is beyond the power of the judiciary under the Separation of Powers Doctrine;

2. Whether the scope of legislative ratification is beyond the power of the judiciary under the Separation of Powers Doctrine;
3. Whether the Governor's modification of a Coastal Zone Management Permit was void *ab initio* because the modification did not meet the limited criteria of 12 V.I.C. § 911(g) that would allow such a modification and/or because the modification exceeded what was authorized by the statute.
4. Whether it is possible for the Legislature to ratify an act of the Governor that was void *ab initio*.
5. Whether the Legislature's ratification of an act of the Governor that was void *ab initio* is not subject to judicial review under the Separation of Powers Doctrine.

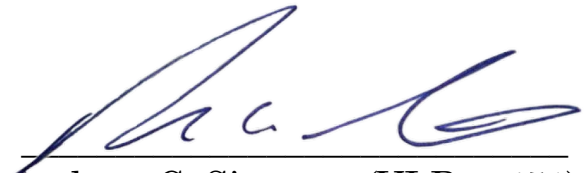
This is an appeal from a final order of the Superior Court entered on May 14, 2021 and therefore this Court has jurisdiction under 4 V.I.C. § 32(a).

Respectfully submitted,

**ANDREW C. SIMPSON, P.C.**  
Attorneys for Appellant/Plaintiff

Dated: May 22, 2021

By:



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**CERTIFICATE OF SERVICE**

I certify that on May 22, 2021, the foregoing notice was served via U.S. Mail upon The Hon. Renée Gumbs Carty, Judge of the Superior Court, Post Office Box 70, St. Thomas, USVI 00804 and using the Court's electronic filing system upon:

<p>Christopher M. Timmons, Esq. Assistant Attorney General 213 Estate La Reine, RR1 Box 6151 Kingshill, V.I. 00851 <a href="mailto:christopher.timmons@doj.vi.gov">christopher.timmons@doj.vi.gov</a></p> <p>(counsel for Governor Albert Bryan, Jr.)</p>	<p>David J. Cattie, Esq. The Cattie Law Firm, P.C. 1710 Kongens Gade St. Thomas V.I. 00802 <a href="mailto:david.cattie@cattie-law.com">david.cattie@cattie-law.com</a></p> <p>(counsel for Summers End Group)</p>
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