

FILED

January 07, 2021

ST-2020-CV-00298

TAMARA CHARLES
CLERK OF THE COURT

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

SAVE CORAL BAY, INC.)	
)	CASE NO. ST-20-CV-298
Plaintiff,)	
)	ACTION FOR
v.)	PRELIMINARY INJUNCTION and
)	DECLARATORY RELIEF
ALBERT BRYAN, JR. in his official)	
Capacity as Governor of the Virgin Islands)	
and SUMMERS END GROUP, LLC,)	
)	
Defendants)	
_____)	

**DEFENDANT SUMMER’S END GROUP, LLC’S MOTION
TO DISMISS FOR MOOTNESS AND FAILURE TO STATE A CLAIM**

Comes now the Summer’s End Group, LLC, by and through its attorneys (Law Offices of John H. Benham, P.C.; John H. Benham and Boyd L Sprehn, Esqs. Of Counsel; and Law Office of David Cattie, David Cattie, Esq.), and moves this Court to Dismiss the Complaint for Mootness and Failure to State a Claim pursuant to V.I.R. Civ. P. 12 (b)(1) and 12(b)(6). For the reasons set forth in the concurrently filed Memorandum, Defendant respectfully requests that its Motion to Dismiss be granted.

Respectfully Submitted,
Law office of John H. Benham, P.C.

DATED: January 7, 2021

BY: /s/ Boyd L. Sprehn
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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 7th day of January, 2021, I caused a true and exact copy of the foregoing Defendants' Motion to Dismiss and accompanying Memorandum of Law in support thereof, to be served by email to:

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Plaintiff

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For Governor Albert Bryan, Jr.
Defendant

/s/ Boyd L. Sprehn
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