

**Not For Publication**

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

**LAMONT JOSEPH,** ) **S. Ct. Civ. No. 2014-0048**  
Appellant/Plaintiff, ) Re: Super. Ct. Civ. No. 491/2013 (STT)  
 )  
v. )  
 )  
**SUGAR BAY CLUB & RESORT, CORP.,** )  
Appellee/Defendant. )  
 )  
 )  
 )

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On Appeal from the Superior Court of the Virgin Islands  
Division of St. Thomas & St. John  
Superior Court Judge: Hon. Denise M. Francois

Considered: February 10, 2015  
Filed: February 17, 2015

**BEFORE:** **RHYS S. HODGE**, Chief Justice; **MARIA M. CABRET**, Associate Justice; and  
**IVE ARLINGTON SWAN**, Associate Justice.

**APPEARANCES:**

**Ryan W. Greene, Esq.**  
St. Thomas, U.S.V.I.  
*Attorney for Appellant,*

**Helen K. Kim, Esq.**  
St. Thomas, U.S.V.I.  
*Attorney for Appellee.*

**OPINION OF THE COURT**

**PER CURIAM.**

This matter comes before this Court pursuant to an appeal by Appellant Lamont Joseph of the Superior Court's March 17, 2014 opinion and order, which dismissed his claim under the Virgin Islands Wrongful Discharge Act, as well as its July 19, 2014 order denying his motion for reconsideration of that decision. In its March 17, 2014 opinion, the Superior Court held that Joseph

failed to state a claim for wrongful discharge because “[t]he only facts that this Complaint alleges are: (1) the Plaintiff was employed by the Defendant, and (2) the Defendant terminated the Plaintiff on or about July 16, 2013.” (J.A. 28.) In its July 19, 2014 order, the Superior Court rejected Joseph’s claim that these elements were all he was required to plead to state a claim for wrongful discharge, and also denied him permission to amend his complaint to plead additional facts to support that claim.

This Court has recently held that “to state a claim under section 76, [a plaintiff] only needed to plead that [the defendant] was his employer and that [the defendant] wrongfully discharged him, and was not required to anticipate in his complaint any affirmative defenses [the defendant] might raise in its answer, such as the permissible grounds for discharge.” *Rennie v. Hess Oil V.I. Corp.*, S. Ct. Civ. No. 2014-0028, \_\_ V.I. \_\_, 2015 V.I. Supreme LEXIS 3, at \*21-22 (V.I. Feb. 6, 2015). Applying this precedent, Joseph’s complaint sufficiently stated a claim for wrongful discharge, and the Superior Court therefore erred in dismissing that cause of action.<sup>1</sup> Thus, we reverse the Superior Court’s March 17, 2014 opinion and order as it pertains to the wrongful discharge claim, vacate the Superior Court’s July 19, 2014 order denying Joseph’s motion for reconsideration, and remand the case to the Superior Court for proceedings consistent with this opinion.

**ATTEST:**

**VERONICA J. HANDY, ESQ.**  
**Clerk of the Court**

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<sup>1</sup> Joseph also pleaded a cause of action for intentional infliction of emotional distress, which the Superior Court also dismissed for failure to state a claim. However, Joseph has informed this Court, through his appellate brief, that he “has abandoned [t]his claim.” (Appellant’s Br. 4 n.1.)