

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

ORDER SETTING CALENDAR OF CASES
FOR CONSIDERATION AND FOR ORAL ARGUMENT

The Supreme Court will convene in its Sixth Session of its 2008 Term on Friday, October 24, 2008. Unless otherwise noted, the Honorable **RHYS S. HODGE**, Chief Justice, the Honorable **MARIA M. CABRET**, Associate Justice; and the Honorable **IVE ARLINGTON SWAN**, Associate Justice, will comprise the panel scheduled for October 24, 2008.

AND NOW, this 24th day of September 2008, it is hereby

ORDERED, that the following cases are scheduled for consideration before the Supreme Court of the Virgin Islands in its Sixth Session, 2008 Term:

S. Ct. Civ. No. 2008-001
Super. Ct. Civ. No. 279/2004
Action for Breach of Contract

**CONSTANTIA CLARKE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE
FOR THE ESTATE OF ELSELMO CLARKE, DECEASED,**
Appellants/Plaintiffs,

V.

GOVERNMENT EMPLOYEES RETIREMENT SYSTEM,
Appellee/Defendant.

Counsel for Appellants
Mark L. Milligan, Esq.

Counsel for Appellee
Pedro K. Williams, Esq.

S. Ct. Civ. No. 2008-007
Super Ct. Civ. No. 272/2007
Action for Breach of Contract and Legal Malpractice
ARLINGTON FUNDING SERVICES, INC. and ALFRED ARCIDI,
Appellants/Plaintiffs,

V.

WILFREDO A. GEIGEL,
Appellee/Defendant.

Counsel for Appellants

David Marshall Nissman, Esq.

Counsel for Appellee

Wilfredo A. Geigel, Esq.

S. Ct. Civ. No. 2008-016
Super. Ct. CS. No. 22/2000
Action for Abuse and Neglect

KELVIN DENNIE,
Appellant/Plaintiff,

V.

ARLENE SWANSTON,
Appellee/Defendant.

Counsel for Appellant

Beverly A. Edney, Esq.

Counsel for Appellee

William W. Franks, Esq.

S. Ct. Civ. No. 2007-115
Super. Ct. DI. No. 148/2005
Action for Divorce

EILEEN M. HARVEY,
Appellant/Defendant,

v.

LIONEL CHRISTOPHER,
Appellee/Plaintiff.

Counsel for Appellant
Bruce P. Bennett, Esq.

Counsel for Appellee
H. A. Curt Otto, Esq.

S. Ct. Crim. No. 2008-070
Super. Ct. Crim. No. 344/2008
Robbery First Degree; Assault First Degree; Assault Third Degree;
Reckless Endangerment First Degree; Possession of a Firearm
During a Crime of Violence; Unauthorized use of a Vehicle; Grand
Larceny; and Possession of Stolen Property
(Expedited Appeal)

DWAYNE TOBAL,
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,
Appellee/Plaintiff.

Counsel for Appellants
Robert A. Waldman, Esq.

Counsel for Appellee
Tiffany V. Robinson, Esq.,
AAG

S. Ct. Civ. No. 2008-004
Super. Ct. Civ. No. 405/2004
Action for Writ of Review

**ALBERT BRYAN, COMM. OF LABOR, THE GOVERNMENT OF THE VIRGIN
ISLANDS, DEPARTMENT OF LABOR, and FOOTLOCKER RETAIL, INC., d/b/a
CHAMPS SPORTS,**
Appellants/Respondents,

V.

IN THE MATTER OF CARMEN PONCE,
Appellee/Petitioner.¹

Counsel for Appellants

Richard S. Davis, Esq., AAG.

Counsel for Appellee

Lee J. Rohn, Esq.

It is further

ORDERED that the Court will hear **ORAL ARGUMENTS** in the
above-noted cases on October 24, 2008, in **Courtroom 211**, R.H.
Amphlett Leader Justice Complex, St. Croix, as follows:

Oral arguments will commence at **10:00 a.m.** in the
following cases:

¹ Associate Justice Maria M. Cabret having recused herself from consideration of this matter, the panel convened to consider this matter comprised **CHIEF JUSTICE RHYS S. HODGE, ASSOCIATE JUSTICE IVE ARLINGTON SWAN**, and the Honorable Verne A. Hodge, Justice Pro Tem.

1. Constantia Clarke, Individually and as Personal Representative for the Estate of Alselmo Clarke, Deceased v. Government Employees Retirement System, S. Ct. Civ. No. 2008-001
2. Arlington Funding Services, Inc., and Alfred Arcidi v. Wilfredo A. Geigel, S. Ct. Civ. No. 2008-007
3. Kelvin Dennie v. Arlene Swanston, S. Ct. Civ. No. 2008-016
4. Eileen M. Harvey v. Lionel Christopher, S. Ct. Civ. No. 2007-115
5. Dwayne Tobal v. People of the Virgin Islands, S. Ct. Crim. No. 2008-070, (Expedited Appeal)
6. Carolyn Burke, Official Court Reporter, (Order to Show Cause regarding transcripts of the following cases: Petroleum Holdings-Two Brothers, Inc. and Petroleum Holdings-Peters Rest, Inc., v. Theodore Cohen, S. Ct. Civ. No. 2007-123, and Albert Marcelle, Jr., v. Government of the Virgin Islands, S. Ct. Crim. No. 2007-128)

CASE TO BE CONSIDERED WITHOUT ORAL ARGUMENT:

1. Albert Bryan, Comm. of Labor, the Government of the Virgin Islands, Department of Labor, and Footlocker Retail, Inc., d/b/a Champs Sport v. In the Matter of Carmen Ponce, S. Ct. Civ. No. 2008-004

SO ORDERED this 24th day of September, 2008.

FOR THE COURT:

 /s/

RHYS S. HODGE
Chief Justice

ATTEST:
GLENDALAKE, ESQ.
Acting Clerk of Court