

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

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SUPERIOR COURT

GOVERNMENT EMPLOYEES' RETIREMENT)
SYSTEM, BOARD OF TRUSTEES,)
Wilbur K. Callendar, Chairman,)
Petitioners,)

CASE No. ST-15-MISC-73

v.)

ACTION FOR DECLARATORY
RELIEF AND INJUNCTIVE RELIEF

PETITION TO QUASH SUBPOENA

GOVERNMENT OF THE VIRGIN ISLANDS)
OFFICE OF THE ATTORNEY GENERAL)
Respondent.)

**MOTION TO RULE ON PETITIONER'S MOTION TO QUASH SUBPOENA AND
RESPONDENT'S MOTION TO DISMISS PETITIONER'S VERIFIED AMENDED
COMPLAINT**

COMES NOW respondent, Government of the Virgin Islands, by and through its undersigned counsel, Quincy G. McRae, and hereby requests that the Court rule on Petitioner's Motion to Quash Subpoena and Respondent's Motion to Dismiss Petitioner's Verified Amended Complaint and states as follows:

FACTUAL AND PROCEDURAL BACKGROUND

On October 9, 2015, the Attorney General served a subpoena duces tecum on the Chairman of the Board of Trustees of the Government Employees' Retirement System ("GERS") requesting that he provide portfolio data from investment managers for the GERS commencing from the period of five (5) years up until the date of the subpoena and on an ongoing basis.

On October 15, 2015, the Petitioner filed a petition to quash the above-mentioned subpoena. By Order dated November 10, 2015, the Court directed the Petitioner to file and serve

an amended pleading which makes clear the legal basis on, and the procedural mechanism by, which it asserted that the tribunal could proceed to adjudicate this matter.

As such, the Petitioner filed a Verified Amended Complaint which still failed to provide a legal basis upon which the Court could adjudicate this matter. Thereafter, during the month of December 2015, the Respondent submitted its Motion to Dismiss Petitioner's Verified Amended Complaint, and the parties submitted their Stipulated Record of Exhibits.

To date, the Petitioner's Motion to Quash Subpoena and Respondent's Motion to Dismiss Petitioner's Verified Amended Complaint have not been ruled upon. The contents requested in challenged subpoenas contain information imperative to the Office of the Attorney General's on-going investigation and is similar in nature to the contents revealed in the Inspector General's Report dated March 7, 2016, referencing the investment of approximately \$77 million dollars in unauthorized loans. As such, the Government of the Virgin Islands requests that the Court rule in favor of the Government and grant Respondent's Motion to Dismiss the Petitioner's Verified Amended Complaint.

Respectfully submitted,

CLAUDE EARL WALKER, ESQ.
ATTORNEY GENERAL

Dated: March 18th, 2016

By:

Quincy G. McRae, Esq.
QUINCY G. MCRAE, ESQ.
Chief of the Criminal Division
Department of Justice
34-38 Kronprindsens Gade
St. Thomas, U.S. Virgin Islands 00802

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that an exact copy of the foregoing **Motion To Rule On Petitioner's Motion To Quash Subpoena And Respondent's Motion To Dismiss Petitioner's Verified Amended Complaint** was mailed to Vincent F. Frazer, Esq., LAW OFFICES OF PEDRO K. WILLIAMS, 5212 Wimmelskafts Gade, Suite, 200, St. Thomas, U.S. Virgin Islands 00802-6404.

Meredith Luke