

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

GOVERNMENT OF THE VIRGIN
ISLANDS

Plaintiff)

)

)

)

vs)

)

BETTERROADS ASPHALT
CORPORATION A/K/A
BETTERROADS

)

)

)

Defendant

CASE NO. ST-16-CV-0000610

ACTION FOR: TEMPORARY
RESTRAINING ORDER

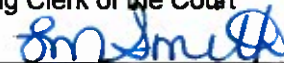
**NOTICE OF ENTRY OF
ORDER GRANTING
EMERGENCY MOTION FOR
TRO**

TO: HUGH A. GREENTREE, ESQ., AAG

Please take notice that on October 07, 2016 a(n) ORDER GRANTING
EMERGENCY MOTION FOR TRO dated October 07, 2016 was entered by the
Clerk in the above-entitled matter.

Dated: October 07, 2016

Estrella H. George
Acting Clerk of the Court



JEANETTE SMITH
COURT CLERK II

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

**GOVERNMENT OF THE VIRGIN
ISLANDS,**

Plaintiff,

v.

**BETTERROADS ASPHALT CORPORATION
a/k/a BETTERROADS ASPHALT LLC,**

Defendant.

CASE. NO. ST-16-CV- 610

**ACTION FOR INJUNCTIVE RELIEF
AND DECLARATORY JUDGMENT**

**ORDER GRANTING PLAINTIFF'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

THIS MATTER is before the Court on the Plaintiff's Motion for a Temporary Restraining. The Court has considered the Plaintiff's motion, the pleadings and other papers filed and has determined that Defendant has received sufficient notice of the application by Plaintiff and that under Title 5 V.I.C. § 1141 the Government is exempt from posting a bond.¹ The Court finds that Plaintiff has demonstrated that:

- (1) The Plaintiff is likely to prevail on the merits of its claim that the Betterroads Asphalt Corporation has violated Title 24 V.I.C. § 471 *et seq.*, the Virgin Islands Plant Closing Act.
- (2) Plaintiff will suffer irreparable harm if Defendant continue to violate and ignore the mandates of Title 24 V.I.C. § 471 *et seq.*;

¹ V.I. ANN. tit 5 § 1141(b) states as follows:

In any civil action in which the government of the Virgin Islands is a party, no bond, written undertaking, or security shall be required of the government of the Virgin Islands. Upon complying with other requirements, the government of the Virgin Islands has the same rights, remedies and benefits as if the bond, undertaking, or security had been given and approved.

In light of the statutory mandate, the Government is exempt from having to post a bond or cash as security for the issuance of a temporary restraining order.

(3) The injury to Plaintiff and the Public by the continued violation of Title 24 V.I.C. § 471 *et seq.* would outweigh any injury to Defendant;

(4) The public interest is best served by the immediate enforcement of Title 24 V.I.C. § 471 *et seq.*; and

Accordingly, it is hereby

ORDERED Plaintiff's motion is hereby GRANTED; and it is further

~~**ORDERED** that Betterroads Asphalt Corporation treat all of its former employees terminated on or before September 30, 2016 as affected employees pursuant to Title 24 V.I.C. § 471 (2); and it is further~~

ORDERED that Betterroads Asphalt Corporation is directed to provide information to the Virgin Islands Department of Labor and the Virgin Islands Department of Justice regarding the affected employees in the manner described in Title 24 V.I.C. § 472(d); and it is further

ORDERED that Betterroads Asphalt Corporation is prohibited from removing any property, assets, or money from the U.S. Virgin Islands; and it is further

ORDERED that any person or entity that violates this Order shall be found in contempt of this Court's Order; and it is further

ORDERED that a copy of this Order shall be served on Betterroads Asphalt Corporation.

ORDERED that a hearing on Plaintiffs' motion for preliminary injunction shall be held on the 21st 3rd day of October 2016, at 9:30 a.m. ~~p.m.~~ in court room 3.

~~and it is further~~

Dated: 10/7/2016

Time: 5:57 p.m.

Denise M. Francois
Judge **DENISE M. FRANCOIS**
Superior Court of the Virgin Islands

Government v. Better Roads Asphalt Corporation

Civil No. ST - 16 - **610**

Order Granting Motion for Temporary Restraining Order and Preliminary Injunction

Page 3

ATTESTED:

By: _____

ESTRELLA H. GEORGE

Acting Clerk of the Superior Court

By: _____

Deputy Clerk

[Handwritten signature in blue ink] 10/7/16