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

THE BOARD OF DIRECTORS OF SAPPHIRE BAY CONDOMINIUMS WEST

Plaintiff,

-v-

GEORGE R. SIMPSON, et al.

Defendant.

Civil Number: 2004-62

GEORGE R. SIMPSON

Plaintiff,

-v-

ANDREW CAPDEVILLE and
ALAN R. FEUERSTEIN

Defendant.

Case Number: 2007-51

ALAN R. FEUERSTEIN

Plaintiffs,

-v-

GEORGE R. SIMPSON

Defendant.

CIVIL NUMBER: 2004-134

GEORGE R. SIMPSON

Plaintiff,

-v-

GEORGE WOOD

Defendant.

Civil Number: 2007-102

DEFENDANT'S REPLY TO "PLAINTIFF'S OPPOSITION MOTION" TO DEFENDANT GEORGE WOOD'S MOTION TO STRIKE PLAINTIFF'S SUPPLEMENTAL INFORMATION SUBMITTED IN RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

To Honorable Ronald Buckwalter
Senior United States District Court Judge for the
Eastern District of Pennsylvania

Respectfully submitted,
FEUERSTEIN & SMITH, LLP
Alan R. Feuerstein, Esq.
Attorneys for Defendant
Office and P. O. Address
17 St. Louis Place
Buffalo, New York 14202-1502
(716) 856-9704 Telephone
(716) 856-9707 Facsimile
FSLLP@aol.com
and
U.S. Virgin Islands Office
Post Office Box 502008
St. Thomas, U.S. Virgin Islands00805-2008

TO: George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

DATED: January 17, 2008

I. Introduction

George R. Simpson has filed a pleading on January 10, 2008 (which is dated November 24, 2007) characterizing his pleading as "Plaintiff's Opposition Motion to Defendant George Wood's Motion to Strike Plaintiff's Supplemental Information Submitted in Response to Defendant's Motion for Summary Judgment". The Defendant will treat the Plaintiff's "Opposition Motion" as Plaintiff's "Opposition" and therefore sets forth the following:

II. History

Defendant George Wood has made a Motion to Strike "Plaintiff's Supplemental Information Submitted in Response to Defendant's Motion for Summary Judgment" dated October 30, 2007.

Defendant made his Motion for Summary Judgment on September 18, 2007. The Motion has been fully briefed.

After Defendant made his Motion for Summary Judgment, the Plaintiff filed his Opposition on October 24, 2007.

The subject pleading of November 2, 2007 (but filed on January 10, 2008) that the Plaintiff served entitled "Plaintiff's Supplemental Information" is a pleading that is not authorized because the Plaintiff has already filed his Opposition. If he wants to supplement his opposition, he must file a Motion to Supplement, and obtain Court permission to do so. [L.R.Civ.P. 7.1(g)]

Simpson's Opposition to Defendant's Motion to Strike has no merit.

Additionally, Plaintiff's Opposition was filed on January 10, 2008 and therefore, must be stricken because it was not filed in a timely fashion.

III. Conclusion

Defendant's Motion to Strike should be granted, Plaintiff's attempts to supplement his Opposition to Defendant's Motion for Summary Judgment is unauthorized, and must be stricken.

DATED: Buffalo, New York
January 17, 2008

Respectfully submitted,
FEUERSTEIN & SMITH, LLP

BY: s/Alan R. Feuerstein

Alan R. Feuerstein, Esq.
Attorneys for Defendant
Office and P. O. Address
17 St. Louis Place
Buffalo, New York 14202-1502
(716) 856-9704 Telephone
(716) 856-9707 Facsimile
FSLLP@aol.com
and
U.S. Virgin Islands Office
Post Office Box 502008
St. Thomas, U.S. Virgin Islands 00805-2008

TO: George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

CERTIFICATE OF SERVICE

I, Alan Feuerstein, hereby certify that on the 17th day of January, 2008 served the Defendant's Reply to "Plaintiff's Opposition Motion" to Defendant George Wood's Motion to Strike Plaintiff's Supplemental Information Submitted in Response to Defendant's Motion for Summary Judgment via U.S. First Class Mail directed to the following:

George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

s/Alan R. Feuerstein
Alan R. Feuerstein