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 NOTICE TO THE COURT THAT ANDREW CAPDEVILLE AND ALAN R. FEUERSTEIN'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT SHOULD BE GRANTED AS UNOPPOSED

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

Respectfully submitted,
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TO: *George R. Simpson, pro se*
Post Office Box 775
Hampton Bay, New York 11946

DATED: February 26, 2008

I. HISTORY

On December 10, 2007 the Defendants, Alan R. Feuerstein and Andrew Capdeville, filed their Motion to Dismiss Plaintiff's Complaint. Attached to the Defendant's Motion to Dismiss Plaintiff's Complaint are eight (8) separate exhibits. Contemporaneously, the Defendants also filed their Memorandum of Law in support of the Defendant's Motion to Dismiss Plaintiff's Complaint as well as a proposed Order of Dismissal.

All of the subject pleadings were served upon the Plaintiff, George R. Simpson, on December 10, 2007.

Plaintiff, George R. Simpson, has filed a "Motion to Strike Defendant Andrew Capdeville and Alan R. Feuerstein's Entire Motion to Dismiss Plaintiff's Complaint" and on December 28, 2007 the Defendant's filed their Opposition.

On February 25, 2008, the Plaintiff filed a Motion for "Sanctions" against Attorney Feuerstein and the Law Firm of Feuerstein & Smith, LLP alleging that Defendants' Motion to Dismiss was presented to harass, cause unnecessary delay and needlessly increase the costs of litigation.

The Defendants have filed their Opposition to the Plaintiff's Motion for Sanctions dated February 7, 2008 and filed February 19, 2008.

In both the Defendants' Opposition to the Plaintiff's Motion to Strike Defendant's Motion to Dismiss and in the Defendants' Opposition to Plaintiff's Motion for Sanctions the Defendants have clearly and unequivocally advised the Plaintiff and has notified the Court that the Plaintiff, George R. Simpson, has never responded to the Motion to Dismiss Plaintiff's Complaint and instead has filed a Motion to Strike and a Motion for Sanctions.

Therefore, the Defendants do hereby give notice to the Court that the Defendant's Motion to Dismiss Plaintiff's Complaint should be granted as unopposed.

I. ARGUMENT

The Defendants have made a Motion pursuant to F.R.Civ.P. 41(b) seeking involuntary dismissal of Plaintiff's Complaint as a result of the Plaintiff's failure to prosecute his claim, and, further moves that the Plaintiff be sanctioned as a result of his frivolous conduct in litigation.

Defendants' Motion was filed with this Court on December 10, 2007.

The Plaintiff has never filed any opposition to the Defendants' Motion to Dismiss. Plaintiff has filed a "Motion to Strike" and, the Plaintiff has filed a "Motion for Sanctions". If the Plaintiff opposed the Motion to Dismiss, the Plaintiff was obligated and required to file his response.

In this case, the Plaintiff, George R. Simpson, has failed and refused to file any Opposition to Defendants' Motion to Dismiss, and therefore, Defendants' Motion must be granted as unopposed.

II. CONCLUSION

After the Defendants made their Motion to Dismiss Plaintiff's Complaint, the Defendant was obligated and required to file a proper "response" or a proper "opposition".

The Plaintiff, Mr. Simpson, instead of responding to the Defendants' Motion, has filed a "Motion to Strike" which has been opposed by the Defendant; the Plaintiff, George R. Simpson, has also filed "a Motion for Rule 11 Sanctions" which has also been opposed.

At no time has the Plaintiff ever filed a proper Opposition as required and therefore, dismissal must be granted because the Plaintiff cannot maintain the suit as filed and he has not filed a proper opposition to the Motion to Dismiss.

DATED: February 26, 2008

Respectfully Submitted,
FEUERSTEIN & SMITH, LLP

BY: s/Alan R. Feuerstein

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CERTIFICATE OF SERVICE

I, Alan R. Feuerstein, HEREBY CERTIFY that I am over 18 years of age and on the 26th day of February, 2008 served the Defendants' Andrew Capdeville and Alan R. Feuerstein's Motion to Dismiss Plaintiff's Complaint Should be Granted as Unopposed by depositing a true copy of the same in a post-paid US Mail envelope in an official depository under the exclusive care and custody of the United States Post Office, directed to the following:

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

s/Alan R. Feuerstein
Alan R. Feuerstein, Esq.