

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

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THE BOARD OF DIRECTORS OF SAPPHIRE BAY CONDOMINIUMS WEST

Plaintiff,

-v-

GEORGE R. SIMPSON, et al.

Defendant.

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Civil Number: 2004-62

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GEORGE R. SIMPSON

Plaintiff,

-v-

ANDREW CAPDEVILLE and  
ALAN R. FEUERSTEIN

Defendant.

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Case Number: 2007-51

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ALAN R. FEUERSTEIN

Plaintiffs,

-v-

GEORGE R. SIMPSON

Defendant.

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CIVIL NUMBER: 2004-134

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GEORGE R. SIMPSON

Plaintiff,

-v-

GEORGE WOOD

Defendant.

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Civil Number: 2007-102

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**DEFENDANT'S OPPOSITION TO PLAINTIFF'S "MOTION FOR SANCTIONS ON DAVID SMITH AND ALAN FEUERSTEIN FOR THEIR REPLY TO PLAINTIFF'S OPPOSITION TO GEORGE WOOD'S MOTION FOR F.R.CIV.P. RULE 11 SANCTIONS AGAINST PLAINTIFF GEORGE R. SIMPSON" (FILED BY GEORGE R. SIMPSON FEBRUARY 19, 2008 AND DATED FEBRUARY 8, 2008)**

**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  
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*February 26, 2008*

## I. INTRODUCTION

The Plaintiff, George R. Simpson, has filed a Motion seeking F.R.Civ.P. Rule 11 Sanctions to be imposed against David Smith and Alan Feuerstein “for their reply to Plaintiff George R. Simpson’s Opposition to Defendant’s Motion for F.R.Civ.P. Rule 11 Sanctions Against George R. Simpson”. Mr. Simpson’s Motion is dated February 8, 2008, it was filed February 19, 2008 and it is listed as document number 142 in the Court’s docket. The Defendant files this Opposition to Plaintiff’s Motion for Sanctions.

## II. PLAINTIFF’S CONFUSION BY CHARACTERIZING OPPOSING PAPERS IMPROPERLY

The *pro se* Plaintiff, George R. Simpson, has been previously advised that he is continuously mischaracterizing papers filed by the Defendant by calling them “Reply Motion” and “Opposition Motion”.

Defendant again advises Mr. Simpson that the Federal Rules of Civil Procedure recognize a Motion [which are applications to the Court for an Order F.R.Civ.P. 7(b)(1)] an Opposition to the Motion (also sometimes referred to as a “response” to a Motion), and a “Reply”.

In Mr. Simpson’s pleading, he continually refers to the Defendant’s *Reply* as a “Reply Motion”.

Mr. Simpson must again be advised that he should not mischaracterize papers because it causes confusion with respect to the filing of papers and the required responses.

## III. DISCUSSION

On January 31, 2008, Mr. Simpson was forwarded correspondence authored by Attorney David B. Smith demanding that his Motion for Sanctions be withdrawn. David B. Smith has had no activity with respect to the proceedings before this Court, and Mr. Simpson’s “shotgun” application has no merit with respect to either Attorney Smith, Attorney Feuerstein, or the Law Firm of Feuerstein &

Smith, LLP. Exhibit 1 clearly shows that Simpson was warned that he should withdraw his Motion for Sanctions, and he has refused to do so. Mr. Simpson must be sanctioned as a result of his continuous pursuit of this baseless lawsuit and his continuous *ad hominem* attacks on attorneys, opposing parties, and anyone who disagrees with him.

Mr. Simpson's Motion seems to allege that he feels that Defendant's Reply filed with this Court on January 11, 2008 contains "insufficient defenses, is immaterial, impertinent, and contains scandalous and disingenuous matters". Mr. Simpson's Rule 11 Motion therefore appears to incorporate the standards for a "Motion to Strike" under F.R.Civ.P. 12(f) which has no applicability to F.R.Civ.P. 11.

A review of the "Defendant's Reply to Plaintiff's Opposition to the Defendant's Motion for Rule 11 Sanctions Against George R. Simpson" shows that the Defendant alleges that Simpson has commenced a baseless, sanctionable lawsuit against George Wood and that the Defendant has shown that the Plaintiff's Complaint has no merit, legally or factually. The Defendant's reply further states that the Complaint filed by Mr. Simpson against Mr. Wood was filed for improper purposes and in order to harass and cause unnecessary expense to Mr. Wood. The Defendant further alleges in his Reply that the Defendant demanded that Plaintiff's Complaint be withdrawn because the Complaint is not supported by existing law or existing argument for an extension or change in existing law that Plaintiff's legal contentions are unjustified, that Plaintiff ignores unfavorable precedent and Plaintiff is obviously unfamiliar with the law with respect to his alleged claims. Further, the Defendant alleges in his reply to Mr. Simpson that Plaintiff's claims have no evidentiary support, are not likely to have any evidentiary support, and the filing of Plaintiff's Complaint is sanctionable under Rule 11.

Defendant's Reply which is the subject of Plaintiff's Rule 11 Motion further summarizes Mr. Simpson's Opposition to the Rule 11 Motion made by the Defendant against Simpson and shows to the

Court that Simpson has no intention to pursue his lawsuit and even if he did that his lawsuit has no merit based upon the legal and factual arguments that have been submitted to this Court, and which have been fully briefed before this Court as part of the Defendant's Motion for Summary Judgment.

Further, Defendant's Reply advises the Court that Simpson does not feel that he has to engage in any discovery, that he will not engage in any discovery, and that despite the fact that precedents in the Virgin Islands have established that Simpson has no standing and is not a real party in interest, Simpson will pursue this meritless and baseless lawsuit. Defendant further advises the Court that Simpson has brought multiple lawsuits in different jurisdictions against members and former members of the Board of Directors of Sapphire Bay Condominiums West in retaliation for Sapphire's refusal to allow Simpson to change the style of his front windows at the condominium that he formerly owned and in retaliation for the condominium association's successful Lanham Act trade infringement lawsuit against Mr. Simpson in the District Court of the Virgin Islands Division of St. Thomas and St. John [which is presently pending before this Court and which action has been fully briefed upon Sapphire's Motion for Summary Judgment].

Defendant further explains to the Court that Mr. Simpson has been advised time and time again that the mandatory arbitration provisions bar the type of claim that Mr. Simpson has brought against Mr. Wood and others and that sanctions have been awarded against Mr. Simpson in the sum of Fifteen Thousand Dollars (\$15,000) because a claim that he brought against a co-occupant at the condominium association was dismissed based upon the fact that there was no jurisdiction.

Defendant further in his reply shows that Mr. Simpson has commenced these proceedings for improper purposes and in violation of F.R.Civ.P. 11 and that after commencing all of his proceedings against his adversaries, he erects websites and causes websites to be erected so that he can invite the public to "view" the defamatory Complaints and pleadings that he has filed in various Courts in a clear

effort to harm the opposing attorneys and litigants.

Finally, the Defendant attaches a full Rule 11 Motion filed against Simpson in the Eastern District of New York in the case of George R. Simpson v. Stephen Sokolow and urges the Court to review the Motion filed in the Eastern District of New York because all of the allegations contained in the Sokolow cause are applicable before the Court in the Wood case.

#### IV. ARGUMENT

It is incomprehensible to counsel that the subject reply (characterized by Simpson as a “Reply Motion”) could in any way be a subject of a Rule 11 Motion. Counsel suspects that if Mr. Simpson had a legal education and if Mr. Simpson had been admitted before the bar to practice law, that he would understand that the subject pleading filed by the Defendant fully complies with the obligations and representations made by the signor of the documents under F.R.Civ.P. 11(b).

In this case, the objective standard to be utilized in determining whether sanctionable conduct has occurred is whether the attorney or the *pro se* party has made a reasonable inquiry of the facts and the law before signing and presenting the alleged offensive document.

A review of the subject document clearly shows that each and every allegation contained in the document is true, it is pertinent and, it is reasonable. Counsel has an obligation to advise the Court of the shenanigans that Mr. Simpson has been involved in around the country in numerous Courts.

Mr. Simpson’s Motion has no factual or legal support, Defendant’s papers are neither groundless nor frivolous, Defendant’s papers were not filed for improper purposes, the claims and defenses set forth in Defendant’s papers are warranted in law, and clearly, Plaintiff’s Motion is a further example of his “position” that anybody who disagrees with George R. Simpson is a liar, should be incarcerated, disbarred, and sanctioned.

## V. CONCLUSION

Mr. Simpson's continual abuse of the Court system and his attempts to utilize this Court to seek some non-existent unavailable redress is nothing more than his attempts to retaliate against Sapphire Bay Condominiums West as a result of their refusal to "cave in" to his requests to change the style of his front windows. It is amazing that such retaliation by Simpson for such a disagreement has evolved into such a morass of "federal cases". The Defendant's Reply to Plaintiff's Opposition to the Defendant's Motion for Rule 11 Sanctions shows the clear motivation of Simpson in connection with his commencement of proceedings against George Wood and others. Simpson's conduct is bizarre, outrageous, and a symptom of what is clearly a much more serious disease.

WHEREFORE, Plaintiff's Motion for Rule 11 Sanctions as requested in his February 8, 2008 Motion filed under document number 142 with this Court (which was filed on February 19, 2008) therefore must be denied, and this Court must issue sanctions against the Plaintiff George R. Simpson as a result of his continuous sanctionable conduct and bad faith.

DATED: February 26, 2008

Respectfully submitted,

FEUERSTEIN & SMITH, LLP

BY: *s/Alan R. Feuerstein*

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00805-2008

**CERTIFICATE OF SERVICE**

I, Alan R. Feuerstein, hereby certify that on the 26<sup>th</sup> day of February, 2008 served the within Defendant George Wood's Opposition to Plaintiff's Motion to Strike Defendant's Entire Reply to Plaintiff's Opposition to George Wood's Motion for F.R.Civ.P. Rule 11 Sanctions Against Plaintiff George R. Simpson 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