

FILED

June 01, 2020

TAMARA CHARLES
CLERK OF THE COURT

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

CIVIL CASE NO.: ST-20-CV-155

GHISLAINE MAXWELL,

Plaintiff,

vs.

ESTATE OF JEFFREY E. EPSTEIN, DARREN
K. INDYKE, in his capacity as EXECUTOR OF
THE ESTATE OF JEFFREY E. EPSTEIN,
RICHARD D. KAHN, in his capacity as
EXECUTOR OF THE ESTATE OF JEFFREY E.
EPSTEIN, and NES, LLC, a New York Limited
Liability Company,

Defendants.

JOINT MOTION TO STAY PROCEEDINGS

Plaintiff GHISLAINE MAXWELL (“Plaintiff”), and Defendants DARREN K. INDYKE (“Indyke”) and RICHARD D. KAHN (“Kahn”), by and through their undersigned counsel, in their capacity as Co-Executors of the Estate of Jeffrey E. Epstein (the “Estate”), and on behalf of the Estate and NES, LLC, an entity administered in probate by the Co-Executors as part of the Estate (collectively, the “Defendants”), through their respective undersigned attorneys, hereby file this Joint Motion to Stay Proceedings until September 7, 2020, and state as follows:

1. “The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Burke v. Treasure Bay V.I. Corp.*, 2016 WL 9503682, at *3 (V.I. Super. Oct. 6, 2016) (*citing Landis v. North American Co.*, 299 U.S. 248, 254–55 (1936)). Generally, the party seeking a stay “must make out a clear case of hardship or inequity in being required to go

forward, if there is even a fair possibility that the stay for which he prays will work damage to someone else.” *Landis*, 299 U.S. at 254. To that end, in determining whether to grant a motion to stay, courts have considered the following factors: (1) whether a stay will simplify issues and promote judicial economy; (2) the balance of harm to the parties; and (3) the length of the requested stay. *See Burke*, 2016 WL 9503682, at *3; *Cheyney State Coll. Faculty v. Hufstедler*, 703 F.2d 732, 737–38 (3d Cir. 1983) (citing *Landis*, 299 U.S. at 254–55).

2. Defendants filed a motion to dismiss the case on May 1, 2020, citing, in part, 15 V.I.C. § 606(a), which provides that “[a]n action may be commenced against an executor or administrator at any time after the expiration of twelve months from the granting of letters testamentary or of administration and until the final settlement of the estate and discharge of such executor or administrator from the trust, and not otherwise.” Here, Magistrate Judge Carolyn P. Hermon-Percell issued Letters Testamentary to Indyke and Kahn on September 6, 2019.

3. Therefore, in the interest of judicial economy and preserving assets of the Estate, it is requested that the Court stay the instant proceeding until September 7, 2020, a definite period of 98 days from the date of this Motion. The parties further stipulate that Plaintiff’s response to Defendant’s motion to dismiss shall be due on or by September 7, 2020.

WHEREFORE, Plaintiff and Defendants respectfully request that this Court enter an Order staying this proceeding until September 7, 2020, and for any such other and further relief that this Court deems just and proper.

Dated: June 1, 2020

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email and U.S. Mail this 1st day of June, 2020 to:

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New York Limited Liability Company,

Defendants.

ORDER

THIS MATTER is before the Court on the Joint Motion To Stay Proceedings between the parties hereto. The premises having been duly considered, it is hereby:

ORDERED that the Joint Motion To Stay Proceedings is GRANTED; and it is further

ORDERED that Plaintiff's response to Defendants' motion to dismiss shall be due on or by September 7, 2020; and it is further

ORDERED that a certified copy of this Order shall be directed to counsel of record.

Dated: _____, 2020

ATTEST:
TAMARA CHARLES
Clerk of the Court

JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

By: _____
Deputy Clerk