

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

ILEASE BARTLETTE,

Plaintiff,

vs.

KMART CORPORATION,

Defendant.

CIVIL NO. 2002-100

ACTION FOR DAMAGES, BREACH
OF CONTRACT, DISCRIMINATION
AND WRONGFUL DISCHARGE

RECEIVED
2006 APR -7 PM 5:20
CLERK OF THE
DISTRICT COURT
ST. THOMAS, VI.

ORDER

Upon the premises being considered, it is hereby

ORDERED that Archie Jennings, Esq., is hereby withdrawn as counsel for
Plaintiff, Ilease Bartlette; and it is further

ORDERED that the case is stayed for 30 days from the date of this Order to
allow the Plaintiff to obtain new counsel; and it is further

ORDERED that counsel will serve Plaintiff with a copy of this Order and file
proof of service with the court.

DATED: April 5, 2006

[Signature]
Judge, Superior Court of the Virgin Islands
District

ATTEST: Wilfredo F. Morales

DENISE ABRAMSEN
Clerk of the Court

By: [Signature]
Deputy clerk

CERTIFIED A TRUE COPY THIS

20th DAY OF October 20 07
WILFREDO F. MORALES
CLERK OF THE COURT

BY [Signature]
DEPUTY

1/00
and
cc: Archie Jennings, Esq.
Monica Howard, Esq.
Carol Jackson, Chief Deputy
Olga Schneider
Alvin de la Donouan

NOT FOR PUBLICATION

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

ILEASE BARTLETTE,

Plaintiff,

v.

KMART CORPORATION,

Defendants.

Civil No. 2002-100

ATTORNEYS:

Ilease Bartlette, *Pro Se*

Bennett Chan, Esq.

St. Thomas, U.S.V.I.

For the defendants.

ORDER

GÓMEZ, J.


Before the Court is defendant K-mart Corporation ("K-mart")'s motion to dismiss for failure to state a claim upon which relief can be granted. K-mart filed its motion on April 25, 2006, without including any opposition or a letter to certify a lack of opposition, as required by LCRi 12.1.

Barlette v. K-mart
Civ. 2002-100
ORDER
Page 2

Accordingly, it is hereby ORDERED that K-mart's motion to
dismiss is DENIED.

ENTERED this 6th day of October, 2006.

FOR THE COURT


Curtis V. Gómez
Chief Judge

ATTEST:

WILFREDO MORALES
Clerk of the Court

By: 
Chief Deputy Clerk

Copies to:

✓Honorable G. W. Barnard
✓Ilesee Barlette
✓Bennet Chan, Esq.
✓Olga Schneider
✓Carol C. Jackson
✓Lydia Trotman
✓Claudette Donovan
✓Sarah Nelson

2006 OCT 10 PM 2:14

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

PLEASE BARTLETTE,)
)
Plaintiff,)
)
vs.) CIVIL NO. 2002-100
)
KMART CORPORATION,)
)
Defendant.)

ORDER

THIS MATTER is before the Court on the plaintiff's Request
for Extension of Time. The premises considered and the Court
being sufficiently advised, it is hereby

ORDERED, that the motion is **GRANTED**; and it is further

ORDERED, that the plaintiff shall engage successor counsel
by June 15, 2006, failing which, the plaintiff
shall proceed pro se.

DATED: May 8, 2006

Geoffrey W. Barnard
United States Magistrate Judge

ATTEST
WILFREDO F. MORALES
CLERK OF COURT

By: Claudette A. Donovan
Deputy Clerk

pc: USMJ Barnard
M. Howard, Esq.
B. Chan, Esq.
Ileaze Bartlette - P.O. Box 7095; St. Thomas, USVI 00801

Claudette A. Donovan
Carol Jackson, Chief Deputy

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2006 MAY -9 PM 6:42

5/19/06
CRA

Mr. Archie Jennings Esq.
Monica Howard Esq.
Carol Jackson Esq. Deputy
Plaintiff's Counsel

4/17/06
WJD

Deputy clerk

By: *Benise Adramsen*
Clerk of the Court

~~BENISE ADRAMSEN~~

ATTEST: *Wilfredo Morales*

DATED: April 5, 2006

Judge, Superior Court of the Virgin Islands

[Signature]
~~Dismiss~~

proof of service with the court

ORDERED that counsel will serve Plaintiff with a copy of this Order and file

allow the Plaintiff to obtain new counsel; and it is further

ORDERED that the case is stayed for 30 days from the date of this Order to

Plaintiff, Ilease Bartlette; and it is further

ORDERED that Archie Jennings, Esq., is hereby withdrawn as counsel for

Upon the premises being considered, it is hereby

ORDER

ACTION FOR DAMAGES, BREACH
OF CONTRACT, DISCRIMINATION
AND WRONGFUL DISCHARGE

CIVIL NO. 2002-100

ILEASE BARTLETTE,
Plaintiff,
VS.
KMART CORPORATION,
Defendant.

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

Ilease Bartlette

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Document Continued Page 6 of 50
IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

| | | |
|--------------------|---|---------------------|
| ILEASE BARTLETTE, |) | |
| |) | |
| Plaintiff, |) | CIVIL NO. 2002-100 |
| |) | |
| vs. |) | ACTION FOR DAMAGES, |
| |) | BREACH OF CONTRACT, |
| KMART CORPORATION, |) | DISCRIMINATION AND |
| |) | WRONGFUL DISCHARGE |
| Defendant. |) | |
| _____ |) | |

ORDER

This matter having come before this Court upon the Motion of Defendant, Kmart Corporation, for dismissal of Plaintiff's Complaint, and this Honorable Court being fully satisfied with the premises contained therein it is hereby

ORDERED that Defendant's motion is hereby **GRANTED**, and it is further

ORDERED that Plaintiff's Complaint is hereby **DISMISSED**, and it is further

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

Dated: _____, 2007

Curtis V. Gómez, Chief Judge

ATTEST: Wilfredo Morales
Clerk of the Court

By: _____
Deputy Clerk

FOR PUBLICATION

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

| | | |
|--------------------|---|--------------------|
| ILEASE BARTLETTE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil No. 2002-100 |
| |) | |
| KMART CORPORATION, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

ATTORNEYS:

Ileaze Bartlette
Pro se plaintiff.

Simone R.D. Francis, Esq.
St. Thomas, U.S.V.I.
For the defendant.

ORDER

GÓMEZ, C.J.

It is hereby **ORDERED** that, effective immediately, the above-captioned matter is reassigned to the Honorable Juan R. Sánchez.

s\ _____
CURTIS V. GÓMEZ
Chief Judge

copy: Ileaze Bartlette, *pro se*
Simone R.D. Francis, Esq.

MIME-Version:1.0

From:dcecf_nef@vid.uscourts.gov

To:dcecf_nef@vid.uscourts.gov

Bcc:simone.francis@ogletreedeakins.com, vandia.chapman@ogletreedeakins.com,

micol.morgan@ogletreedeakins.com, yvette.sutphin@ogletreedeakins.com,

bchan@dudleylaw.com, walsh@dudleylaw.com, ecf_gomez@vid.uscourts.gov

Message-Id:<57674@vid.uscourts.gov>

Subject:Activity in Case 3:02-cv-00100-CVG Bartlette, Ilease v. Kmart Corporation
Order

Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

District Court of the Virgin Islands

District of the Virgin Islands

Notice of Electronic Filing

The following transaction was entered on 3/20/2008 at 7:00 PM AST and filed on 3/20/2008

Case Name: Bartlette, Ilease v. Kmart Corporation

Case Number: 3:02-cv-100

Filer:

WARNING: CASE CLOSED on 08/24/2007

Document Number: 58

Docket Text:

ORDER (CVG) dated 3/20/2008 that, effective immediately, the above-captioned matter is reassigned to the Honorable Juan R. Sanchez. (GFL)

3:02-cv-100 Notice has been electronically mailed to:

Simone D. Francis simone.francis@ogletreedeakins.com, vandia.chapman@ogletreedeakins.com

Micol L. Morgan micol.morgan@ogletreedeakins.com, yvette.sutphin@ogletreedeakins.com

Bennett Chan (Terminated) bchan@dudleylaw.com, walsh@dudleylaw.com

3:02-cv-100 Notice will be delivered by other means to:

Ilease Bartlette

P.O.Box 7095

St.Thomas, VI 00801

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1181334639 [Date=3/20/2008] [FileNumber=57672-0]

[a6bd30e83b2045b8036b24fd49b14c872803ed01eb42cb20ff1226389f0457580c220]

141e5c0a222f1393c0fdfff4c533caf9dc30d7f466d3fa220220a0cd590]]

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

PLEASE BARTLETTE,

Plaintiff,

vs.

KMART CORPORATION,

Defendant.

CIVIL NO. 2002-100

ACTION FOR DAMAGES,
BREACH OF CONTRACT,
DISCRIMINATION AND
WRONGFUL DISCHARGE

ORDER

This matter having come before this Court upon the Motion of Defendant, Kmart Corporation, for dismissal of Plaintiff's Complaint, and this Honorable Court being fully satisfied with the premises contained therein it is hereby

ORDERED that Defendant's motion is hereby **GRANTED**, and it is further

ORDERED that Plaintiff's Complaint is hereby **DISMISSED**, and it is further

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

Dated: _____, 2007

Curtis V. Gómez, Chief Judge

ATTEST: Wilfredo Morales
Clerk of the Court

By: _____
Deputy Clerk

NOT FOR PUBLICATION

Ilease Bartlette

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

ILEASE BARTLETTE,

Plaintiff,

v.

KMART CORPORATION,

Defendants.

Civil No. 2002-100

ATTORNEYS:

Ilease Bartlette, *Pro Se*

Bennett Chan, Esq.
St. Thomas, U.S.V.I.
For the defendants.

RECEIVED
2007 JAN 31 AM 8:11
CLERK OF THE
DISTRICT COURT
ST. THOMAS, V.I.

ORDER

GÓMEZ, J.

It is hereby ORDERED that the trial of Ilease Barlette v. Kmart Corp., is scheduled to begin promptly at 9:00 a.m. on Monday, June 18, 2007; and it is further

ORDERED that the parties shall file their proposed jury instructions in this matter no later than 5:00 p.m. on Tuesday, June 12, 2007; it is further


ORDERED that the parties shall submit a courtesy copy of the proposed jury instructions to the Chambers of Chief Judge Curtis

21

V. Gómez and an electronic copy of the proposed jury instructions sent via e-mail to Sarah_Nelson@vid.uscourts.gov no later than 5:00 p.m. on Tuesday, June 12, 2007.

ENTERED this 30th day of January, 2007.

FOR THE COURT:



Curtis V. Gómez
Chief Judge

ATTEST:

WILFREDO MORALES
Clerk of the Court

By: 
Carol C. Jackson
Deputy Clerk

Copies to:

 Honorable G. W. Barnard
Ileese Barlette
Bennet Chan, Esq.
Olga Schneider
Lydia Trotman
Claudette Donovan

RECEIVED
JAN 31 AM 9:11
CLERK OF THE
DISTRICT COURT
ST. THOMAS, V.I.

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

PLEASE BARTLETTE,)
)
Plaintiff,)
)
vs.) CIVIL NO. 2002-100
)
KMART CORPORATION,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on the plaintiff's Request for Extension of Time. The premises considered and the Court being sufficiently advised, it is hereby

ORDERED, that the motion is **GRANTED**; and it is further

ORDERED, that the plaintiff shall engage successor counsel by June 15, 2006, failing which, the plaintiff shall proceed pro se.

DATED: May 8, 2006

Geoffrey W. Barnard
United States Magistrate Judge

ATTEST
WILFREDO F. MORALES
CLERK OF COURT

By: Claudette A. Donnan
Deputy Clerk

pc: USMJ Barnard
M. Howard, Esq.
B. Chan, Esq.
Ilesee Bartlette - P.O. Box 7095; St. Thomas, USVI 00801

Claudette A. Donnan
Carol Jackson, Chief Deputy

CLERK OF THE
DISTRICT COURT
ST. THOMAS, VI

2006 MAY -9 PM 6:42

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IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

Ilesee Bartlette

Ilesee Bartlette

v.

Kmart Corp.

Civ. No. 2002-100

SCHEDULING ORDER

THE PREMISES CONSIDERED, it is hereby

ORDERED that this case is scheduled for a status conference before the

Honorable Geoffrey W. Barnard on February 12, 2007, at 2:30 ~~AM~~/P.M.

DATED: January 26, 2007

ENTER:



GEOFFREY W. BARNARD
United States Magistrate Judge

By: 

Carol Jackson
Deputy Clerk

xc: *Ilesee Bartlette, pro se*
P.O. Box 7095 ST. Thomas, USVI 00801
1/29/07 Bennett Chan

Claudette Donovan
Carol Jackson
Olga Schneider
Lydia Trotman
Eurita Wright

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

Ileese Bartlette)

v.)

K Mant)

CIVIL NO. 2002 - 100

ORDER

THIS MATTER came on for pretrial conference on February 12, 2007. The

premises considered, it is hereby ORDERED:

- ① Defendant will refile notice of motion to dismiss.
- ② Plaintiff will respond to the motion to dismiss by March 15, 2007.
- ③ Trial scheduled for June 18, 2007.
- ④ Status conference May 9, 2007 at 2:00.
- ⑤ Argument on the motion to dismiss scheduled before Chief Judge Gómez on April 20, 2007 at 9:00.

DATED: February 12, 2007


GEOFFREY W. BARNARD
United States Magistrate Judge

ATTEST:

WILFREDO F. MORALES
Clerk of Court

By: 
Deputy Clerk

pc: Ileese Bartlette, pro se
Bennett Chan
Archie Jennings (info)

Claudette Donovan
Monica Howard, Esq.
Carol Jackson

{ Olga Schneider Motion
Lydia Trotman April 2
Eurita Wright

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

Bartlette
Plaintiff,

Kmant
vs.
Defendant.

CASE NO. 2002-100

CLERK OF THE
DISTRICT COURT
ST. THOMAS, VI.

ORDER SETTING TRIAL DATE

THE PREMISES CONSIDERED, it is hereby

ORDERED, that this matter is scheduled for trial before the Honorable

Curtis V. Gómez, at 9:00 A.M./~~P.M.~~, on June 4 2007,

in the District Court, St. Thomas, U. S. Virgin Islands.

DATED: Jan 29, 2007.

ENTER:

GWB
GEOFFREY W. BARNARD
United States Magistrate Judge

ATTEST:
WILFREDO F. MORALES
Clerk of the Court

By: Carol Jackson
chj Deputy Clerk

Claudette Donovan
Carol Jackson
Olga Schneider
Lydia Trotman
Eurita Wright

pc: Ilesee Bartlette, pro se
Box 7095
St. Thomas, USVI 00801
Bennett Chan

* { Trid June 4

In the District Court of the Virgin Islands
Division of St. Thomas and St. John
Civil No. 2002-100

Plaintiff Ilease Barthette Vs Kmart Corporation Defendant
Order

Statements of Annual Tax Return Copies are needed

The Defendant Kmart Corporation, through its Attorney Bennett Chan, is been requested the release of information for copies of Annual Tax Return covering years 2004, 2005, 2006 from the Tutu Park Mall Store #3829 and Kmart's Nations Wide Combined return. Information of financial matters will be a court concern. Informed information will help the court and in all fairness the court will need to see its value. In a comprehensive way make your financial quotes in words and numerical figures so not to cause any misquote but the direct value.

Date _____

Judge, Court of the Virgin Islands

Certificate of Service

Request for copies of Annual Tax Returns have been forwarded to Attorney Bennett Chan at Dudley Clark and Chan 9720 Estate Thomas, St. Thomas, VI 00802

Heese Barthette

In The District Court of the Virgin Islands

Division of St. Thomas and St. John

Plaintiff *Heese Barthette Prose*

Will No. 2002-100

VS.

CERTIFIED A TRUE COPY THIS

31st DAY OF *March* 20⁰⁷ *Kmart Corporation Defendant*

WILFREDO T. MORALES
CLERK OF THE COURT

Order for release of Information

BY.

DEPUTY

Eric Smith
Statements of financial concern will become a matter of importance to all during the CV 2002-100 trial that is scheduled for 9:00 a.m. on the morning of June 18, 07.

The Defendant Kmart Corporation through its attorney Bennett Chan is ask to release to Plaintiff *Heese Barthette, Pro se* The Tater Park mall Kmart Store #3829 location its business Income Tax (or the Annual Return) Statements for 04, 05, 06 information.

The motion was disregarded and the use of the five - seven days was not respected since the June 1, 07 request was made.

I hereby certify that on June 13, 07 I requested The Kmart's Business Income Tax or Annual Return's statement for 2004, 2005, 2006 from Atty. Bennett Chan, at Dudley Clark and Chan, 9720 Estate Thomas, Havensight St. Thomas VI 00802 and I allow the passing of said information no later than the morning of trial June 18, 07. This is already narrowed down to dollars and cents in a comprehensive way written in words and quoted in numerical figures.

In The District Court of the Virgin Islands
Division of St. Thomas and St. John
Civil No. 2002-100

Plaintiff Isaac Bartlett VS Kmar Corporation, Defendant

Plaintiff Motions to grant Date certain
Acknowledges supplemental continuance already granted

One day for jury selection is a splendid idea if it pleases the Court. Plaintiff is new to this type of gathering. I am in favor of date certain and granting of rights for the defendant key witness and or others to come. I am ready to proceed thanks!

Dated 6-21-07.

CERTIFIED A TRUE COPY THIS

31st DAY OF October 2007
WILFREDO F. MORALES
CLERK OF THE COURT

BY Kerr Bonell
DEPUTY

Certificate of Service

I hereby certify that on 6-21-07, true and exact copies of the foregoing Plaintiff's Motion to grant Date certain and her Acknowledgment of supplemental continuance already granted was mail, return receipt requested to Atty. Bennett Chan of Dudley Clark & Chan 9720 Estate Thomas St. Thomas, VI 00802.

Ilease Bartlette

In The District Court of the Virgin Islands
Division of St. Thomas and St. John

Ilease Bartlette Prose
VS

Civil Number 2002-100

Kmart Corporation

October

2007

WILFREDO W. MORALES
CLERK OF THE COURT

Motion for Release of Information

Ann Bonell

DEPUTY

Statements of financial concern will become a
matter of importance to all during the CV # 2002-100
trial that is scheduled for 9:00 a.m. on the morning
of June 18, 07.

As of such it is requested that the Defendant,
Kmart Corporation, through its attorney, Bennett Chan
release to Plaintiff, Ilease Bartlette, the Kmart Tutu
Park Mall Store #3829 location its Business Income
Tax Statements for 04, 05 and 06 information.

Include also the overall Kmart Corporation's
Statements for use within the next 5-7 business days -
on a separate page and please avoid confusion to me.

Certificate of Service

I hereby certify that on June 1, 07 I requested
copies of the Kmart's Business Income Tax Return
statements for 2004, 2005, 2006 from Attorney Bennett Chan,
at Dudley Clark and Chan, 9720 Estate Thomas, Havensight
St. Thomas, VI 00802 after calling to inform atty. Chan
through Atty. Walsh about the need on May 30, 07. And have
allowed him 5-7 business days the transference of information.

31

In The District Court of the Virgin Islands

Division of St. Thomas and St. John

Civil No. 2002-100

CERTIFIED A TRUE COPY OF THE Plaintiff Barthelme Pro se VS. Kmart Corporation Defendant

3rd DAY OF October 2007
WILFREDO T. MORALES
CLERK OF THE COURT

Motion

BY: Kim Borell
Plaintiff motions Annual Tax Return from Kmart Corp. Defendant
from its Store Number 3829 for court usage

Plaintiff motions the Defendant through its
Atty. Bennette Chan for Annual Tax Return Copies
covering years 2004, 2005, 2006.

In all fairness the court needs to make informed
decisions on its value, and you are kindly ask
again for the third time to present it. In a
comprehensive way please make financial quotes in
words and numerical numbers so that its presentation
will be justify not only, from my statement but
also yours to the full amount of its value.

Then please include Kmart's Nations Wide
so the court can see how both areas are doing
financially.

Certificate of Service

I certify that on 6-21-07 a true and exact copy
of plaintiff's request for copies of Annual Tax Returns
from Store 3829 and Kmart's Nations Wide is again requested
and mail to Atty. Chan at Dudley Clark & Chan 9720 Estate Thomas
St. Thomas, VI 00802 Return receipt.

In the District Court of The Virgin Islands
Division of St. Thomas and St. John
CV. # 2002-100

Plaintiff Ilease Bartlette VS. K Mart Corporation Defendant
Motion to Compel Compliance

The June 18, 07 postponement of said caption number, extended time to Atty Chan. My good faith effort allowed ^{time} to include the courts for us to get it together for our next trial date.

Three sets of motions filed, grace periods given yet Atty. Chan refuses to send the annual tax return, covering years 2004, 2005 & 2006.

I this my motion to compel compliance, and my request for discovery, I address our Administrative, and The Administrative Judge Barnard of the Said District Court, and I Ilease Bartlette, Pro se and plaintiff certify that a copy of this my Motion to Compel Compliance is to affirm the purpose of intent that is court usage only.

Certificate of Service

I certify that on August 13, 07 a true and exact copy of Plaintiff's Motion to Compel Compliance for years 2004 - 2006

Annual Tax Returns from Kmart Store 3829 and Kmart's

Nation wide is again requested and forwarded To Administrative Judge G. Barnard. And Atty. Bennett Chan at Dudley Clark & Chan 9720 Estate Thomas St. Thomas, VI 00802 Return Receipt

and certified mail
CERTIFIED & TRUE COPY THIS

31st DAY OF *October* 2007

WILFREDO T. MORALES
CLERK OF THE COURT

BY *Ron B. [Signature]*

DEPUTY

In The District Court of the Virgin Islands
Division of St. Thomas and St. John
Civil No. 2002-100

Plaintiff Elise Bartlett Pro se Vs. Kmart Corporation Defendant

Motion

Plaintiff motions Annual Tax Return from Kmart Corp. Defendant
from its Store Number 3829 for court usage

Plaintiff motions the Defendant through its
Atty. Bennette Chan for Annual Tax Return Copies
covering years 2004, 2005, 2006.

In all fairness the court need to make informed
decisions on its value, and you are kindly ask
again for the third time to present it. In a
comprehensive way please make financial quotes in
words and numerical numbers so that its presentation
will be justify not only, from my statement but
also yours to the full amount of its value.

Then please include Kmart's Nations Wide
so the court can see how both areas are doing
financially.

Certificate of Service

I certify that on 6-21-07 a true and exact copy
of plaintiff's request for copies of Annual tax Returns
from Store 3829 and Kmart's Nations Wide is again requested
and mail to Atty. Chan at Dudley Clark & Chan 9720 Estate Thomas
St. Thomas, VI 00802 Return receipt.

In the District Court of the Virgin Islands
District of St. Thomas and St. John
Civil No. 2002-100

Plaintiff These Bartlette, Prose vs. Kmart Corporation Defendant

Plaintiff Motion to proceed against Kmart's
Motion to Dismiss ~~She can't Deny That~~ which she
wishes to proceed

This is a civil action for damages to redress the deprivation of rights secured to plaintiff by Title VII of the Civil Rights act including Title 42 USC section 2000e et seq and section 12101 et seq, as well as those rights secured under 42 USC. 621 et seq for age discrimination. Further this action is for the contract and tort claims of the plaintiff.

For the reason stated Plaintiff These Bartlette request the honorable court to move against the Defendant Kmart motion to dismiss and bring to trial as scheduled 6-18-07 the trial

Respectfully submitted
Plaintiff These Bartlette Pro se

Certificate of Service

I hereby certify that on June 15-07 a true and exact copies of this my stence was sent to Atty. Bennett Chan of Diddy Clark and Chan 9720 Estate Thomas, Havensight St. Thomas, VI 00802 by hand delivery.

RECEIVED
MAR 31 2006

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

PLEASE BARTLETTE,

Plaintiff,

vs.

KMART CORPORATION,

Defendant.

CIVIL NO. 2002-100

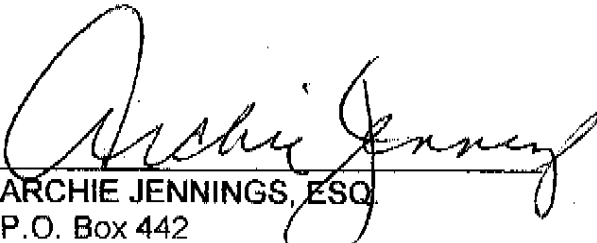
ACTION FOR DAMAGES, BREACH
OF CONTRACT, DISCRIMINATION
AND WRONGFUL DISCHARGE

MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel hereby requests a stay of this matter until Plaintiff can locate new counsel.

Plaintiff has a pending grievance against counsel regarding representation in this case and it would be unethical for counsel to appear and continue representation of Plaintiff at this point.

DATED: 3/22/06


ARCHIE JENNINGS, ESQ.
P.O. Box 442
St. Thomas, VI 00804
Telephone: (340) 776-1577

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

PLEASE BARTLETTE,

Plaintiff,

vs.

KMART CORPORATION,

Defendant.

CIVIL NO. 2002-100

ACTION FOR DAMAGES, BREACH
OF CONTRACT, DISCRIMINATION
AND WRONGFUL DISCHARGE

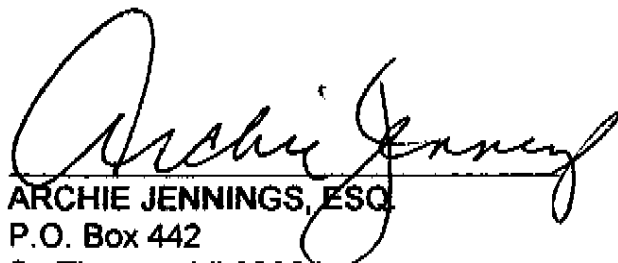
MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel hereby requests a stay of this matter until Plaintiff can
locate new counsel.

Plaintiff has a pending grievance against counsel regarding representation in
this case and it would be unethical for counsel to appear and continue representation
of Plaintiff at this point.

DATED:

3/22/06



ARCHIE JENNINGS, ESQ.
P.O. Box 442
St. Thomas, VI 00804
Telephone: (340) 776-1577

dk2/bartlette

RECEIVED
2006 MAR 23 PM 1:42
CLERK OF THE
DISTRICT COURT
ST. THOMAS, VI

7

Kmart Corporation, Defendant

Deese Bartlett Motion for Continuance

2007 APR 13 AM 10:58

U.S. DISTRICT COURT
ST. THOMAS, VI

This matter is before the court. The Plaintiff motion for a continuance. Plaintiff has not conceded nor ask for dismissal.

1. This is a civil action for damages to redress the deprivation of rights secured to Plaintiff by Title VII of the Civil Rights Act including, Title 42 U.S.C. Section 2000e et seq. and section 12101 et seq., as well as those rights secured under 42 U.S.C. 621 et. seq. for Age Discrimination. Further, this action is for the contract and tort claims of the Plaintiff.

2. This Court has jurisdiction of this action to Title 28 U.S. Code section 1331 for all the federal violations of the Federal Laws, included but not limited to those involving civil rights action arising under the equal employment acts of the United States Codes and ancillary jurisdiction for all the contracts tort and violations of the Virgin Islands laws.

3. Plaintiff is a black female over the age of 40 with a mental disability. She is a citizen and resident of St. Thomas United States Virgin Islands.

4. Plaintiff was employed by the Defendant Kmart Corporation, at the time of her termination she worked as a cashier.

5. Defendant upon information and belief is a corporation that was incorporated in the State of Michigan and that it operates on an interstate basis. Further it is believed that it employs over more than 500 employees and operates its business through interstate commerce on a regular basis.

Plaintiff request the continuation of this case and asks the Court to continue this action against Kmart by taking away the Confirmation Order and Plan provided for Kmart, and where Kmart hid using section 1141 (d) of the Bankruptcy Code. Prevent Kmart from resorting to it as a shelter because the stay is lifted. Therefore we must proceed.

In June 7, 2002 Kmart filed for a notice of Bankruptcy and Automatic Stay. Thereby invoking the Automatic Stay provision of Bankruptcy Code. Both Kmart and Plaintiff was made to rest until the Stay gets lifted.

Kmart reorganizing Plan took place on April 23, 2003 and dated February 23, 2003. The Confirmation Order approving the Plan, became effective on May 6, 2003.

In order for Plaintiff to preserve any rights she would have had to file timely an administrative expense claim. Chapter 11 states only timely file claims may receive satisfaction.

In a letter dated 3-9-07 I sent a letter & received to file. Along with a form came that letter addressed to me and CC copy to Judge Barnard the letter can be reviewed. The letter was sent to me from Atty. Bennett Chan, who works for the Defendant Kmart.

I had not fill the form out nor sent it to Bankruptcy Court as was suggested. "Only timely file claims may receive satisfaction", as stated in Kmart's motion to dismiss. Then why did Atty. Chan send me that letter? There seems to be a very bad intentions involved.

Said letter could have done me harm had I filed the form. The act could have caused me to give up my chance for a jury trial and at the same time have Plaintiff's charge thrown out by The Court, and the return of an empty form that is useless. I see a very possible bad act to a non-professional in the area of law.

These are just some of the facts presented about the Defendant by and through its attorney Bennett Chan. Plaintiff seeks continuance. Plaintiff has not the desire to concede not even having her charge dismiss.

Kmart's motion to dismiss is very much insulting since it adds another insult to Plaintiff's several other injuries.

Kmart placed liens against its creditors and was obligated to none. Claims, rights and interests were not allowed that rose before Confirmation Date. "All persons who have held, hold or may hold claims and interests it states shall be precluded and permanently enjoined on or after date from commencing in any manner any claims action or proceeding of any kind with respect to any claim, interest or any other right or claim against [Kmart] which they process prior to the effective date... and asserting any claims that are released hereby".

However, Plaintiff's claims are in the hands of the District Court. Chapter 11 also gives credence as stated. A claim may be "allowed in Chapter 11 without filing of a proof of claim (Section 1111, Rule 3003). This opening allows Plaintiff to proceed in this forum. Therefore, Kmart's motion to dismiss has no bearing on CV 2002-100.

Again in special circumstances, additional procedures and forms for making a claim against the estate may be established by the court as in the case of *In re A. H. Robins Co.*, D.C., 862 F. 2d 1092 (4th Cir. 1988).

Plaintiff experienced some unethical practices with her then attorney Archie Jennings. Plaintiff asked for an extension of time to retain successor attorney and was not successful. Not even Legal Services of the Virgin Islands would or could help even for fear of Kmart and a matter of conflict of interest with said attorney Jennings. Plaintiff continues prose and seeks a continuance.

In The District Court of the Virgin Islands
District of St. Thomas and St. John
Civil No 2002-100

Plaintiff These Bartlette Please V/s. Kmart Corporation Defendant

Bartlette's claim is not barred discharged as
Ms. Freeman's that you highlighted in Memorandum
and Order. The line spoken of is not drawn
upon her. Bartlette received proper notice via
The Department of Labor from the Bankruptcy
Court to include the Defendant Kmart.

Bartlette's claim has substance sufficient
to confer subject matter jurisdiction on the
Court. Bartlette is not without the right of
power to assert. Given to her were her
rights from Congress through ADA, ADEA etc.

There are tangible matter the Court can
consider in her complain documents on which
the complaint is based matter of public record and
materials subject to judicial notice. There should
be no opposition to fight down that which is set
in stone (the law). Even to nullify that which
is already been ordered. Freeman's charge was
waived due to a lack of communication with the
Bankruptcy Court then finally dismissed.

Bartlette's case survived Bankruptcy and
this Civil Action is on for trial June 18, 06
The Authors respected the advancement protection
and Mandate of said Congressional laws as stated

2 The case of *Freeman v. Kmart Corp.* No. 00-2412 attached as Exhibit "A" I have inserted as I understand the document studied an explanation of itself. This profoundly fine work is stated simple and if properly studied one will find that the work compliments its authors and a simple minded person can even appreciate the contents distributed first for education, delivery, protection in court usage.

There is indeed a great deal of differences as was implied and the attached Exhibit "A" it speaks not and is not like CV. 2002-100 when quoting the Kmart's Motion to Dismiss document. Taken into consideration were ADA, ADEA EEOC to include other aspects and it was upon those grounds covering The Chapter 11 cases was able to single out all Chapter 11 cases with which I have become involved. Able to see that the law required nothing more or less they were careful in their work and presentation, and even ordered that there should be no opposition to work called final.

The Authors valued themselves it appeared far as I see it their credibility was and is at stake. And as I was able to look and read even review the Master piece it helped even me to enjoy what is written as an advocate for people with disabilities and they were mindful not to further hurt the disabled therefore joined hands with Federal laws and in said document singled out, made sure their intentions were docketed and kept on file through the Clerk of the Court.

3 Claim holder in the Chapter 11 cases shall receive in full satisfaction, settlement, release and discharge of and in exchange for such administrative claims. Plaintiff's claims are of Federal intent higher than state laws. Plaintiff has gone above the laws of the Virgin Islands her claim has entered the Federal Court or United States District Court situated in the U.S. Virgin Islands.

Whatever the lack the United States Federal Court will supply due to its serving as a supplement or again supplementary person or thing. The District Court serves as a supplement to the Bankruptcy Court.

The Bankruptcy Court finalized its action through the District Court when it docket or tabled the confirmation order in the Chapter 11 cases of each of the Debtors.

giving Chapter 11 cases full force and effect and to remain according to their terms. Notwithstanding any provision of the Plan or its modification to the contrary

The confirmation and effectuate of the Plan or its Modified shall not release reduce or discharge any surety obligation to satisfy any portion of any claim

Arising from a civil money judgement. And did the Court or didn't the Court take judicial notice of the docket of Chapter 11 cases maintained by the Clerk of

the Court and/or its duly appointed Agent, including without limitation all pleadings and other documents filed all orders entered and all evidences and

arguments made proffered or adduce at the hearing held before the Court during the pendency of Chapter 11 cases? It is all in The hands of the Court

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

Ilease Bartlette

ILEASE BARTLETTE,

Plaintiff,

vs.

KMART CORPORATION,

Defendant.

CIVIL NO. 2002-100

ACTION FOR DAMAGES, BREACH
OF CONTRACT, DISCRIMINATION
AND WRONGFUL DISCHARGE

RECEIVED
2006 MAY -5 PM 1:39
CLERK OF THE
DISTRICT COURT
ST. THOMAS, VI

NOTICE TO THE COURT

COMES NOW, undersigned counsel to hereby inform the court that a true and exact copy of the court Order dated April 5, 2006, withdrawing undersigned as counsel for Plaintiff was mailed certified mail return receipt to Plaintiff, Ilease Bartlette, on April 11, 2006, and Plaintiff received the same on or about April 17, 2006, (see copy of return receipt attached).

DATED:

5/4/06

Archie Jennings
ARCHIE JENNINGS, ESQ.

P.O. Box 442

St. Thomas, VI 00804

Telephone: (340) 776-1577

dk4/bartlette

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and exact copy of the foregoing
MOTION TO WITHDRAW AS COUNSEL and Proposed ORDER to be mailed postage
prepaid to Bennett Chan, Esq., Dudley Clark & Chan, 9720 Estate Thomas, Suite 1, St.
Thomas, VI 00802 and Ilease Bartlette, P.O. Box 7095, St. Thomas, VI 00801 on the
23 day of March, 2006.

Diane Matthew-Turnbull

Thase Bartlette
In the District Court of the U.S. Virgin Islands
Division of St. Thomas and St. John
Thase Bartlette Plaintiff Vs. Kmart Corporation Defendant
I shall proceed pro se 6-15-06

Through legal proceedings the Court ordered
and granted on May 8, 06 my Request for Extension
of Time, and made provision based on my failing
after I tried to engage successor counsel to
proceed pro se.

Understanding my rights and fighting for them
will open doors closed to me since 2001. To reopen
The doors literally closed on and to me is sending
a clear message that simple justice is offered
to even me under the U.S. Constitution as an
American Citizen.

Certificate of Service

I hereby certify that on 6-15-06 I sent a copy of
this my stance to Everard Potter, Esq., Dudley,
Clark & Chang, 9720 Estate Thomas, Havensight,
St. Thomas, VI 00802

Thase Bartlette

Office of the Clerk

United States Court of Appeals

For the Third Circuit

21400 United State Courthouse

601 Market Street

Philadelphia PA 19106-1790

Re: Docket No. 07-3716

Bartlette Vs. Kmart Corp.

D.C. No. 02-CV-00100

Motion

To allow the use of provided information to
supplement the district court record

Please find the enclosed records received and
presented before the court as vitally important to
identify, communicate and achieve a better understanding
eg. Claim #02-B02474 used on the Judgment dated
August 17, 07 had been reclassified to read claim number
02-02474. The order handed down should have affected
change even through the district court, (see order inserted
by presiding judge in charge of The Chapter 11 cases,
Judge Susan Pierson Sanderby's order).

Via the on line system, Google search, using the
Claim number 02-B02474, the search for Bartlette These A
did not match any documents, and no standard web pages
containing all my search terms were found. For the No. 02-B02474
to parade on the Judgment is call Counterfeiting, Negligence and
wilful. (See insert Page 1 of 1 Google Search).

page 2

The record involving 17 names, all prepetition Bankruptcy Cases, with the VI Dept. of Labor St. Thomas, according to the record, 1 that is mine survived bankruptcy, leaving 16 others on St. Thomas, and I am presently in the Court of Appeals. What has happened to the other 16 names was the question posed to Atty. Bennett Chan by the court. 10 Chapter 11 Cases also thrown in a pile call Exhibit E litigation Claims to be disallowed. Mine and some others fall under no merit, even though we were all made secure by The Plan, and Confirmation Order. Answering to my name address, and \$45,000.00 amount claimed at the time, by my then Atty. Archie Jennings, who had file and requested, but neither him nor me received, a false Claim number 45327 that does not match. When Claim or Case number 02-02474 is tried there is a match. Case numbers 02-02462 through 02-02499, the through swallows up the No. 02-02474 being absent, another fake. My Debtor is Kmart Corporation (Michigan) Case no. 02-02474 ("Kmart") Debtor in possession in Case No. 02-02474, pending in the Bankruptcy Court Illinois. (That's me). (See insert Exhibit E). Kmart appears to have the same number as me.

The Kmart representative, William J. Barrett, for its Chapter 11 Case informed me I had file a proof of claim. He still have the \$45,000.00 holding. I survived bankruptcy and I am with the Court of appeals. It would be illegal to take any portion of the money. The copy of letter sent to me he could have also done so years ago. (See insert of letter dated 10-2-07).

P. 3

Two Blank Proof of Claim forms, a letter, and a request for additional information, was also sent to me. Atty. Chan sent me the letter, and a blank form for me to fill out, and forward to the bankruptcy ct where his friend is. I never did fill or send either. (my response is enclosed, his letter, and an empty form). R. Marola Deputy Clerk Team B, sent me a form to fill and a request for Additional information (see insert to Blank form) and I wrote to Kmart % Trumbull.

These entries will help you understand the Judgement handed down as a counterfeiting piece of deception, of a loud noise proclamation, and illegal for it got not its Authority from the Bankruptcy Court Illinois. It set out to intentionally framed me, and staged a Cover-up Bartlette never file a proof of claim. The entreatments were false, to have me refile, and the pretense was to nullify the former claim. When I refused a dismissal was issued, and finalized all of Bartlette's claim. I had no idea even I, would be in the Court of Appeals.

The compare and comparison sheet continue to show my innocence.

Another Cover-up in word and deed, is the return of service address to Kmart, Bottom portion is erased. It is showing no Executed date, Signature of server, or Address of server. I say foul play is in my file.

P 4

The Camtroller appears to be Kmart through atty. Bennett Chan who orders and gets what he orders done. Feb. 6, 07 it roars wether in shouts or soft appealing tones {states the defendant does not request oral argument. There was none.

He also again repeats to the Dept. of Labor, 3-10-04 Respondent does not request oral argument. The right to a trial is denied, along with Monies still owed to ^{me or} you. your feelings do not matter, your pains get deeper. The involuntary servitude continues everything, goes under the rug, through the window or doors, behind your back, in front your face, federal rights, wrongful discharge, your legal rights human rights, civil rights what Kmart wants Kmart gets. The laws to protect are wilfully undermined for Kmart makes and breaks ^{some} the rules. As a result people suffer the consequences for laws that were made to protect are no where to be found. I know Kmart or systems cant feel. They are call it/s As Human I cry, others cry also we have feelings and suffer unbearable pains.

See inserts Notice of Motion, Notice of Bankruptcy filing and Automatic Stay.

On April 5, 2006 my Then atty. Archie Jennings withdrew as counsel.

Page 5

The issued claim forms are two the one from Mr. Morola, deputy Clerk Team B. its Date of issuance September 14, 2007 appears to be open and honest intent involved.

Fraudulent Claim: Fine up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. § 912 and 357.

The issued claim form from Atty. Chen sent to me in 2007 has a case number having a call for immediate disqualification for its home is found under Exhibit E Case Nos. 02-02462 Through 02-02499 and it is ^{where} all those Chapter 11 cases are found to be disallowed no merit or otherwise.

The one on which an issuance came to my then Attorney Archie Jennings, has the same case Nos. 02-02462 through 02-02499. The said form as well as the others, issuance is from the Bankruptcy Court Illinois. It states at the time in 2002 through 2007 since I ^{did not} received nor did my attorney at the time get nothing via bankruptcy is presently again under Exhibit E shows a set up to be rid of all Chapter 11 cases. Now, through Mr. Barrett's letter he wants to allow payments by taking it out of disallowed. A very very illegal act of Kmart. The Court went along it appears with ifor cases were thrown out as a result.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3716

ILEASE BARTLETTE,

Appellant,

v.

KMART CORPORATION, ET AL.,

Appellee.

Appeal from the Order of the District Court
of the Virgin Islands
(02-cv-00100)

District Judge: Honorable Curtis V. Gomez

Submitted Under Third Circuit L.A.R. 34.1(a)
on May 6, 2008

Before: RENDELL, FUENTES, and CHAGARES, Circuit Judges.

JUDGMENT

This cause came on to be considered on the record from the District Court of the Virgin Islands and was submitted under Third Circuit L.A.R. 34.1(a) on May 6, 2008.

On consideration thereof, it is now ORDERED and ADJUDGED that the order of the District Court entered August 24, 2007, be and the same is hereby AFFIRMED. All

of the above in accordance with the opinion of this Court.

Attest:

/s/ Marcia M. Waldron, Clerk

DATED: June 5, 2008

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield with vertical stripes. Above the eagle is a constellation of stars. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.
Certified ~~not a copy~~ and issued in lieu
of a formal ~~mailed~~ on 08/25/2008

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit

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/s/ Marcia M. Waldron, Clerk

DATED: June 5, 2008

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3716

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v.

KMART CORPORATION, ET AL.,

Appellee.

Appeal from the Order of the District Court
of the Virgin Islands
(02-cv-00100)
District Judge: Honorable Curtis V. Gomez

Submitted Under Third Circuit L.A.R. 34.1(a)
on May 6, 2008

Before: RENDELL, FUENTES, and CHAGARES, Circuit Judges.
(Filed: June 5, 2008)

OPINION

FUENTES, Circuit Judge.

The District Court granted Kmart's motion to dismiss Ilease Bartlette's action upon determining that its commencement violated the automatic stay provision in the Bankruptcy Code. See 11 U.S.C. § 362(a)(1). We will affirm.

Bartlette filed a complaint on May 28, 2002, alleging that Kmart improperly terminated her employment. She sought monetary damages for violation of the Americans with Disabilities Act, the Civil Rights Act, the Age Discrimination in Employment Act, breach of contract, wrongful discharge, and intentional infliction of emotional distress. However, on January 22, 2002, following Bartlette's termination, but before she filed her complaint, Kmart petitioned for relief under Title 11 of the United States Bankruptcy Code with the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division.

Kmart moved to dismiss Bartlette's complaint arguing that, among other things, it was void under 11 U.S.C. § 362(a)(1). Under § 362(a)(1), Kmart's bankruptcy petition "operate[d] as a stay, applicable to all entities, of — (1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title."

The District Court granted Kmart's motion, noting that Bartlette's claims arose before Kmart's petition, Bartlette did not receive relief from the automatic stay under §

362(a)(1), and “any action from [the District Court] against the debtor would be void *ab initio*.” Supp. Jt. App. 4 & n.2.¹ Bartlette, proceeding pro se, appealed to this Court. We have jurisdiction pursuant to 28 U.S.C. § 1291.

“Consolidating all ~~pre-petition~~ claims against the debtor in one collective proceeding before a bankruptcy court is the essence of bankruptcy.” Maritime Elec. Co. v. United Jersey Bank, 959 F.2d 1194, 1207 (3d Cir. 1991). Permitting creditors to continue filing claims against the debtor outside of the bankruptcy proceedings would defeat this purpose. As such, actions taken in violation of the automatic stay provision are voidable. See In re Siciliano, 13 F.3d 748, 750 (3d Cir. 1994); Lampe v. Xouth, Inc., 952 F.2d 697, 700 (3d Cir. 1992). Moreover, “[o]nly the bankruptcy court with jurisdiction over a debtor’s case has the authority to grant relief from the stay of judicial proceedings against the debtor.” Maritime Elec. Co., 959 F.2d at 1204. In this case, as the District Court noted, there is no indication that Bartlette ever received relief from the automatic stay, which would have permitted her to initiate this action.² The District Court did not err in dismissing the complaint.

¹The District Court also found that the Bankruptcy Court’s confirmation of Kmart’s reorganization plan bars the continuation of this case. For the reasons stated in our opinion, we find it unnecessary to reach this issue. *

²In fact, the record shows that in July 2002 Bartlette, with the assistance of counsel, filed a proof of claim with the Bankruptcy Court. See Supp. Jt. App. 18. We note that the District Court erred in finding that no such claim was filed, although this mistake was harmless. While it appears that her claim was ultimately denied, the Bankruptcy Court, not the District Court of the Virgin Islands, was the correct forum in which to pursue her claim.

For the foregoing reasons, we will affirm.

Please Bartlette

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

June 5, 2008

Micol L. Morgan
Ogletree, Deakins, Nash, Smoak & Stewart
1336 Beltjen Road, Suite 201
Charlotte Amalie, St. Thomas
USVI,
USVI

Ms. Ilease Bartlette
P.O. Box 7095
Charlotte Amalie, St. Thomas
USVI,
USVI

RE: Bartlette v. Kmart Corp, et al
Case Number: 07-3716
District Case Number: 02-cv-00100

ENTRY OF JUDGMENT

Today, **June 05, 2008** the Court has entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir.

LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Page Limits:

15 pages

Attachments:

a copy of the panel's opinion and judgment only. No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed.R.App.P. 41. Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Marcia M. Waldron
Marcia M. Waldron, Clerk

By: *Carolyn Hicks*
Carolyn Hicks, Case Manager
267-299-4926