

United States Courts
Southern District of Texas
FILED

AUG 06 2021

Nathan Ochsner, Clerk of Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: CASE NO. 21-32351 (DRJ)
LIMETREE BAY SERVICES, LLC, *et al*¹ CHAPTER 11
Debtors Jointly Administered

LIMETREE BAY REFINING, LLC

Plaintiff

ADVERSARY NO. 21-03791

BEECHER COTTON, *et al*

Defendants

**THE CHARLES CLASS DEFENDANTS' NOTICE OF JOINDER
TO THE COTTON DEFENDANTS' OBJECTION TO THE
DEBTOR'S EMERGENCY MOTION TO EXTEND THE AUTOMATIC STAY**

Defendants Francis E. Charles and Theresa J. Charles (the "*Charles* Defendants") respectfully file this Notice of Joinder to the arguments made and relief requested in the *Cotton* Defendants' *Objection to Debtor's Emergency Motion to Extend the Automatic Stay and, Additionally, or in the Alternative, Grant Preliminary Injunctive Relief, Halting the Prosecution of the Class Action Against Debtor and Non-Debtor Defendants for 60 Days* (Doc. No. 20). The *Charles* Defendants have reviewed the *Cotton* Defendants' Objection and join in opposition.

¹ Four class actions are currently pending against the Debtor and certain non-debtor entities in the United States District Court for the Virgin Islands, *Cotton v. Limetree Bay Ventures, LLC*, Case No. 1:21-cv-00261 (D.V.I.), *Shirley v. Limetree Bay Ventures LLC*, Case No. 1:21-cv-00259 (D.V.I.), *Charles v. Limetree Bay Ventures, LLC*, 1:21-cv-00260 (D.V.I.), and *Boynes v. Limetree Bay Ventures, LLC*, Case No. 1:21-cv-00253 (D.V.I.)

The Debtor filed its *Emergency Motion to Extend the Automatic Stay and, Additionally, or in the Alternative, Grant Preliminary Injunctive Relief, Halting the Prosecution of the Class Action Against Debtor and Non-Debtor Defendants for 60 Days* on July 26, 2021 (Doc. No. 2). In response to that motion, the Court extended the automatic stay of the Bankruptcy Code to the Non-Debtor Defendants for 14 days from July 26, 2021 (Doc. No. 3). The hearing on the Debtor's motion is scheduled for August 9, 2021 at 3:30 p.m. CDT (Doc No. 46).

The callous assertion made by the Debtor that the Class Action Plaintiffs "will suffer no material harm" from an extension of the automatic stay to the Non-Debtor Defendants is unsupported. *See* Doc No. 2, at 19. As highlighted by the *Cotton* Defendants' Objection, Class Action Plaintiffs lack access to clean, safe water for drinking, bathing, washing dishes, brushing teeth, and other fundamental necessities. It is the Non-Debtor entity, Limetree Bay Terminals, LLC, that committed to assessing and remediating any damage caused by the dispersion of oil into the surrounding communities. *See* Doc. No. 20-6. Allowing the Class Action Plaintiffs to proceed against the Non-Debtor entities in the District Court of the Virgin Islands to address the need to immediately provide people with clean water significantly outweighs any risk of harm the Debtor asserts it may experience. The Debtor and Non-Debtors have already benefited from the current 14-day stay. A further stay is not warranted.

Dated: August 6, 2021

Respectfully submitted,

/s/ John K. Dema

John K. Dema

VI Bar No.

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Counsel for Francis E. Charles and Theresa J. Charles

CERTIFICATE OF SERVICE

I, John K. Dema, do hereby certify that I caused the above and foregoing to be served on August 6, 2021, via the Court's ECF Notification System.

/s/ John K. Dema

John K. Dema