

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

Berne Corp. and B & B Corp., Twenty-one Queens)	
Quarter, Inc., Miller Properties, Inc., Equivest St.)	
Thomas, Inc., Robert Schmidt, Kim Holdsworth,	)	CIVIL No. 2000-141
Robert Schmidt Development Corp., and Doris P.	)	(Consolidated Case No.)
Derr, The Cyril V. Francois Associates, LLC, Shell)	
Seekers, Inc., Charles W. Consolvo, Linda B.)	
Consolvo, Snegle Gade Associates LP, Charles W.)	
Consolvo as Trustee of the Yvette B. Lederberg Trust,	)	Consolidated with:
Arthur B. Choate, Stewart Loveland, and Stacy)	
Loveland, Elizabeth Sharp, Lindon Corp., Gordon L.	)	CIVIL No. 2000-167
Coffelt, Soraya Diase Coffelt, and One Stop, Inc.,	)	CIVIL No. 2001-151
	)	CIVIL No. 2001-155
Plaintiffs,	)	CIVIL No. 2001-181
	)	CIVIL No. 2001-196
vs.	)	CIVIL No. 2001-197
	)	CIVIL No. 2001-228
GOVERNMENT OF THE VIRGIN ISLANDS, ROY	)	CIVIL No. 2001-057
MARTIN, in his official capacity as Tax Assessor,)	
and the Board of Tax Review,)	
)	
Defendants.)	
)	

REQUEST FOR PRODUCTION OF DOCUMENTS

COME NOW Plaintiffs, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and hereby propounds and serves the following the following Requests to Produce on to be answered by Defendants separately and fully in writing, under oath, within thirty (30) days from the date of service hereof. If additional space is needed, attach a separate page and indicate the interrogatory which is being answered.

I.

DEFINITIONS

For the purpose of this discovery, the following words shall have the meaning indicated below:

1. “And” includes “or” and “or” includes “and”; “any” includes “all” and “all” includes “any”, “each” includes “every” and “every” includes “each”.

2. “Company” or “entity” means any form of business however organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.

3. “Define” when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Defendant to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Defendant presently intends to rely at trial.

4. “Describe” means to explain fully by reference to underlying facts rather than conclusions of fact or law.

5. “Document” means originals or any exact copies of written, recorded, transcribed, punched, filmed, taped, electronic, computer stored or generated, or graphic matter, however and by whomever prepared, produced, reproduced, disseminated or made, including but not limited to, any memoranda, inter-office or intra-office communications, letters, studies, reports, summaries, articles, releases, notes, records, or conversations, minutes, statements, comments, speeches, testimony, notebooks, drafts, data sheets, work sheets, records, statistics, charts, contracts, diaries, bills, accounts, graphics or oral records, representations of any kind,

(including without limitation, photographs, plats, charts, graphs, cards, computer or word processing disks, or other written, printed, typed, oral or recorded material) in the possession, custody or control of Defendant. The term “document” also means all copies or reproductions of all the foregoing items upon which notations in writing, print or otherwise have been made that do not appear on the originals. To the extent the data processing cards, magnetic tapes, or other computer-related materials are produced, produce all programs, instructions, and other similarly related information necessary to read, comprehend or otherwise utilize said data processing cards, magnetic tapes or other computer related materials.

6. (A) “Identify” and “identification” when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) “Identify” and “identification” when used with reference to a business entity, means to state its full name; (b) firm or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) “Identify” and “identification” when used with reference to an act, action, activity, omission or event, means to state (a) the identity of person who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission or event.

(D) “Identify” or “identification” when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to the control of the Defendant, state when and where disposition was made of it).

(E) “Identify” and “identification” when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (i) state the date upon which it took place; (ii) identify each person who participated in it, witnessed it and/or overheard it; (iii) state what was said by each such person, including the issues and matters discussed; and (iv) identify each document which describes or relates to it.

7. “Individual” or “person” means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.

8. “The parties” as used herein shall be interpreted to refer to all parties to this litigation.

9. “Person” includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.

10. “You” and/or “your” refer to the party answering the interrogatories, his agents,

employees, servants or representatives and, unless privileged, his attorney.

11. The following rules of construction apply to all discovery requests:

(a) All/Each. The terms “all” and “each” shall be construed as all and each.

(b) And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

(c) Number. The use of the singular form of any word includes the plural and vice versa.

II.

INSTRUCTIONS

1. Each Request served herein shall be continuing so as to require you to file supplemental answers pursuant to Rule 26 of the Federal Rules of Civil Procedure.

2. Each Request calls for information in Defendants’ possession, custody or control, or in the possession, custody or control of Defendants’ present or former employees, representatives, agents, consultants, contractors, subcontractors, and legal counsel, unless privileged or otherwise protected.

3. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to this discovery, a statement signed by an attorney representing Defendant setting forth as to each such item of information withheld:

(a) the identity of the person(s) having knowledge of the information;

(b) the identity of the person(s) to whom the information was communicated or otherwise made available;

- (c) the job title or position of every person identified in response to subparagraphs (a) and (b);
 - (d) the date(s) on which the information was received or became known by each person having knowledge of its existence; and,
 - (e) a brief description of the nature and subject matter of the information.
4. Each part of the following Requests, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.
5. If objection is made to an Request, or any portion thereof, the portion thereof shall be specified and, as to each, all reasons for objections shall be stated fully by the responding party.
6. If all the information furnished in an answer to all or any part of an Interrogatory or Request is not within the personal knowledge of the person signing the interrogatory, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to a person signing the interrogatory any part of the information furnished.

III.

REQUESTS TO PRODUCE

Request No. 1

All documents used as part of the mass appraisal model calibration of the new assessments, specifically including any documents referenced in *Property Appraisal and Assessment Administration*, International Association of Assessing Officers, Chapter 15 (“PAAA”), and *Standard on Ratio Studies*, Approved July, 1999, by the International

Association of Assessing Officers.

Request No. 2

All documents showing compliance with mass appraisal reconciliation requirements set out in Standards Rule 6-7 of the Uniform Standards of Professional Appraisal Practice (hereinafter “USPAP”).

Request No. 3

The written report of the mass appraisal required in Standards Rule 6-8 of USPAP.

Request No. 4

The sales data information required in Standards 6-5(a) of USPAP, specifically including all information collected in accordance with the requirements of the comment to subsection (a).

Request No. 5

All documents pertaining to the calibration of the sales comparison model referenced in PAAA, Chapter 15, p. 367.

Request No. 6

All documents pertaining to the calibration of the income model referenced in PAAA, Chapter 15, p. 361

Request No. 7

All raw data collected as a part of the reassessment project. It will be a sufficient response if this information is produced in electronic form provided that Defendants also produce or make available software to allow access to said data.

Request No. 4

The signed certification of the mass appraisal report required in Standards Rule 6-9 of USPAP.

Request No. 8

A list of all properties used in any sales ratio study, calculation of the coefficient of dispersion, or other statistical analysis of the accuracy of the new assessment figures.

Request No. 9

Copies of all correspondence between the defendants and Joseph Hunt.

Request No. 10

A copy of the contract between BearingPoint and the Government of the Virgin Islands.

Request No. 11

Copies of all correspondence between BearingPoint and Joseph Hunt and any reports, studies, analyses, or other documents of any nature whatsoever provided to Joseph Hunt by BearingPoint.

Request No. 12

Copies of all correspondence between the Government and Joseph Hunt and any reports, studies, analyses, or other documents of any nature whatsoever provided to Joseph Hunt by the Government.

Request No. 13

Copies of all correspondence between the Government and Kenneth Voss pertaining to or relating to the reassessment project.

Request No. 14

Copies of all documents pertaining to or referring to determination of fair market value of all properties with Usage Code 4600 - Refinery as that term is defined in U.S. Virgin Islands Data Collection Training Manual, Part 1, Version 04/27/2005, page 3 (hereinafter "CTM").

Request No. 15

Copies of all records or other documents of any nature whatsoever pertaining to or referring to properties with Inspection Code "Inspect Reason - S - Sales verification" as that term is defined in CTM, page 6.

Request No. 16

Copies of any earlier or later versions of or revisions to CTM. and any other chapters, parts, or the like, thereof.

Request No. 17

Copies of all records or other documents of any nature whatsoever pertaining to or referring to properties with Parcel Sales code “Sale Valid” information, as that term is defined in CTM, page 8.

Request No. 18

Copies of all records or other documents of any nature whatsoever pertaining to or referring to properties with Parcel Sales code “Verify Source” information, as that term is defined in CTM, page 8.

Request No. 19

Copies of all sketches entered into the sketching program with respect to each property used in the comparable sales model verification referenced in Request No. 5.

Request No. 20

Copies of all studies, reports, calculations, or other documents of any nature whatsoever pertaining to or referring to the House Value Calculation figures shown on U.S. Virgin Islands Data Collection Training Manual, Part 3, pages 13 through 16, inclusive, and more particularly, documents showing how the figures contained therein were determined.

Request No. 21

Copies of all studies, reports, calculations, or other documents of any nature whatsoever pertaining to or referring to the Quality and Condition adjustment figures shown on the U.S.

Virgin Islands Data Collection Training Manual, Part 3, page 15.

Request No. 22

Copies of all studies, reports, calculations, or other documents of any nature whatsoever pertaining to or referring to the Neighborhood Factor adjustment figures shown on the U.S. Virgin Islands Data Collection Training Manual, Part 3, page 15.

Request No. 23

Copies of all reports, summaries, analyses, or other documents provided to Joseph Hunt in his capacity as Special Master.

Request No. 24

Copies of all documents reviewed by Joseph Hunt in his capacity as Special Master without regard to whether said documents were actually given to Mr. Hunt.

Request No. 25

Copies of all documents pertaining to or referring to procedures for processing of refund checks to property owners receiving a reduction in property taxes following an appeal to the Board of Tax Review.

Request No. 26

All documents from January 1, 1999 identifying the members of the Virgin Islands Board of Tax Review and their terms of tenure, and reflecting or describing the time, date, place and

duration of any meetings and/or appeal hearings conducted by the Virgin Islands Board of Tax Review, and the minutes, notes, record, and/or other documents pertaining to the content of any such meetings and/or appeal hearings and the decisions or conclusions reached at all meetings and/or appeal hearings.

DATED: June 6, 2008

Respectfully Submitted,

/s/ James M. Derr
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DATED: June 6, 2008

Respectfully Submitted,

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DATED: June 6, 2008

Respectfully Submitted,

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DATED: June 6, 2008

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