

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 13-1247

GOVERNMENT OF THE VIRGIN ISLANDS

v.

UNITED INDUSTRIAL, SERVICE, TRANSPORTATION, PROFESSIONAL
AND GOVERNMENT WORKERS OF NORTH AMERICA SEAFARERS
INTERNATIONAL UNION, ON BEHALF OF ERNST BASON, Petitioner

(V.I. S. Ct. Civ. No. 2011-0115)

Present: FUENTES, FISHER and GREENBERG, Circuit Judges

Submitted are:

- (1) Petitioner's petition for a writ of certiorari and attached appendix;
- (2) Respondent's brief in opposition thereto;
- (3) Petitioner's reply brief;
- (4) By the Clerk for consideration of jurisdiction;
- (5) Petitioner's jurisdictional response; and
- (6) Respondent's jurisdictional response

in the above-captioned case.

Respectfully,

Clerk

MMW/EGL/eal/nmr

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v.

UNITED INDUSTRIAL, SERVICE, TRANSPORTATION,
PROFESSIONAL AND GOVERNMENT WORKERS OF
NORTH AMERICA SEAFARERS INTERNATIONAL UNION,
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ORDER

The foregoing petition for a writ of certiorari will not be dismissed for lack of jurisdiction on the basis of H.R. 6116, Pub. L. 112-226, at this time. The petition is granted as to the first question presented – i.e., whether title 24, section 374(a) of the Virgin Islands Code is harmonious with title 3, section 113(a) of the Virgin Islands Code. In addition to such arguments as the parties wish to raise on that issue, the parties are directed to address whether the Virgin Islands Supreme Court’s decision is a “final decision” within the meaning of former 48 U.S.C. § 1613 (1994), in light of that court’s remand to the Virgin Islands Superior Court. See generally Defoe v. Phillip, 702 F.3d 735, 740-41 (3d Cir. 2012). Our decision not to dismiss this petition at this time does not represent a ruling that this Court retains jurisdiction over this petition under H.R. 6116, Pub. L. 112-226. That issue will be decided if necessary by the panel of this Court that considers this appeal on the merits.

By the Court,

/s/ D. Michael Fisher

Circuit Judge

*Marcia M. Waldron*

Marcia M. Waldron, Clerk

Dated: April 24, 2013

NMR/cc: Namosha Boykin, Esq.
Amos W. Carty, Jr., Esq.
Robert A. Molloy, Esq.
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