

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

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| COMMISSIONER OF THE DEPARTMENT | : | CIVIL ACTION |
| OF PLANNING AND NATURAL | : | |
| RESOURCES, ALICIA V. BARNES, | : | |
| et al. | : | |
| | : | |
| | : | |
| v. | : | |
| | : | |
| CENTURY ALUMINUM COMPANY, | : | |
| et al. | : | NO. 05-62 |

ORDER

AND NOW, this 28th day of February, 2013, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendants HOVENSA, LLC and Hess Oil Virgin Islands Corporation to exclude certain statements and testimony made by James V. Holmes regarding his portion of the report of Stratus Consulting Inc. (Doc. # 1224) is GRANTED insofar as he may not testify about contamination and injuries to terrestrial habitat, the quantum of injuries to groundwater, any damages due because of injuries to groundwater, the extent of injuries to the marine habitat, or damages owed for injuries to the marine habitat and is otherwise DENIED;

(2) the motion of defendants HOVENSA, LLC and Hess Oil Virgin Islands Corporation to exclude the opinions and testimony of Constance L. Travers regarding her portion of the report of Stratus Consulting Inc. (Doc. # 1229) is GRANTED insofar as she

may not testify as to the dollar figures determined by Dr. Kevin Boyle and is otherwise DENIED; and

(3) the motion of defendants HOVENSA, LLC and Hess Oil Virgin Islands Corporation to preclude Joshua Lipton, Ph.D. from opining on certain matters discussed in the report of Stratus Consulting, Inc. (Doc. # 1226) is GRANTED insofar as he may not testify about the substantive findings of the expert report produced by Stratus Consulting Inc. and is otherwise DENIED.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III J.
SITTING BY DESIGNATION