

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

COMMISSIONER OF THE DEPARTMENT : CIVIL ACTION  
OF PLANNING AND NATURAL :  
RESOURCES, ROBERT S. MATHES, :  
et al. :  
 :  
v. :  
 :  
CENTURY ALUMINA COMPANY, :  
LLLP, et al. : NO. 05-0062

ORDER

AND NOW, this 19th day of June, 2009, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that the motion of plaintiffs Robert Mathes, Commissioner of the Department of Planning and Natural Resources, and the Government of the Virgin Islands to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure [262] is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

C.J.