

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Calvin Gumbs, II

_____ — PETITIONER

(Your Name)

vs.

Kelly Harrigan, et al.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the Virgin Islands

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

Saint Thomas, VI (US Virgin Islands) 00801

(City, State, Zip Code)

(340) 725 - 4558 or (340) 227 - 5621

(Phone Number)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Calvin Gumbs, II

(Your Name) — PETITIONER

vs.

Kelly Harrigan, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the Virgin Islands

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX A
ORDER OF THE SUPREME COURT OF THE VIRGIN ISLANDS

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

Saint Thomas, VI (US Virgin Islands) 00801

(City, State, Zip Code)

(340) 725 - 4558 or (340) 227 - 5621
(Phone Number)

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

CALVIN GUMBS, II
Appellant/Plaintiff,

v.

**KELLY HARRIGAN, TINA M. KOOPMANS,
UNIVERSITY OF THE VIRGIN ISLANDS and
HONORABLE HARRY V. CARR III,
MAGISTRATE, SUPERIOR COURT OF THE
VIRGIN ISLANDS, SMALL CLAIMS
DIVISION,**
Appellees/Defendants.

S. Ct. Civ. No. 2020-0041
Re: Super. Ct. Civ.No. 342/2017 (STT)

On Appeal from the Superior Court of the Virgin Islands

ORDER

THIS MATTER is before the Court on the parties' responses to this Court's July 31, 2020 order requiring the parties to address whether this Court has jurisdiction over this appeal. Also before the Court is a motion to dismiss filed by Appellee University of the Virgin Islands, which also requests that this appeal be dismissed for lack of jurisdiction.

Pursuant to the Revised Organic Act of 1954, this Court has appellate jurisdiction over "all appeals from the decisions of the courts of the Virgin Islands established by local law[.]" 48 U.S.C. § 1613a(d). Title 4, section 32(a) of the Virgin Islands Code vests this Court with jurisdiction over "all appeals arising from final judgments, final decrees, [and] final orders of the Superior Court." In the July 31, 2020 order, this Court noted that although the February 27, 2020 order which Appellant has appealed from dismisses Appellant's case against the Honorable Henry V. Carr, III and the Superior Court of the Virgin Islands with prejudice, it appears that Appellant's claims against Tina Koopmans, Kelly Harrigan and University of the Virgin Islands remain pending. Although Appellant states in his response that this Court has jurisdiction pursuant to section 32(a),

he does not explain how the February 27, 2020 order meets the definition of finality where claims against three defendants have not been resolved. And Appellant does not present—nor can the Court find—any other legal grounds to support its appellate jurisdiction over this matter. Accordingly, the premises having been duly considered, it is hereby

ORDERED that Appellee's Motion to Dismiss is **GRANTED**; and it is further

ORDERED that this appeal is **DISMISSED FOR LACK OF JURISDICTION**; and it is further

ORDERED that copies of this Order shall be distributed to the parties

SO ORDERED this 5th day of January, 2021

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Natasha Illis
Deputy Clerk II

Dated: March 5, 2021

Copies to:
Justices of the Supreme Court
The Honorable Douglas A. Brady, Superior Court Judge
Calvin Gumbs, II, pro se
Samuel H. Hall, Jr., Esq.
Marie E. Thomas-Griffith, Esq.
Paul L. Gimenez, Esq.
Veronica J. Handy, Esq., Clerk of the Supreme Court
Tamara Charles, Clerk of the Superior Court
Supreme Court Law Clerks
Supreme Court Secretaries
Order Book

No. _____

IN THE

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Calvin Gumbs, II

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— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the Virgin Islands

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX B

ORDER OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

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(Phone Number)

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

IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED

February 29, 2020

TAMARA CHARLES
CLERK OF THE COURT

CALVIN GUMBS, II,

Plaintiff,

vs.

TINA M. KOOPMANS, KELLY HARRIGAN,
UNIVERSITY OF THE VIRGIN ISLANDS,
HENRY V. CARR, III, (Magistrate), SUPERIOR
COURT OF THE VIRGIN ISLANDS,
(Small Claims Division),

Defendants.

CIVIL CASE NO. ST-17.

ACTION FOR FRAUD/
MISREPRESENTATION; BREACH
OF CONTRACT/CONTRACTUAL
OBLIGATION; CONSPIRACY TO
COMMIT FRAUD; CONDUCT
UNBECOMING (PROFESSIONAL/
JUDICIAL).

ORDER

Plaintiff's *pro se* Complaint was filed July 31, 2017 and represents at least the fourth separate action that Plaintiff has commenced relating to an incident that occurred in or about June 2014 involving two employees of the University of the Virgin Islands ("UVI") relative to Plaintiff's privileges at the University library. He seeks damages in the amount of \$30,000,000 against UVI; its employees Tina M. Koopmans and Kelly Harrigan; Hon. Henry V. Carr, III, Magistrate Judge of the Superior Court, to whom Small Claims action ST-15-SM-522 was assigned; and the Superior Court of the Virgin Islands, Small Claims Division.¹

Plaintiff's Complaint alleges breach of contract against the UVI Defendants, apparently relating to the failure of those parties to comply with the terms of an agreed settlement in the Small Claims action. The Complaint seeks damages against Defendants Carr and Superior Court for "conduct unbecoming a professional judicial authority." Apparently, all of the Defendants are alleged to have damaged Plaintiff by an undefined and unexplained "conspiracy to commit fraud."

Before the Court is the Motion of Defendants Carr and Superior Court to Quash Summons and Dismiss Complaint, filed January 11, 2018. Plaintiff's Response was filed April 24, 2018. The moving Defendants filed their Motion for a Ruling June 17, 2019. Defendants Carr and Superior Court argue that the Small Claims Division of the Superior Court is not an entity which may be sued; that service of process against these Defendants was defective; and that claims against both these Defendants are barred by sovereign immunity and judicial immunity.

In an action brought against the Superior Court, the District Court of the Virgin Islands held that "[t]here can be but one Government of the Virgin Islands. It is comprised of three separate and coequal branches - the Executive, Legislative, and Judiciary," rejecting the proposition that rather than the central Government "every component branch, agency, and perhaps each and every person which compose a Government must be sued individually and separately." *Kendall v. Superior Court*

¹ In his Response to the present Motion of Defendants Carr and Superior Court, Plaintiff states that he "did NOT name the Superior Court as a Defendant of any sort" and that "only the Small Claims Division is on this claim, not the entire Superior Court." (Response, at 4, 5; emphasis in original).

of the V.I., 2013 U.S. Dist. LEXIS 27320, at *16 (D.V.I. 2013), citing Section 2(b) of the Revised Organic Act of 1954 (48 U.S.C. § 1541(b)). See also *Juan F. Luis Hosp. & Med. Ctr. & Gov't of the V.I. v. Titan Med. Group, LLC*, 69 V.I. 873 (V.I. 2018).

The Small Claims Division of the Superior Court and, for that matter, the Superior Court itself, is not an entity that may be independently sued. Granting leeway to a *pro se* litigant does not extend to the Court's reformation of defective pleadings to correctly identify and include in the action a party not sued. Additionally, Plaintiff has not effectuated service of process against the Superior Court or the Small Claims Division. Plaintiff was granted leave to proceed *in forma pauperis*, by which officers of the Court shall issue and serve process. (4 V.I.C. § 513). However, the burden is neither on the Court nor its officers to correctly identify and determine the proper agents for service of process for a *pro se* litigant. In this action, Plaintiff directed the Virgin Islands Marshal to serve the judicial secretary to Magistrate Judge Carr, identifying her as "Resident Agent for Small Claims, Superior Court of the VI." No other service was attempted or accomplished as to the institutional governmental Defendant, whether the Small Claims Division, the Superior Court or the Government of the Virgin Islands. Although the issue of inadequate service of process was presented in Defendants' Motion, Plaintiff has not sought leave for additional time to properly effectuate service of his Complaint filed two and a half years ago. Accordingly, the action is subject to dismissal as to the Superior Court for failure of service of process pursuant to V.I. R. Civ. P. 4(i).

To the extent that a viable claim could be presented against the Superior Court (or the Government of the Virgin Islands), such a claim would sound in tort. Plaintiff has not alleged that he has complied with the provisions of the Tort Claims Act as outlined in Title 33 Chapter 118 of the Virgin Islands Code. Specifically, the waiver of sovereign immunity by the Government of the Virgin Islands is conditioned upon compliance by a claimant with the timing and filing provisions set forth in the Act. For this reason also, this Court may not entertain Plaintiff's action against the Superior Court (or the Government of the Virgin Islands).

Further, all allegations relative to Magistrate Judge Carr arise exclusively from actions taken in his capacity as a sitting judicial officer. Plaintiff has not presented an appeal claiming error in any ruling of the Magistrate Division, but rather presents a claim for damages, alleging "conduct unbecoming a professional judicial authority."

The doctrine of judicial immunity is unquestioned and well-established. "A long line of this Court's precedents acknowledges that, generally, a judge is immune from a suit for money damages. See, e. g., *Forrester v. White*, 484 U.S. 219 (1988); *Cleavinger v. Saxner*, 474 U.S. 193 (1985); *Dennis v. Sparks*, 449 U.S. 24 (1980); *Supreme Court of Va. v. Consumers Union of United States, Inc.*, 446 U.S. 719 (1980); *Butz v. Economou*, 438 U.S. 478 (1978); *Stump v. Sparkman*, 435 U.S. 349 (1978); *Pierson v. Ray*, 386 U.S. 547 (1967). Although unfairness and injustice to a litigant may result on occasion, 'it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself.'" *Mireles v. Waco*, 502 U.S. 9, 9-10 (1991) (quoting *Bradley v. Fisher*, 80 U.S. 335, 347 (1872)).

Order

Gumbs v. Koopmans, et al., ST-17-CV-342

Page 3 of 3

Here, Plaintiff's claims against Magistrate Judge Carr must fail as all actions of which Plaintiff complains were taken in the context of the Magistrate Judge's exercise of the authority vested in him as a judicial officer of the Superior Court.

For the reasons stated herein, the Motion of Defendants Carr and Superior Court will be granted, and Plaintiff's Complaint against those Defendants will be dismissed with prejudice.

As to the other parties, Plaintiff advises in his Response to the Motion of Defendants Carr and Superior Court that Defendant Tina M. Koopmans died in the same month that Plaintiff filed this action. More than two years have passed since Defendant Koopmans' death, but no party has moved to substitute a personal representative of that Defendant within the time permitted by 5 V.I.C § 78.

Additionally, neither the Court's electronic docket nor its paper file reflects service of process against Defendant Koopmans, Defendant Kelly Harrigan or Defendant UVI. In light of the foregoing, it is hereby

ORDERED that the Motion to Quash Summons and Dismiss Complaint of Defendants Henry V. Carr, III and the Superior Court of the Virgin Islands is GRANTED, and Summonses issued August 7, 2014 to "Ms. La Star (or La Starr) Watley, Resident Agent for Small Claims, Superior Court of the VI" and to "Mr. Henry V. Carr, III, Magistrate" are QUASHED. It is further

ORDERED that Plaintiff's Complaint against Defendant Henry V. Carr, III and against Defendant Superior Court of the Virgin Islands is DISMISSED with prejudice. It is further

ORDERED that, **within 30 days** of the date of entry of this Order, Plaintiff shall show cause, in writing, why his Complaint against Defendant Tina M. Koopmans, deceased, should not be dismissed. It is further

ORDERED that, **within 30 days** of the date of entry of this Order, Plaintiff shall **submit proof** of service of process against Defendants Tina M. Koopmans, Kelly Harrigan and the University of the Virgin Islands; failing which Plaintiff, **within the same time period**, shall **show cause** why the Complaint should not be dismissed for failure of service of process as to those Defendants.

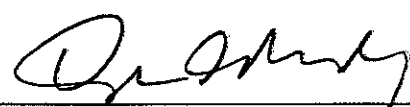
DATED: February 27, 2020.

ATTEST: TAMARA CHARLES
Clerk of the Court

By: 
Court Clerk Supervisor
2/28/2020

DISTRIBUTION LIST

Calvin Gumbs, II, *pro se*
Paul Gimenez, Esq.,


DOUGLAS A. BRADY, JUDGE

STT

OFFICE OF
THE VI MARSHAL
ST CROIX

*

1043

DAB

RETURN OF SERVICE

2020 MAR 23 PM 12:27

Seales

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

District of St. Thomas/St. John

Case Number: ST-2017-CV-00342

RECEIVED
11:27 PM 3/23/20
SUPERIOR COURT

To be served on: CALVIN GUMBS, II

Address: #394A-10 ANNA'S RETREAT, UNIT 3, ST. THOMAS, VI

Phone No: (404)890-6085

I hereby certify that I received a certified copy of the Order dated February 27, 2020 in the case of CALVIN GUMBS v. TINA M. KOOPMANS et al

on the 27 day of March and that thereafter

on the 27 day of May and that thereafter

by delivering to Calvin Gumbs II the said certified copy.

Dated: February 29, 2020

Mr. Gumbs was
personally served on
3/27/20 at 1043hrs at
394A-10 Annas Retreat

Marshal
Deputy Mark III

NIS

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Calvin Gumbs, II

— PETITIONER

(Your Name)

vs.

Kelly Harrigan, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the Virgin Islands

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX C

ORDER of the SUPERIOR COURT of the VIRGIN ISLANDS, SMALL CLAIMS DIVISION

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

Saint Thomas, VI (US Virgin Islands) 00801

(City, State, Zip Code)

(340) 725 - 4558 or (340) 227 - 5621

(Phone Number)

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

CALVIN GUMBS,

Plaintiff,

vs.

**TINA KOOPMANS, KELLY HARRIGAN
AND THE UNIVERSITY OF THE VIRGIN
ISLANDS,**

Defendants.

) **SMALL CLAIMS NO. ST-15-SM-522**

) **ACTION FOR DEBT**

ORDER

On November 3, 2015, Plaintiff Calvin Gumbs filed a complaint in the Small Claims Division of the Superior Court of the Virgin Islands against Defendants Tina Koopmans, Kelly Harrigan and the University of the Virgin Islands ("UVI"). He seeks damages in the amount of \$9,995.00: \$263.70 in general damages and \$9,731.30 in punitive damages, plus a request for a public apology from UVI. He also seeks waiver of the court's filing fees by requesting to proceed *in forma pauperis* under 4 V.I.C. §513.

On May 6, 2015, Plaintiff filed his first small claims complaint against UVI and Kelly Harrigan in Case No. ST-15-SM-202. UVI and Kelly Harrigan are two of the three Defendants in the instant matter.¹ In his May 6, 2015 complaint, Plaintiff sought damages in the amount of \$10,000.00: \$263.70 in general damages, \$9,721.30 in punitives and \$15.00 for a membership fee due every December 9, 2015, plus court costs. He also filed an application to proceed *in forma pauperis*, which the Court granted.²

In ST-15-SM-202, while the Court had great difficulty in understanding the claim(s) Plaintiff set forth in his complaint, Plaintiff appeared to have alleged that he had some unidentified "community borrower account" that may have or not involved UVI; that \$236.70 was in his account and was missing; that he confronted and questioned Defendant Kelly Harrigan about the missing funds; and that she felt threatened and frightened, which caused her to call UVI security to escort him off the UVI premises, which security did. All of these events he alleges occurred on June 4, 2015. Plaintiff may have alleged a claim of theft of money involving his account and claims of false imprisonment or arrest involving his removal from UVI premises. He attached a 2 ½ typed letter which provided more factual details concerning his claim.

¹ Based on Plaintiff's complaints filed May 6 and November 3, 2015 and the mediation which occurred on August 19, 2015 *infra*, Defendants Kelly Harrigan and Tina Koopmans are employed by Defendant the University of the Virgin Islands and in all instances were acting in the scope of their employment.

² See Case No. ST-15-SM 202, Court Order dated May 21, 2015.

Order

Gumbs v. UVI, Koopmans and Harrigan

ST-15-SM-522

Page 2 of 3

The case of ST-15-SM-202 was scheduled for trial before this Magistrate Judge on August 19, 2015. Consistent with Superior Court Rule 64, the parties met with his law clerk to seek whether the parties could amicably resolve this dispute through conciliation. The parties involved in this mediation forum were Defendants Tina Koopmans, Vice President of Information Services and Institutional Assessment on behalf of UVI; Theodore Glasford, Chief of Security on behalf of UVI; and Kelly Harrigan, Director of School and Medicine of UVI. After the parties met and mediated, they all appeared before this Court and stated on the record that this matter had been settled. The settlement was that the UVI would provide a written apology to Plaintiff before August 31, 2015 and would enclose \$50.00 to be used with regard to his user account at the library. Plaintiff agreed that this was the settlement between the parties and had no objections to the Court dismissing ST-15-SM-202 with prejudice.³ The entire proceeding before the Court took 3 minutes.

In this case, Plaintiff claims that Kelly Harrigan presented him with a document showing a deposit of \$1,100.00; that Tina Koopmans said that she would reimburse him the said \$263.70 if he would admit to a \$1,100.00 deposit; and that when he finally recognized that document, it was a deposit of \$1,105.00. He claims that these individuals "lied" to him and took "advantage of his disability". The Court does not know the exact nature of his disability, although he did mention in his complaint that he had an eye condition which caused him not to see the correct figure for the deposit.

The Court now repeats Plaintiff's prayer for relief: "the original \$263.70 damage, plus \$9731.30 punitive damage and the public apology that was owed to [him]." In his 1 ½ typed statement, Plaintiff admits that he received a letter from UVI posted-marked September 1, 2015. He states that while "the first paragraph of this letter . . . resembled an apology", "the remainder did as much to not take responsibility for the actions that occurred on June 4, 2013."

In neither his complaint nor typed statement did Plaintiff make any mention of receipt of the \$50.00, although the letter he refers to as not an "apology" was among his attachments to his typed statement. That letter was dated August 31, 2015 from Tina M. Koopmans, Vice President of Information Services and Institutional Assessments, on behalf of UVI. Her letter enclosed a full refund check of \$50.00. Nonetheless, Plaintiff does not inform the Court, in his complaint or any of the attachments, as to whether he received this refund.

This Court must dismiss with prejudice this small claims complaint in Case No. ST-15-SM-522. First, this issue over the "Community Borrower's membership" account in which Plaintiff claims he had \$236.70 was dismissed by the court with prejudice, pursuant to a settlement agreement, in ST-15-SM-202, two months ago. Dismissal with prejudice means that Plaintiff is forever barred from re-filing the same action again.⁴

³ The Court determined that Plaintiff appeared to be extremely pleased with the settlement if not downright joyful.

⁴ Plaintiff claims that this Court's law clerk represented to him that dismissal with prejudice means that "the issue can be revisited if the settlement was not what was agreed upon." While the Court does not believe that his law clerk made any such representation to him, this matter is immaterial in its determination that this case must be dismissed.

Order

Gumbs v. UVI, Koopmans and Harrigan

ST-15-SM-522

Page 3 of 3

Second, Plaintiff has alleged no cognizable claims against Defendants for which relief can be granted.⁵ Construing his complaint with all his attachments this Court still cannot find any claim that would merit scheduling a hearing. Plaintiff does not even allege non-receipt of the \$50.00 that was paid to him to settle the first small claims matter. The Court does not find any alleged facts in Plaintiff's complaint and statement sufficient to suggest the required element of any cause of action known to the Court.⁶ As to the public apology, Tina K. Koopmans states in the first page of her August 31, 2015 letter to Plaintiff: "I am sorry you were placed in a situation where you felt accused and disrespected." What more could Plaintiff ask for from Ms. Koopmans? The Court finds the statement "I am sorry" sufficient to convey an apology. This Court will not allow Plaintiff to inconvenience Defendants by forcing them to return to court to deal with the same matter that was settled and dismissed in ST-15-SM-202.

Third, the bulk of his claim is for punitive damages. Plaintiff has not alleged any acts by Defendants in his complaint that can be construed, in the light most favorable to him, to be intentional, spiteful, willful, wanton or reckless that would merit an award of punitive damages to punish the offender for engaging in same.


Based upon the foregoing, it is hereby

ORDERED, that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that Plaintiff's motion to proceed *in forma pauperis* is **DENIED**; and it is further

ORDERED, that copies of this Order shall be directed to the parties herein.

DATED: November 9 2015


HENRY V. CARR, III
Magistrate of the Superior Court
of the Virgin Islands

ATTEST:

ESTRELLA H. GEORGE

Acting Clerk of the Court

By: 

HYACINTH M. LOCKHART, Senior Deputy Clerk

11/9/2015

⁵ The Court recognizes that "all pleadings shall be so construed as to do substantial justice" under small claims Rule 62(c) of the Superior Court. However, even after construing his pleadings liberally in favor of a *pro se* litigant in small claims, Plaintiff fails to state any claim under the pleadings standards set forth by the Virgin Islands Supreme Court in *Alleyne v. Diageo USVI, Inc.* 2015 V.I. LEXIS 110 (2015) to avoid dismissal. See also *Brady v. Cintron*, 55 V.I. 802, 822 (V.I. 2011). (The Supreme Court of the Virgin Islands has explained that "a claim requires a complaint with enough factual matter (taken as true) to suggest the required element."). Failure to meet this pleading standard allows a court to dismiss the complaint. *Joseph v. Bureau of Corrections* 54 V.I. 644 (2010).

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(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX D

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

Saint Thomas, VI (US Virgin Islands) 00801

(City, State, Zip Code)

(340) 725 - 4558 or (340) 227 - 5621

(Phone Number)

APPENDIX D TABLE OF CONTENTS

Letter to Magistrate Henry V. Carr, III concerning Order from the Superior (Magistrate) Court	D01
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Statement by Petitioner concerning Alleged Apology Letter by Then-Representative of Respondent.....	D09
Definition of Coercion.....	D10

Post Office Box 12013
Saint Thomas, VI 00801

Composed: November 18th, 2015
Delivered: December 15th, 2015

Superior Court of the Virgin Islands
Attention: Magistrate Henry V. Carr, III
Post Office Box 70
Saint Thomas, VI 00804

Re: The rulings on both cases involved, ST-15-SM-202 and ST-15-SM-522

Magistrate Judge Carr:

First, I would like to take this opportunity to thank you and the court for the time taken to rule on both cases between myself and various members of the University of the Virgin Islands. It has been both a duty and a privilege for me to address issues regarding the university's unfair and unprovoked treatment of me, especially from the incident that took place a year and a half ago. However, I feel the need to also address some of the discrepancies that were stated on the order for case number ST-15-SM-522 while addressing the other discrepancies that were on said order by the court.

I am not familiar with the court system in the Virgin Islands, nor have I ever been in a Small Claims Court setting before this year. In fact, it wasn't until the afternoon of November 3rd of this year, in which I was advised by an Attorney Jeffers, that I have come to find out Small Claims Court was set up as a court to award monetary damages and, if money was collected, the case would be dismissed without appealing. The reasons I took UVI to Small Claims Court were to finally address UVI of the false charges laid upon me (because UVI officials never returned any of my telephone calls to them but one) and all the lawyers on this island that I contacted (and media relations of radio and television) were urging me to take UVI to Small Claims Court. Little did I know that these individuals thought of me as being facetious (lacking serious intent or frivolous) because they didn't think I was worth big money or ratings.

I wanted to address the June 4th, 2014 incident with UVI without going to court, but nobody wanted to return my calls or talk to me about it. Because I was banned from campus (as stated by the security chief), I was not going to cause unnecessary drama just by showing up. It may not mean a lot to you or anyone else, but I gave my life to the Lord over 30 years ago (September 22nd, 1985 to be exact); so I do not try to lie to, steal from, or provoke others, as UVI has painted quite the picture of me. The money that UVI took from me was not as important as a public apology that I believe was owed to me after they went out of their way to attempt to publicly humiliate me by having me escorted off the premises by three campus security personnel, including the chief.

To get off topic for a moment, the incident did occur on June 4th, 2014, not June 4th, 2015 illustrated on the last paragraph of the first page of the order that was emailed to me by your court, nor June 4th, 2013 depicted at the end of the third paragraph of the second of three pages. I am stating this so that this order from court can be accurately processed, so there would be no future discrepancies if the process were to be revisited or moved further upon.

I truly believe that I needed to present to you facts and occurrences that happened instead of being speculative as to why this June 2014 event has happened to me. (I now think I should speculate on the issue, but I will do so toward the end of this letter because the truth needs to be heard now.) From a very young age, I have come to find that I have something considered as an eidetic memory. I can visually and accurately describe the events that happened in great detail because I keep reliving the incident over and over and over. The head trauma I experienced in an accident I had over 20 years ago only seemed to enhance my recollections of events ever since. I recalled the June 4th, 2014 incident, as well as the August 19th, 2015 court date that took place 440 days after the incident.

On the June 2014 date, I had a UVI Community Borrower Account that had a final balance of \$263.70 (not \$236.70 illustrated on the last paragraph of the first page of the order) when I was approached by Kelly Harrigan. I did not confront and question Kelly Harrigan about the missing funds (as depicted on same paragraph); I responded to Harrigan after Kelly told me that I did not have a lifetime membership account, which I did have before the account change. If Kelly Harrigan felt threatened and frightened (depicted on same paragraph) it did not come across that way as Kelly Harrigan plainly and sternly told me someone placed thousands of dollars on my account and it will be zeroed out only moments earlier.

The second paragraph of the second page of this court order mentioned a deposit of \$1,105.00. Once again, it was not a deposit of \$1,105.00; it was the balance on the account according to the document given to me by Kelly Harrigan. However, Kelly Harrigan led me to believe that it was a deposit to my account, and that was when Tina Koopmans chimed in. Regarding the same paragraph, I apologize if I was not giving the exact nature of my disability. I was diagnosed by my internist/Primary Care Physician with a form a conjunctivitis that forms a mucus film or lining over my eyes affected by the wind, sun or other lighting, and dust and causing my eyes (concurrently or one eye at a time) to become irritated and red, hence the reason for wearing darker protective eye wear. I was also diagnosed in the early summer of 2009 (this time by an emergency room doctor) with severe atopic dermatitis, which causes my skin to practically "burn" or form soars when introduced to the sun, sweat, or even stress, hence the reason for wearing head wear. Since early July 2013, I have had severe pain in my left leg (no confirmed diagnosis as of yet) which causes me to not be able to move around a lot. I've also had severe pain in my right index finger since October of this year which is affecting my ability to write.

On the court date of August 19th, 2015, I was given the choice of whether to dismiss the case with or without prejudice. I did not know the difference, so I asked for an explanation. The person you defined [in the first paragraph of page 2 of the court order] as your law clerk, whom I later came to find out was Attorney Jeffers, gave an explanation but later told me even if dismissed with prejudice, if the parties did not follow through with the settlement, the matter can be reopened with another case number. At that point I told Attorney Jeffers I don't know, you choose (because I did not want to be difficult), at which point she chose with prejudice. When presented in front of you, I recalled stating to you that I comply with the agreement (at which point you smiled and responded to me, "You agree with the agreement?" and I then said I agree with the agreement).

Based on what I was advised by Jeffers, I went along with trying to end this matter amicably. When speaking with Jeffers on November 3rd, she did not recall if that exactly happened but said she will have to look back on the files and let me know. She had not contacted me since.

I am not trying to plead ignorance, but I am never afraid to tell anyone whether I know something or I don't. I am not saying that the first case's dismissal should be altered; I am just trying to understand why I was told something that was not correct. Attorney Jeffers may not recall what she told me, but, like I said earlier, I keep reliving incidents over and over. It can be argued that I heard it wrong, but that just opens up a legal argument for having conversations recorded; if that were the case then the UVI officials I have met with would be retracting many of their statements (Tina Koopmans even made a sly comment on the August 19th court appearance about the June 4th incident not being recorded!).

The first paragraph of the last page of the court order makes reference to me not acknowledging \$50.00 paid to me to settle the first small claims matter. I will go on the record to state that a check with the incorrect spelling of my name was given to me, but it was given to me under false pretenses. In a telephone conversation with Ms. Koopmans on August 21st, 2014, she stated to me that, had she known I did not receive a notice about the membership change, she would have just given me the \$50 refund. On the August 19th, 2015 court appearance **after** coming to the settlement of the written apology, I asked her if she recalled the telephone conversation of a year ago, at which point she said she will refund my initial membership fee. The \$50.00 paid to me had nothing to do with the settlement; what I requested was that apology, which didn't turn out to be one.

If you are not familiar with what is called dog-whistle strategy, I will explain briefly. When you use a dog whistle, it has just enough of a pitch so that dogs can hear the sound that is not heard by us. When you use dog-whistle strategy, it is a subliminal message directed to the individual it is intended to affect, even though no one else would see or understand it. Ms. Koopmans and I had a telephone conversation last year when she told me she spoke with Kelly Harrigan about the inappropriate way the June 2014 incident was handled, yet she is stating in the letter as well as during the court appearance that Kelly Harrigan conducted appropriately, knowing that I vehemently disagreed with that assessment. Ms. Koopmans mentioned the \$50 that had nothing to do with an apology or the settlement. And finally, she stated that UVI has learned from this incident and will apply when dealing with patrons; however it was not applied when dealing with me, even after the incident. When I tried to communicate these with her by telephone (both on September 17th and October 2nd of this year) she wouldn't even return my calls when I left messages **both** times. To summarize this paragraph, the Tina Koopmans I spoke with on August 21st, 2014 is a completely different person from the Tina Koopmans I spoke with on August 19th, 2015, and I cannot get to speak with any Tina Koopmans ever since.

Judge Carr, I really want to tell you that it was never about the money, even though UVI has continued to confiscate my \$263.70 to this day. The only reason I placed a dollar figure in either case is because there are certain individuals who will only respond to you if they are threatened with something to lose, particularly money out of their pockets. I had been trying to communicate with UVI ever since the June 2014 incident and they only decided to acknowledge me when served with subpoenas for the August 2015 court date. From the moment I was accused of these events, I asked for something to show what I allegedly did, and the first document to show anything was given to me on August 19th, a full 440 days after the incident, which also raises questions about the credibility of what was given to me. If what was shown on these documents were the truth, which they're not, why didn't they at least email said documents to me like the court emailed the court order? UVI had my email address as recent as August 21st, 2014, when I was asked to email the events to the Office of the President!

I apologize to you if it seems that I am dragging this incident and even this letter, but what if this had happened to someone else (or happens to someone else in the future) and they don't have a voice? Anything I have done which is wrong has been met with my acceptance and cooperation. I have done absolutely nothing wrong and have been wondering why I am targeted; besides the fact that the Devil has been influencing individuals to conspire and fabricate issues that otherwise would never have occurred. When I met the UVI Security Chief on June 10th, 2014, six days after the incident, before we had our conversation the Spirit directed me to ask him for a piece of paper so I could write the names of a couple individuals who work/worked at UVI who have had some grudge or issue against me for at least five or more years before the incident. When I asked him if he had done any investigations concerning those names, he responded with a no.

Earlier, I mentioned that I chose actual facts over speculations as to what has been happening to me over the course of the year and a half. It is no secret that several individuals, including employees at UVI, know that I have been part of a group that is attempting to create a school of higher learning for those who cannot afford the time or tuition of a traditional college education; it was slated to start classes on August 26th, 2014, mere months after this incident between myself and UVI. Documents were submitted, accreditation measures were on the way, and we had the backing of one of the more prolific investors on the planet. After the UVI incident, I truthfully made mention of an ongoing issue I needed to resolve with UVI so that this "baggage" would not hinder any progress, and the longer UVI refused to resolve this mess (even up to now) the more this progress has been stalled. In my opinion this is no coincidence, but I am trying so desperately to rely on the facts and am having a most difficult time with the university regarding such.

I also mentioned the money was not the most important thing concerning this matter. This school I am a part of was a vision I received from God a few years back, and we were finally in a position of breaking ground. An individual named Romeo Roger Richardson was also directly affected by all this, as he was the one whom UVI allegedly accused of distributing funds to my UVI Community Borrowers account. And, most importantly, **the truth has to come out.**

(To be fair, this upcoming paragraph was added/alterd after the letter was sent to Magistrate Carr.)

Lastly, I would like to state that no one individual or entity should decide or forcibly speak for someone else as to what is to be allowed or accepted as an apology. That someone else has every right to make that decision for himself/herself without any added pressure. Reference is made to the second-to-last paragraph of the mentioned court order (ST-15-SM-522).

With sincerest of regards, and appreciation in advance for the viewing of this letter,



Calvin Gumbs II

P.S.: My telephone numbers:

(340) 227-5621

(340) 244-5260

Duhaime's Law Dictionary

Apology Definition:

A statement of regret and responsibility for an act or omission.

An *apology* is an expression of remorse and an acceptance of responsibility for an act or omission.

Apologies are increasingly encouraged by free and democratic societies as a tool to calm both circumstances and the aftermath of small or trivial incidents (when there are no lasting injuries) and that may otherwise give rise to litigation.

But, as Arizona State University law professor Jeffrie Murphy writes:

"For small wrongs, the mere verbal formulae "*I apologize*" or "*I am sorry*" or "*Forgive me*" or "*Excuse me*" are generally adequate since their only function is to keep oiled the wheels of civility and good manners.

"What works for small wrongs is likely to be quite unacceptable for wrongs of greater magnitude, however. ... Here we normally expect such things as repentance, remorse (in at least one of its forms), and atonement; and we are interested in apologies only to the degree that we believe that they are sincere external signs of repentance and remorse and reliable external signs of future atonement."



Persons involved in an incident from which may arise liability are often stopped from doing the decent thing of extending an *apology* where their actions have contributed to any injury, or just to show sympathy, for fear that the *apology* would later be taken as an admission of guilt or preclude contributory factors that might later emerge from the evidence.

In a litigious society, the first forays into the law in this regard have been tentative. In his 2000 Yale Law Journal article, Lee Taft wrote of apologies as "*the healing mysteries of this sacred process*" and that:

"In the 1970s a Massachusetts legislator's daughter was killed while riding her bicycle. The driver who struck her never apologized. Her father, a state senator, was angry that the driver had not expressed contrition. He was told that the driver dared not risk apologizing, because it could have constituted an admission in the litigation surrounding the girl's death. Upon his retirement, the senator and his successor presented the legislature with a bill designed to create a *safe harbor* for would-be apologizers: *'Statements, writings or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering or death of a person involved in an accident and made to such person or to the family of such person shall be inadmissible as evidence of an admission of liability in a civil action.'*

"There is, of course, a distinction between an *apology* ... and the protected expressions of sympathy contemplated by the Massachusetts (statute which) protect generic words that express sorrow about another human being's suffering (and not) an authentic apology, understood here as an expression of sorrow coupled with an unequivocal statement of wrongdoing. What is protected are expressions like *I'm sorry you are suffering* or *I'm sorry for your loss*. What is not protected are statements like *I'm sorry you are suffering because of my behavior. My conduct was wrong. I regret it, and the pain it has inflicted.*"

An often forgotten characteristic of an apology is that it requires courage.

An apology is often a mitigating factor in defamation, contempt of court and in cases where the defendant may have otherwise been exposed to punitive damages. An apology is often relevant in sentencing.

The Canadian province of British Columbia brought in a very short Apology Act in 2006, of which the following three articles of law essentially set out the entirety of the law:

"(An) *apology* means an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate....

"An *apology* made by or on behalf of a person in connection with any matter ... does not constitute an express or implied admission of fault or liability by the person in connection with that matter" and must not be taken into account in any determination of fault or liability in connection with that matter; (and)

"Evidence of an *apology* made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter."

In her 2012 article in Appeal, law student Claire Truesdale and defines an *apology* as follows:

"... an acceptance of responsibility for a specific act ... acknowledgment of the injury caused by that act, and an expression of remorse or regret."



Office of Information Technology Services
University of the Virgin Islands
 #2 John Brewer's Bay
 St. Thomas, VI 00802-9990

CERTIFIED MAIL



7015 1660 0001 1245 5457

Calvin A. Gumbs, II
 PO Box 12013
 St. Thomas VI 00801

**RETURN RECEIPT
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9/13
 9/14
 9/18



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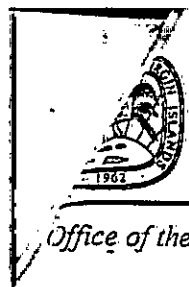
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University of the Virgin Islands

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Office of the VP for Information Services & Institutional Assessment

August 31, 2015

Greetings Mr. Gumbs,

On behalf of the University of the Virgin Islands, I want to let you know that our goal is always to have a positive and pleasant experience with our students and patrons. We strive to deliver outstanding customer service and we deeply regret when our patrons do not feel like we have treated them respectfully. You and I have talked several times about the 2014 incident in the library. I am sorry you were placed in a situation where you felt accused and disrespected.

In our discussions, I have verified that the actions of Ms. Hartigan and Chief Glasford were conducted according to UVI policy and I assure you their conduct was with the best intentions. I do regret that we did not do a better job of making you feel you were being treated fairly. That would have been my hope for the situation.

Because of this incident, I am granting you a full refund of the \$50 you paid for your community borrower's membership, even though the deadline for the conversion has passed. We allowed all of our community borrowers to convert their membership to the newer "Preferred Users Program", which allowed them to choose between a refund and a \$30 annual membership. The refund check is enclosed in this letter.

Although this transaction concludes the relationship between yourself and the University, I can assure you that we will take what we have learned from this experience and apply it to improve our services and our relationship with patrons.

The University is no longer pursuing the investigation into account discrepancies. We consider this matter closed.

I sincerely wish you the best in all of your endeavors.

With Respect,


Tina M. Koopmans
Vice President of Information Services and Institutional Assessment

Cc: David Hall, President
Samuel H. Hall, Attorney

This is in reference to case# ST15-SM202 and the August 19th, 2015 supposed negotiated "settlement" which was to include letter of apology that I was to receive by the end of August 2015:

Not only did I not receive this "apology" letter by the proposed time (a copy of the envelope demonstrates the postmarked date of September 1st, 2015), but it was anything but an apology. Granted, it was a very well-written letter and the first paragraph constitutes what is defined as apologetic, the remainder of what was written was not anything I agreed upon; it just shows few individuals believe they can say, do, and get away with anything they want and expect it to be the utmost law of the land. I did not ask for any of those statements to be placed on this so "apology" simply because:


- 1) I did not ask for those written statements, and
- 2) I did not agree with those written statements

As I discussed with Tina M. Koopmans, I do not or have not worked for UVI so I cannot quote policy. Nevertheless, if it is policy to tell someone that they should be computer literate enough to understand what is to be told to them, upon which both Ms. Koopmans and Kelly Harrigan stated there is nothing wrong with that comment (right after Kelly Harrigan lied by saying Kelly Harrigan never said that <caught in the act!>), then there is a serious violation with the university as it concerns business ethics and how you speak to people.

If it is policy that Chief Glasford is supposed to escort and ban an individual from the UVI campus just based on what Kelly Harrigan says (lies or not, I wasn't there) without getting that individual's side of events, then I reiterate the serious violation with the university as it concerns business ethics.

Tina M. Koopmans did not grant me a full membership refund because of the June 4th, 2014 incident (another lie). Ms. Koopmans and I had a telephone conversation on the afternoon of August 21st, 2014 where she stated to me that, if she had known that I've never gotten a notice of the change in the UVI Community Borrower Membership, she would have refunded my membership fee with no questions asked. The "apology" letter is making it to be believed that it was a settlement from our August 19th, 2015 court date.

The fact that Tina M. Koopmans added the statement that the university will take what they learned in applying it to improve relations with patrons is disguised in a dog whistle-type strategy as a proverbial slap in the face. That comment, as well as the aforementioned points, did not need to be placed in an "apology" letter because they are not apologies, were already discussed verbally in prior conversations, and were not agreed upon to be discussed in an apology letter.


Calvin Gumbs II

- **FINDLAW**

What is Coercion?

A facility manager pulls a consumer aside and threatens to empty his account if he doesn't comply with her statement of an erroneous amount. The consumer knows it's a violation of ethics and standard policy to help the facility manager cheat, but he also doesn't want to lose his entire balance; so, he relents and gives false information for the sake of his account. This is a classic example of coercion, wherein one party uses intimidation or threats to force someone to act against their will.

Although a wide range of acts may broadly be considered coercion, laws and legal definitions provide more clarity as to what constitutes a civil wrong or a crime (or a **defense to criminal charges** in some instances). The statutory definition of coercion is fairly uniform throughout the country: the use of intimidation or threats to force (or prevent) someone to do something they have a legal right to do (or not to do).

Definition of Coercion

The broad **definition of coercion** is "the use of express or implied threats of violence or reprisal (as discharge from employment) or other intimidating behavior that puts a person in immediate fear of the consequences in order to compel that person to act against his or her will." Actual violence, threats of violence, or other acts of pressure may constitute coercion if they're used to subvert an individual's free will or consent.

In legal terms, it's often said that someone who's been coerced was acting under **duress**. In fact, "duress" and "coercion" are often interchanged. Black's Law Dictionary **defines duress** as "any unlawful threat or coercion used... to induce another to act [or to refrain from acting] in a manner [they] otherwise would not [or would]."

It's not always easy to tell when the line between subtle intimidation and coercion has been crossed and even harder to prove. A shrewd business negotiation may be considered contract coercion only if it can be proven that it was signed under duress. Similarly, proving criminal coercion (or duress) rests on the surrounding facts of the incident and may be quite subtle. For example, telling someone "Gee, I'd hate for something to happen to your daughter" is technically vague even when it's said with coercive **intent**.

Federal Coercion Laws

The term coercion can be found in multiple sections of the U.S. Code in relation to political activity, employment, sex trafficking, commerce, housing, and contract law, to name a few. Sometimes these codes use the term "duress" instead, but they're similar in their recognition of acts done under pressure from another party.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Calvin Gumbs, II

_____ — PETITIONER
(Your Name)

vs.

Kelly Harrigan, et al.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the Virgin Islands

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX E

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

Saint Thomas, VI (US Virgin Islands) 00801

(City, State, Zip Code)

(340) 725 - 4558 or (340) 227 - 5621
(Phone Number)

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

Calvin Gumbs, II,	)	CASE No. ST-16-CV-233
)	
Plaintiff,)	
)	
vs.	)	ACTION FOR: Character
	)	Defamation, Petty Theft,
	)	and various related counts.
Tina M. Koopmans,)	
Kelly Harrigan,)	
UNIVERSITY OF THE VIRGIN ISLANDS,)	
)	
Defendant.)	
)	

CIVIL COMPLAINT FILED BY THE PLAINTIFF THROUGH THIS COURT.

COMES NOW, through affirmation under oath, Plaintiff, Calvin Gumbs, II, states as follows:

...

- 4) This claim can be summed up in no less than seven (7) counts, most of which is the doing of one Defendant, Kelly Harrigan, an employee of the University of the Virgin Islands, in the opening statement made to me by one Kelly Harrigan on the fourth of June year 2014:

"I know you are computer literate enough to understand what I am about to tell you. Romeo Richardson has placed thousands of dollars on your account. You are the reason we have to keep replacing our print cartridges. I am not going to revoke your account, but it now has a balance of zero and, if you want to print any further, you are going to have to put money in your account."

- Kelly Harrigan, when confronting Calvin Gumbs II on alleged but UNPROVEN claims that were made by Harrigan.

Grounds for seeking damages

The counts for which I am seeking damages are the following:

- **FALSE ACCUSATION:** the statement Kelly Harrigan made, particularly, *"Romeo Richardson has placed thousands of dollars on your account. You are the reason we have to keep replacing our print cartridges."*

- **ABUSE OF POWER/AUTHORITY:** the Tone of which this statement was made to me by one Kelly Harrigan.
- **TARGETING:** the “fact” that someone placed these “thousands of dollars” on my account (according to one Kelly Harrigan) without my knowledge or consent should raise questions by one Kelly Harrigan and the entire UVI department. However, they decided to focus solely on Romeo Richardson and myself. I conclude there was no actual investigation, especially since Tina M. Koopmans was quick to decree there would be no further looking into the issue in our August 19th, 2015 Small Claims Court negotiation period, as mentioned in the subsequent supposed “apology” letter to me.
- **BULLYING:** two (2) individual parts of the statement made by one Kelly Harrigan: “*I know you are computer literate enough to understand what I am about to tell you.*” and “*You are the reason we have to keep replacing our print cartridges.*” A case could also be made at the August 19th, 2015 period (negotiation table) when Ms. Koopmans tried to make me say I made a \$1,100 deposit while dangling the possibility of refunding my zeroed balance.
- **CHARACTER DEFAMATION:** the false accusation(s) along with the gesture made when one Kelly Harrigan went to just about every office in the Ralph M. Paiewonsky Building of UVI to make known her “championed” effort and that I was being escorted out of the building by three (3) UVI Campus Security Personnel, stating that I was BANNED from the campus.
- **THEFT:** the statement made when one Kelly Harrigan informed that my account “... *now has a balance of zero* ...” when it had a balance of \$263.70 as of the time I was called away from my task (that I had not completed) to speak with one Kelly Harrigan.
- **COERCION:** the BRIBERY attempt by Ms. Koopmans after one Kelly Harrigan pulled out several sheets of paper with information in small print, knowing that I was wearing a dark shade of sunglasses and couldn’t see any information that small. Kelly Harrigan then stated to me that the first line of the document showed a deposit that I made in the amount of \$1,100 (it was later found out that it was NOT a deposit of \$1,100 but a total balance at the time of \$1,105, which was also suspect), at which point Ms. Koopmans chimed in and declared, “I will refund your \$263.70 if you admit to making that \$1,100 deposit,” in an attempt to get me to make a false statement. I did not, by the way, fall for their parlor trick.

It is my wish that the court conduct(s) itself/themselves in an impartial, objective, and fair manner with regard to hearing all the matters that I plan to bring to the attention of the court for consideration and not bring the court into disrepute with impropriety as prohibited by the Virgin Islands Code of Judicial Conduct. ...

Background

On June 4th, 2014 between the hours of 10:00 A.M. and 11:00 A.M. at the Ralph M. Paiewonsky Building of the University of the Virgin Islands, I was approached by one Kelly Harrigan, who asked me to step outside of the computer room known as the "24/7 Computer Lab" for a discussion (the only part of this incident done to me in a professional manner).

In a quote that was essentially verbatim, Kelly Harrigan proceeded with this, such a condescending declaration:

"I know you are computer literate enough to understand what I am about to tell you. Romeo Richardson has placed thousands of dollars on your account. You are the reason we have to keep replacing our print cartridges. I am not going to revoke your account, but it now has a balance of zero and, if you want to print any further, you are going to have to put money in your account."

When hearing this, I was expectedly floored and jaw-dropped by this definitively blunt accusation. I asked repeatedly just to make sure I heard this correctly...

I went back to Kelly Harrigan to get clarification of this "thousands of dollars" that was stated to me (a declaration of asking for proof of this ridiculous accusation); all I got from Kelly Harrigan at that point was "he put \$200 dollars here, \$600 dollars there." Kelly Harrigan then dropped that subject immediately and boldly stated, "You do not have a lifetime membership; you have an annual membership of \$30."

Not knowing where this was going, I boldly stated back, "I had a lifetime membership in the past..." Before I could finish my response, Kelly Harrigan instantaneously decided to call campus security to have me removed from the premises. I was flabbergasted as to what was going on at that moment; I can only assume that, being a naturally-loud speaker, I perhaps raised my voice and Kelly Harrigan probably thought I was being threatening. Within minutes, not one, not two, but THREE campus security personnel (including Security Chief T. Glasford) arrived and escorted me off the campus mentioning breach of peace and saying that I was BANNED from the campus!

It was Security Chief Glasford who provided me with the UVI telephone number of (340) 693-1000 and advised me to get in contact with the UVI President, Dr. David Hall. When I called around 2:00 P.M. that very same day, I did not get the President but got to speak with Ms. U. Dyer, who I believe was the Assistant to the President.

... Ms. Dyer also released to me the telephone number (340) 693-1540, which was the number for Tina Koopmans, who was the head of the department at which the incident took place.

When speaking with Ms. Koopmans on August 21st, 2014, more information was shared with me. Firstly, she wanted to express to me that she spoke with Kelly

Harrigan, stating she wasn't pleased with the way that incident was handled and that it should have been handled better/more professionally. Secondly, Ms. Koopmans said had she known that I had not received the notice of change in my membership (and that I would have opted out) then she would have refunded my \$50 for the initial lifetime membership for which I signed back in 2008. She then proceeded to instruct me that the issue with my account being manipulated dated back to 2010 where \$500 was placed on my account. She also shared that my new \$30 annual membership fee payments have NOT been recorded even though I have actively been using my account up until the June 4th, 2014 incident.

...

... I filed a claim at Small Claims Court on May 3rd, 2015. A court date was set for August 19th, 2015, almost one full year since I last communicated with someone from UVI. On that date, I met up with Kelly Harrigan, one-half of the defendant of the lawsuit, along with Tina Koopmans and Chief Glasford, who apparently represented the other half of the defendant (UVI). In a matter to try to settle the claim, Ms. Koopmans then took the helm, stating that since she was responsible for the department, she would be speaking for Kelly Harrigan and will present me with an apology letter no later than the end of the month [of August]. Kelly Harrigan then pulled out several sheets of paper with information in small print, knowing that I was wearing a dark shade of sunglasses and couldn't see any information that small. Kelly Harrigan then stated to me that the first line of the document showed a deposit that I made in the amount of \$1,100, at which point Ms. Koopmans chimed in and declared, "I will refund your \$263.70 if you admit to making that \$1,100 deposit," in an attempt to coerce me into making a false statement. My response: "I will NOT admit to anything I didn't do, nor will I lie about anything. I did NOT make any \$1,100 deposit or any deposit anywhere that big. I can honestly say I have never made deposits in any amount over \$50."

After Ms. Koopmans stated she will construct the apology letter and also stated that the university will drop the investigation, I told her it was a mistake to drop it but I will go along with the settlement (since the money was not the biggest deal to me). While Chief Glasford volunteered to locate a court representative to acknowledge our settlement, I asked Ms. Koopmans if she recalled our conversation a year prior about her stating the full refund for the initial membership I paid in 2008. Ms. Koopmans interrupted and stated she will give me a check for that membership fee. When the court representative came to acknowledge the settlement terms, Ms. Koopmans insinuated that she was going to do all the talking. When I heard no mention of the apology, I interrupted with the fragment, "AND...AN APOLOGY," at which point she relented that she will get me an apology letter by August 31st [2015].

Not only did I not receive the "apology" letter by the agreed-upon time (I actually got via post office on September 14th with the post-marked date of September 1st), but it was anything but. After the initial paragraph which could have conceivably been some form of an apology, the rest of the document did not depict what we agreed upon at court and looked more like a vague attempt to cover up the university's wrongdoing.

...

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

Calvin Gumbs, II,	)	CASE No.
)	
Plaintiff,)	
)	
vs.	)	ST-17-CV-342
)	
Tina M. Koopmans,	)	ACTION FOR:
Kelly Harrigan,)	
UNIVERSITY OF THE VIRGIN ISLANDS,	)	Fraud/Misrepresentation - Breach of
	)	Contract/Contractual Obligation,
Co-Defendant,)	
	)	Conspiracy to Commit Fraud,
and)	
	)	Conduct Unbecoming, being judicial
Henry V. Carr, III, Magistrate,	)	(impropriety) or professional.
SUPERIOR COURT OF THE VIRGIN ISLANDS,)	
SMALL CLAIMS DIVISION,)	
)	
Co-Defendant.))	
)	

CIVIL COMPLAINT FILED BY THE PLAINTIFF THROUGH THIS COURT.

...

COMES NOW, through affirmation under oath, Plaintiff, Calvin Gumbs, II, states as follows:

- 1) The Defendant, the University of the Virgin Islands (hereinafter to be referred to as "UVI") and two (2) of its employees, Kelly Harrigan and Tina Koopmans, among others, has demonstrated, by the individual and/or a group effort, a lack of respect as it concerns a moral, legal, and criminal matter that I, the Plaintiff, have attempted to resolve very numerous times. When the parties did convene on Wednesday, August 19th, 2015, in spite of an eye illness that was illustrated to the Defendant when documents (which, submitted after 440 days from Plaintiff's request, appears very suspicious and fraudulent in nature) were presented, an agreement was verbally reached and was to be presented in front of the Magistrate. Even after initially leaving out the apology in the proposed, agreed-upon settlement, when speaking to the appointed Attorney [Jeffers] who was

witnessing/recording the terms, Defendant (specifically Ms. Koopmans, not a Defendant at the time) placed that condition at Plaintiff's behest.

- 2) It came to my attention, on the evening of June 3rd, 2016 after 5:00 PM, when a direct witness noted a June 4th, 2014 incident where one of the employees at UVI immediately volunteered to look up my former Community Borrower account even though a higher level employee was asked to do so. The witness perceived the eagerness of that first-mentioned employee, and then, several minutes later, Kelly Harrigan asked me to come out of the 24/7 Computer Laboratory to deliver the now-infamous derogatory statement:

"I know you are computer literate enough to understand what I am about to tell you. Romeo Richardson has placed thousands of dollars on your account. You are the reason we have to keep replacing our print cartridges. I am not going to revoke your account, but it now has a balance of zero and, if you want to print any further, you are going to have to put money in your account."

- 3) This Kelly Harrigan statement happened, once again, after this first-mentioned employee eagerly and willingly volunteered to look up my former UVI account even though that employee was not directly asked to do so. This appears as a ruse, i.e., someone(s) in the UVI organization has set me up.
- 4) On the afternoon of May 18th, 2016, between 4:00 PM and 4:30 PM, a direct witness who happened to observe the conversation between Plaintiff and Kelly Harrigan that led to Kelly Harrigan calling campus security, recognized and approached Plaintiff about the June 4th, 2014 matter. He/she stated that Plaintiff did not appear angry and never raised Plaintiff's voice to warrant an escort and ban from the UVI campus by campus security. He/she also stated that Kelly Harrigan never expected Plaintiff to inquire about the so-called deposits made to Plaintiff's account and, to save face, decided to call security and feign a threat.
- 5) It was called to my attention that, concerning the June 4th, 2014 incident, a direct witness noticed Kelly Harrigan going to the different offices telling various employees about the

incident of me being thrown out of UVI's Ralph M. Paiewonsky building while I was still in the building, prompting an audience to watch the spectacle of me being escorted and banned from campus. On June 3rd, 2016, another direct witness noted a period within the prior year when Kelly Harrigan went to several UVI employees boasting about beating me in court [which not only did not happen but, according to witnessing officers of the court, my initial case was settled **in my favor** (until the fraudulent excuse of an *apology* letter presented itself)]...

- 6) During the August 19th, 2015 mediation of Small Claims case number ST-15-SM-202, Tina M. Koopmans and Kelly Harrigan appeared representing the Defendant, with Ms. Koopmans doing the talking for everyone and Kelly Harrigan saying not even 20 words the entire time. Even with the back-and-forth that initially wasn't going anywhere due to various severe statements made by Defendant, including but not limited to:

- the recap of the statement made by Kelly Harrigan that started it all: *"I know you are computer literate enough to understand what I am about to tell you..."* which Kelly Harrigan initially denied before following the cue of Koopmans, with both of them saying that there is nothing wrong with directing that type of statement to an individual,

and

- the bribery attempt by Koopmans after one Kelly Harrigan pulled out several sheets of paper with information in small print, knowing that I was wearing a dark shade of sunglasses and couldn't see any information that small. Kelly Harrigan then stated to me that the first line of the document showed a deposit that I [allegedly] made in the amount of \$1,100 (it was later found out to be not a deposit of \$1,100 but a total balance at the time of \$1,105, which was also suspect), at which point Koopmans chimed in and declared, *"I will refund your \$263.70 if you admit to making that \$1,100 deposit,"* in an attempt to get me to make a false statement (with which I did not play along),

willing to keep the peace with this “mediation” Plaintiff decided to hear what Koopmans would propose as a settlement, to which she offered to construct a written apology by the end of the week, subsequently recanted, and then change it to before the end of the month [of August]. (Even though I spoke with Koopmans about the previous year’s telephone conversation about her offer to refund my full lifetime membership fee after we reached our settled agreement, it came to my knowledge that the refund somehow found its way into the settlement without my knowing or consent to it.) Plaintiff received the letter on September 14th, 2015 (a full two weeks after the agreed-upon month’s end time interval, not necessarily the fault of Ms. Koopmans) with the date on the letter to be August 31st, 2015 but the envelope enclosing that letter postage-stamped on September 1st, 2015, which was past our agreed-upon time. Initially willing to overlook the time difference, Plaintiff proceeded to read the letter once relieved of the illness of eyes (due to chronic dry eye/conjunctivitis illnesses I’ve unknowingly had since February 2009) and came to find the letter was not the apology agreed upon between Plaintiff and Koopmans. That, coupled with the time difference, to my understanding, constitutes a Breach of Contract/ Contractual Obligation since appearing in court before a judge/magistrate emulates such a contract or contractual obligation. It is also to my understanding that I, the Plaintiff, can act upon those points and have up to two (2) years to file such a claim in that manner [*Martin v. Martin*, 54 V.I. 379 (V.I. 2010)], which will bring it to September 14th, 2017, two (2) years to the day the postmaster handed me the envelope containing the letter by Koopmans. When Plaintiff tried to converse with Koopmans about the contents of the letter, among other matters, Plaintiff left live messages (messages with actual people and not voicemail or answering service) on both September 17th, 2015 and October 2, 2015; both times Plaintiff got no response or return correspondence from Koopmans.

- 7) A second Small Claims claim, with case number ST-15-SM-522 was filed on November 3rd, 2015 in response to that effect and was abruptly dismissed within a week (November 9th, 2015 to be exact) with an Order from Magistrate Henry V. Carr, III.
- 8) Within the prior year, when Plaintiff (the Appellant in the Supreme Court case number 2016-0034) was gathering documents to form an Appendix for said Supreme Court case,

I collected the Order for the second Small Claims case filed with the case number ST-15-SM-522 and found major discrepancies in that Order from Magistrate Carr, page 2 of 3 in particular. My subsequent letter to the Magistrate pointed out the many clerical and downright sloppy errors, but that particular page pointed out some things that I did not see when constructing my letter, things that insinuate certain biases against the Plaintiff. The third sentence of the first paragraph on that page clearly states:

“The parties involved in this mediation forum were Defendants Tina Koopmans, Vice President of Information Services and Institutional Assessment on behalf of UVI; Theodore Glasford, Chief of Security on behalf of UVI; and Kelly Harrigan, Director of School and Medicine of UVI.”

I originally thought that this was another oversight by the Magistrate since Plaintiff was supposed to have been included in the mediation. However, after reviewing further in that paragraph of the enclosure of \$50.00, of which the Plaintiff had no knowledge or made no consent as it pertained to that subject matter, along with the footnote made on the bottom of the aforementioned page that states:

“The Court determined that Plaintiff appeared to be extremely pleased with the settlement if not downright joyful,”

of which the Court had no basis of determining Plaintiff's mood or state, I now believe that the [Superior Small Claims] Court and the three mentioned UVI employees had a separate conversation not involving Plaintiff and came up with a settlement on their own, which would be a violation of the standard two-party system/consent. Add to the fact that the bottom footnote of same page states:

“...While the Court does not believe that his law clerk made any such representation to [Plaintiff], ...”

which illustrates the Court's bias on personal beliefs, i.e., the Magistrate, who would fall under the same Canons/Rules of the Virgin Islands Model Code of Judicial Conduct, had violated Canon 1 by demonstrating impropriety or the appearance of impropriety.

Also, not to be forgotten, the first paragraph on page 3 of 3 of the Order from Magistrate Carr depicts the following statement:

“The Court finds the statement “I am sorry” sufficient to convey an apology.”

This is another example of the Court [Magistrate] imposing his/its personal beliefs upon an individual, which in turn demonstrates impropriety or the appearance of impropriety. Plaintiff would like to know what gives an individual, officer, or system the right to force his/her/its beliefs on another; isn't that a direct violation of the Bill of Rights located in the United States Constitution? **I am sorry** may be the start of many apologies, but it is for what that individual is sorry that constitutes the apology, not just those three words! Defendant Koopmans mentions Plaintiff feeling “accused and disrespected” in that letter, but how does Koopmans know that if Koopmans never inquired about the feelings of the Plaintiff, particularly to that Plaintiff? It's another assumption that makes people think they can impose their wills on others which, once again, violates our Constitution!

...

“I know you are computer literate enough to understand what I am about to tell you. Romeo Richardson has placed thousands of dollars on your account. You are the reason we have to keep replacing our print cartridges. I am not going to revoke your account, but it now has a balance of zero and, if you want to print any further, you are going to have to put money in your account.”

- Kelly Harrigan, when confronting Calvin Gumbs II on alleged but UNPROVEN claims that were made by Harrigan (circa June 4th, 2014).

Grounds for seeking damages

The counts for which I am seeking damages are the following:

- **BREACH OF CONTRACT/CONTRACTUAL OBLIGATION:** specific elaboration in the itemized 5) in this complaint. Again, due to the statute of limitations dating to when this breach was discovered, I technically have until September 2017 to file [*Martin v. Martin*, 54 V.I. 379 (V.I. 2010)]. Also, 7)

makes mention of the Magistrate's role on the subject matter, with what he believes conveyed an apology, attempting to impose his will on said topic.

- **CONSPIRACY TO COMMIT FRAUD: ...**

- a) the UVI employee who volunteered to peruse Plaintiff's former Community Borrower account, which almost instantaneously brought out Defendant Kelly Harrigan to confront Plaintiff.
- b) Defendant Harrigan never expected Plaintiff to inquire about the "deposits" in Community Borrower account and instead called campus security to turn the tables on Plaintiff, accusing Plaintiff of some threat against Harrigan.
- c) Defendant Harrigan's "loose lips" that "planted seeds" in individuals, creating false depictions of Plaintiff's mindset and character.
- d) Defendant Koopmans' bribery/coercion attempt backed by Defendant Harrigan's [falsified] documents (no evidence showing verity on what was presented to Plaintiff 440 days after Plaintiff requested proof to begin with).
- e) Breach of Contract/Contractual Obligation between the parties/magistrate.
- f) the dismissal of case number ST-15-SM-522 even though the breach was made (with dismissal coming less than one full week from the filed claim).
- g) the insinuation, as stated by Magistrate Carr's Order of prejudicial dismissal that a forum that consisted of UVI personnel mediated WITHOUT Plaintiff.
- h) Magistrate Carr imposing his will/belief that by just saying the words "I am sorry" is found to be sufficient to convey an apology.
- i) the "dig" by the [Small Claims] Court to "not allow Plaintiff to inconvenience Defendants by forcing them to return to court..." as stated by Magistrate Carr's Order, blocking the discovery of the manufacturing of said conspiracy (knowingly or otherwise).

- **CONDUCT UNBECOMING...**

... **A PROFESSIONAL:** the Tone of which this ordeal was set upon me by Defendant Kelly Harrigan, from the initial derogatory statement to the fake implied threat to the sloppy invitations to voyeurs as it concerns Plaintiff's

presumed demise (escort and ban, discussion of state of mind, etc.) to the combined effort with Defendant Tina Koopmans in an attempt to coerce the Plaintiff. Koopmans herself did not honor her commitment to the agreed-upon contract/contractual obligation and refused to return correspondence from Plaintiff (the latter which Harrigan did as well).

... A PROFESSIONAL JUDICIAL AUTHORITY: impropriety, as stated in the itemized 7) in this complaint, documented in Magistrate Henry V. Carr Order to Dismiss (With Prejudice) Plaintiff's Small Claims case with number ST-15-SM-522 (November 9th, 2015) while depicting various levels of bias on a personal viewpoint (with his beliefs, conveyances, and "digs").

....

Background

...

A civil claim was filed on May 4th, 2016. Exactly two weeks later (May 18th, 2016) I was approached by an individual whom I met during the June 4th, 2014 UVI incident; this individual stated to me that I was not only non-abrasive toward Kelly Harrigan, but Kelly Harrigan wanted to find some reason or excuse to not answer my inquiries to their supposed findings, so UVI security was called the moment I was unrelenting.

On June 3rd, 2016, I met an individual with a third party, and this individual told me about a UVI employee who was eager to search and do some activity to my account back on June 4th, 2014 – and the next thing I know, I had that infamous exchange with Kelly Harrigan; what was interesting with what I was told was this very eager employee was not even asked to research my account but volunteered and proceeded to do so anyway.

...

February 22, 2017

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

For Publication

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

CALVIN GUMBS II,	)	S. Ct. Civ. No. 2016-0034
Appellant/Plaintiff,	)	Re: Super. Ct. Civ. No. 233/2016 (SFT)
)	
v.)	
)	
TINA KOOPMANS, KELLY HARRIGAN,)	
and THE UNIVERSITY OF THE VIRGIN)	
ISLANDS,)	
Appellees/Defendants.)	

SUPREME COURT
 2017 FEB 22 PM 2:34

On Appeal from the Superior Court of the Virgin Islands
 Division of St. Thomas & St. John
 Superior Court Judge: Hon. Michael C. Dunston

Considered: November 15, 2016
 Filed: February 22, 2017

BEFORE: **RHYS S. HODGE**, Chief Justice; **MARIA M. CABRET**, Associate Justice; and
ROBERT A. MOLLOY, Designated Justice.¹

APPEARANCES:

Calvin Gumbs, II,
 St. Thomas, U.S.V.I.
Pro se,

Samuel H. Hall, Esq.
Marie E. ThomasGriffith, Esq.
 Hall & Griffith, P.C.
 St. Thomas, U.S.V.I.
Attorneys for Appellees.

JUDGMENT

HODGE, Chief Justice.

AND NOW, consistent with the Opinion of even date, it is hereby


¹ Associate Justice Ive Arlington Swan is recused from this case; the Honorable Robert A. Molloy has been designated in his place pursuant to title 4, section 24(a) of the Virgin Islands Code.

ORDERED that the Superior Court's June 9, 2016 opinion and order is **REVERSED** and that the case is **REMANDED** to the Superior Court for further proceedings consistent with this Opinion. It is further

ORDERED that copies be directed to the appropriate parties.

SO ORDERED this 22nd day of February, 2017.

BY THE COURT:


RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk

Dated: February 22, 2017

Copies (with accompanying Opinion of the Court) to:
Justices of the Supreme Court
Judges and Magistrate Judges of the Superior Court
Calvin Gumbs, II, *pro se*
Samuel H. Hall, Esq.
Marie E. ThomasGriffith, Esq.
Veronica J. Handy, Esq., Clerk of the Supreme Court
Estrella H. George, Acting Clerk of the Superior Court
Supreme Court Law Clerks
Supreme Court Secretaries
Order Book
Westlaw
Lexis/Michie

Calvin Gumbs, II,)	
Appellant/Plaintiff,)	
)	S. Ct. No. 2020 - 0041
vs.)	
Kelly Harrigan,)	
Tina M. Koopmans (dec.),)	Re: Super Ct. No. ST-17-CV-342
UNIVERSITY OF THE VIRGIN ISLANDS,)	
)	
Co-Appellee/Co-Defendant/Co-Respondent,)	ACTION FOR:
)	
and)	Fraud/Misrepresentation - Breach of
)	Contract/Contractual Obligation,
Henry V. Carr, III, Magistrate,)	
SUPERIOR COURT OF THE VIRGIN ISLANDS,)	Conspiracy to Commit Fraud,
SMALL CLAIMS DIVISION,)	
)	Conduct Unbecoming, being judicial
Co-Appellee/Co-Defendant/Co-Respondent.)	(impropriety) or professional.
)	

COMES NOW, through affirmation under oath, Appellant, Calvin Gumbs, II, submits this
notice, appealing civil court case # ST-17-CV-342, stating as follows:

I must say that I am uncontrollably offended by the order that was given to me by a [court, federal, or Virgin Islands] Marshal on May 27, 2020, a whole three months after the order was entered [on February 27, 2020], pertaining to case number ST-17-CV-342 for a number of reasons.

- 1) The first paragraph of said order claims that this entire incident “occurred in or about June 2014 involving two employees of the University of the Virgin Islands...” Just exactly who are these “two employees” to what this order is referencing? If there was a legal objection to this statement, it would be that it *assumes facts not in evidence*. There had never been a[n in or about] June 2014 incident that involved two UVI employees, at least not where it concerned me or my claim(s). This is why there are multiple issues when it comes to the claims I submitted – no one [at least on the Superior Court level, Magistrate or otherwise] is taking the time to read what I have very carefully explained in my claims; they are just making assumptions and decreeing orders without the proper analysis(es)!
- 2) The first paragraph also claims that this incident is “relative to Plaintiff’s privileges at the University library.” I have seen NO documentation nor have I made claims whatsoever about my privileges at the University library; in fact, said library was never a factor of any of the claims I have submitted – it was and had always been about the treatment I received from staff at the University itself. The only references about the library is the location of their offices and the location of the computer lab – that’s all!
- 3) The last sentence of the second paragraph construes this:

“Apparently, all of the Defendants are alleged to have damaged Plaintiff by an undefined and unexplained ‘conspiracy to commit fraud.’”

Apparently, I have to once again refer to the [Superior Court] judges not properly analyzing my claim for definition and explanation – or are they just ignoring Magistrate Carr’s November 2015 order where he lists:

“The parties involved in this mediation forum were Defendants Tina Koopmans, Vice President of Information Services and Institutional Assessment on behalf of UVI; Theodore Glasford, Chief of Security on behalf of UVI; and Kelly Harrigan, Director of School and Medicine of UVI.”

By the way, Theodore Glasford was **never** a Defendant in my claims, another oversight by the Magistrate [and also by me, apparently].

- 4) The third paragraph of said order states that the “moving defendants filed their Motion for a Ruling June 17, 2019.” Again, I do not know how this entire system works, so I do not know if I was supposed to receive something – anything – to that effect or not [of which I have not].
- 5) In Kendall v. Superior Court of the V.I., under Section **II. CONCLUSIONS OF LAW**, the very first paragraph under **A. Government as a Defendant** states the Government “somewhat peculiarly claims that it does not litigate on behalf of the entire Government, but only the executive branch,” and if a person is “an employee of the Superior Court, and not the executive branch, the Government as a whole cannot have any liability...”¹

¹ <https://www.casemine.com/judgement/us/5914f730add7b04934993d4f>

Therefore, Attorney Gimenez's assertion that Magistrate Carr and the Small Claims Division of the Superior Court cannot be sued without suing the entire Government of the VI does not hold weight in this argument, and neither should the order of dismissal of these parties from this claim.

6) The [Co-Appellee] university and its two employees [at the time] didn't uphold the ruling of [Co-Appellee] Magistrate Carr and the Small Claims Division (instead, mailing the so-called apology beyond the date that was transparently designated in the ruling), yet, somehow, this is okay and there was NO breach of contract? I would like someone to explain this to me.

7) I would also like someone to explain the middle of the fifth paragraph of said order, which states:

"... Plaintiff directed the Virgin Islands Marshal to serve ..."

I did not know I had the power to direct anyone, let alone a Virgin Islands Marshal, to do anything, let alone serve anyone. Again, this is *assumes facts not in evidence*, as I did not know what the procedure was until I was told by a [Superior] Court employee to make sure I had enough copies of my claim for all of the Defendants (now Appellees) and leave them there [at the Superior Court]. I am being accused FALSELY once again, and do the judges have this "legally immune" right to do that? to me? to anyone?

8) If we're talking about the matter of law, how is it that certain [classes of] people can do whatever, get away with whatever, and inflict harm to whomever, and the action[s] can still be justifiable in a court of law? And how can a judge or magistrate make light of an

issue as if it was for sport and not be called for being improper? Even in this particular order did I find underlying statements and directions that make light of my lack of knowledge in the legal system and challenge my path step-by-step when there are issues even with said order. Because you [the judge] have a legal diploma of education, does that give you the right to abuse your so-called "judicial or sovereign immunity" by your prose in your order[s] as a matter of law?

- 9) The middle of said order may or may not show merit, but I will reiterate that ignorance is not an excuse when it comes to the law; by the way, that also applies to those charged with interpreting and applying the law to others, otherwise that would be **incongruent**.

When I was diagnosed with avascular necrosis [to go along with the other disorders I am blanketed with] in late-2016 and was strenuously advised to use a cane, I was severely limited with my mobility as well as access to some facilities. Much of the law and procedures were not made available to me, but I always try to do the best I can. I provide information based on two major principles: (1) putting myself in the other person'(s') shoes; and (2) giving facts and fair instances that a layman (or more correctly, layperson) or savant could envision an unbiased world, nation, territory, or community to be.

- 10) That being said, with the compound situations of the coronavirus pandemic and shutdown, the 2017 Category-5 hurricanes, the constant power outages, the multiple recusals from the multiple assigned judges, the inability of access to much of the legal codes and prior cases on my part, the physical [health] limitations upon myself, the elongated period of time since the ST-17-CV-342 claim was first filed, and the untimely passing of a number of

individuals involved in said claim, including Tina M. Koopmans, a named Defendant (Co-Appellee) of that and prior claims, the scope of this suit has changed significantly.

11) The seventh paragraph of said order puzzles me. Where else would I have met or known Henry V. Carr, III except for in a judicial capacity as the sitting officer of my Small Claims claim? I have presented [not an appeal, but] information claiming error(s) in much of the ruling of the Magistrate Division, including his assumptions for what an apology is, what was agreed upon during an August 2015 mediation, and who were supposed to be in that mediation.

12) The eighth paragraph of said order has a line in the middle stating,

"Although unfairness and injustice to a litigant may result on occasion, 'it is a general principle of the highest importance to the proper administration of justice...'"

I don't get it: if unfairness and injustice results on occasion, why are they [unfairness and injustice] allowed on occasion or at all? Why is a judicial officer not held accountable for his (or her) actions on his (or her) brand of [in]justice?

13) I understand that I [or anyone, rather] cannot speak for another's actions, but it was made very clear in Magistrate Carr's order pertaining to Small Claims number ST-15-SM-522, in the parts listed in my subsequent letter to Magistrate Carr and in case number ST-17-CV-342 itself, that he was annoyed with what he thought was a repeat claim, and judicial officers do not get to be annoyed, as a matter of law (judicial conduct), when presiding over a matter.

The fact that Magistrate Carr claimed that I inconvenienced the Defendants of that Small Claims case (Co-Appellee on the University of the Virgin Islands side) conveyed that he totally ignored the fact that I was inconvenienced when I had to take the time and resources to file the claim after many months of being ignored by said Defendants (Co-Appellee on the UVI side) who not only stole from me but also did not adhere to his very own ruling! The fact that Magistrate Carr denied me of my constitutional right to due process [both Amendments V (Five) and XIV (Fourteen)] illustrates his "egregious" legal error. The fact that Magistrate Carr listed names in a mediation that did not include mine assumes that there was *ex parte* communication between himself and the Defendants. The fact that Magistrate Carr received information about a blackmail occurring at the one mediation that the Plaintiff (Appellant) was involved in and did not even investigate the matter insinuates a [possible] conspiracy involving the Magistrate himself. The fact that Magistrate Carr constantly referenced a \$50 reimbursement and not the original \$263.70 amount (that he continued to miscalculate) stolen from my UVI patron account presents an involvement of a [potential] cover-up that had not been looked into nor were the funds recovered by me, the Plaintiff/Appellant, to this day. And these injustices are supposed to be over-looked because he was the presiding judicial officer? Is this what was envisioned by the creators and contributors of our supreme law, the United States Constitution?

14) The order from the court is, in my most sincere, humble opinion, the most absurd of all.

As I delved into what the [J]udge [Brady] was trying to emphasize in his orders, I started to realize that between the time this [ST-17-CV-342] claim was submitted [on July 31, 2017] and the time this order was received by me via a [court, federal, or Virgin Islands]

Marshal [on May 27, 2020], a total of 1,031 days (or over two years, nine months, and three weeks) have elapsed.

Within that timeframe, the following occurred:

- [I first found out about] the passing of one of the Defendants [Co-Appellee Tina M. Koopmans] earlier in July 2017;
- the passing of one of my supporters to this case occurred about a month later;
- the passing of two Category-5 hurricanes [Irma and Maria] a month after that;
- the island-wide power outage for the rest of 2017 [and in my case, the first few days of 2018];
- the aftermath and acclimation to the island throughout the first several months of 2018;
- the continued power outages during the next couple years [that is a current issue for all of us];
- additional deaths that have occurred among acquaintances;
- numerous self-recusals from judges assigned to this [ST-17-CV-342] claim;
- a back-and-forth with counsel for Magistrate Carr and the Small Claims Division;
- an [unknown to me] additional filing by counsel for Magistrate Carr and the Small Claims Division;
- constant never-ending family issues;
- my consistent and current illnesses, disorders, and low immunity system [health wise];

- the malfunction(s) of computers and other various technical equipment,
particularly mine;

and now, most recently,

- the coronavirus pandemic that is still ongoing – I might add – to probably no end.

Judge Brady wants to order me to show cause for this claim [which had been stated numerous times] and submit proof of service of process to the non-“immune” parties of this claim, knowing very well that the service of process was done, as a courtesy due to my *in forma pauperis* status, as he so clearly indicated in the middle of the fifth paragraph of said order.

This “game” that he is playing is neither appropriate nor judicial, and yet he is allowed 941 days (that is, up until February 27, 2020) to come up with this, while I am offered [from May 27, 2020] only 30 days to conjure something that took place almost three years ago? Again I must reiterate: I was told by a [Superior] Court employee to leave the copies of my claim with them.

15) On July 29, 2017, I received a Notice of Entry of Order Setting Deadline dated July 19 – 20, 2017 but not viewed until July 31, 2017 early A. M. due to my chronic dry eye condition (conjunctivitis). This notice informed of and confirmed the death of Co-Appellee Tina M. Koopmans (notice of death filed on July 17, 2017), something I was not aware of when I created, prepared, and was to submit ST-17-CV-342 (claim). The notice also ordered:

"substitution ... in Koopmans's stead ... shall be filed ... in no event later than July 1, 2019 ..."

- filed on case ST-16-CV-233

After investigating with the Superior Court, I can definitively state that, as of this writing, no record of substitution had been entered or forwarded.

16) Whether these [Magistrate and Superior Court] judges realize this or not, their actions and inactions are violations to my rights as a citizen of this territory and nation, both civil and political. **Civil rights** are supposed to be guarantees of equal social opportunities and equal protection under the law! These include the right to a fair trial; the right to government services; the ensuring of peoples' physical and mental integrity; protection from discrimination on grounds such as political affiliation, religion, and disability; and individual rights such as the freedom of thought, speech, religion, and movement. **Political rights** include natural justice (that is, the procedural fairness) in **law**, including the right to a fair trial; due process; the right to seek redress or a legal remedy; and the right to petition. Civil and political rights form the main part of international human rights, and it was my human right to investigate and seek answers for the reasons why Kelly Harrigan and other members of the IT Division and, eventually, UVI as a whole devised a scheme intended to deceive or incriminate me – in other words, set me up – but I'm being deterred [through ignoring the key facts of my claim(s)] by Judges Brady, Dunston, Carr, and others who are supposedly "legally" preventing me from uncovering the truth. In the meantime, all of our (my business associates and my) proposed projects were being held up because of my false entrapment. As a matter of law, how is all of this lawful?

17) I, the Appellant, will be representing myself for the time being and, if called to testify,

I would competently state the facts alleged in this affidavit/statement.

FOR THESE REASONS, I am requesting the entire case [ST-17-CV-342] to be appealed so that the order [partial dismissal and remaining pieces] be overturned. It just seems that no one is paying attention to what was being conveyed in the claim, and everyone is ignoring how the claim(s) came about in the first place. I was and am just trying to right a wrong so that I can faithfully execute plans to create opportunities for this community to grow mentally, economically, and overall effectively. The more positive opportunities that we have, less and less negativity will result.

It's just too bad I am not given the opportunity to be heard.

It is my wish that the court conduct(s) itself/themselves in an impartial, objective, and fair manner with regard to hearing all the matters that I plan to bring to the attention of the court for consideration and not bring the court into disrepute with impropriety as prohibited by the Virgin Islands Code of Judicial Conduct.

18) Further Affiant sayeth not/naught.

Respectfully submitted,

A handwritten signature in black ink that reads "Calvin Gumbs II". The signature is written in a cursive, flowing style.

Calvin Gumbs, II
Appellant

July 8, 2020

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

CALVIN GUMBS, II
Appellant/Plaintiff.

S. Ct. Civ. No. 2020-0041
Super. Ct. Civ No. 342/2017 (STT)

v.

KELLY HARRIGAN, TINA M. KOOPMANS,
UNIVERSITY OF THE VIRGIN ISLANDS and
HONORABLE HENRY V. CARR, III,
MAGISTRATE, SUPERIOR COURT OF THE
VIRGIN ISLANDS, SMALL CLAIMS
DIVISION,
Appellees/Defendants.

SCHEDULING ORDER

Because no transcripts were ordered pursuant to Virgin Islands Rules of Appellate Procedure 10 and 11, it is hereby

ORDERED that pursuant to Virgin Islands Rules of Appellate Procedure 11(b) and 40.3(j), the Clerk of the Superior Court **SHALL FILE THE E-RECORD on or before July 20, 2020.** It is further

ORDERED that pursuant to Virgin Islands Rules of Appellate Procedure 25:

1. Appellant **SHALL FILE AND SERVE** Appellant's Brief and the Joint Appendix within forty (40) days on or before **August 17, 2020.**
2. Appellee **SHALL FILE AND SERVE** Appellee's Brief within thirty (30) days after filing and service of Appellant's Brief.
3. Appellant **MAY FILE AND SERVE** Appellant's Reply Brief, if any, within fourteen (14) days after filing and service of Appellees' Brief.

It is further

ORDERED that the parties are **ADVISED** that pursuant to Virgin Islands Rules of

July 8, 2020

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

Gumbs v. Harrigan et al
S. Ct. Civ. No. 2020-0041
Scheduling Order
Page 2

Appellate Procedure 40.2, all briefs, appendices, and other documents filed by a member of the Virgin Islands Bar must be electronically filed and served. Parties proceeding *pro se* who are not members of the Virgin Islands Bar may, but are not required to, e-file documents. Pursuant to Virgin Islands Rule of Appellate Procedure 40.3(h), a party who e-files a brief or appendix must conventionally file seven paper copies of the brief and four paper copies of the appendix within three (3) days after electronic transmission of the e-document. It is further

ORDERED that copies of this Scheduling Order be directed to the parties and the Clerk of the Superior Court.

SO ORDERED this 8th day of July 2020.

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk I

Dated: 7/8/2020

Copies to:

Calvin Gumbs, II., Pro se.,
Paul L. Gimenez, Esq.,
Marie E. Thomas Griffith, Esq.,
Samuel H. Hall, Jr., Esq.,
Estrella H. George, Clerk of the Superior Court.

July 31, 2020

VERONICA HANDY, ESQ.
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

CALVIN GUMBS, II,
Appellant/Plaintiff,

v.

**KELLY HARRIGAN, TINA M. KOOPMANS,
UNIVERSITY OF THE VIRGIN ISLANDS and
HONORABLE HARRY V. CARR III,
MAGISTRATE, SUPERIOR COURT OF THE
VIRGIN ISLANDS, SMALL CLAIMS
DIVISION.**

Appellees/Defendants

S. Ct. Civ. No. 2020-0041

Re: Super. Ct. Civ.No. 342.2017 (STT)

On Appeal from the Superior Court of the Virgin Islands

ORDER

THIS MATTER is before the Court on Appellant's Motion to Proceed In Forma Pauperis. The Court finds that Appellant has complied with V.I.R.App.P. 3(b) and has demonstrated an inability to pay fees and costs or to give security therefor. Therefore, this motion will be granted, and the docketing fee will be waived.

Prior to considering the merits of an appeal, this Court must first determine if it has appellate jurisdiction over the matter. *V.I. Gov't Hosp. and Health Facilities Corp. v. Gov't*, 50 V.I. 276, 279 (V.I. 2008). "This Court's jurisdiction to review the Superior Court's order is governed by title 4, section 32(a) of the Virgin Islands Code, which provides that '[t]he Supreme Court shall have jurisdiction over all appeals arising from final judgments, final decrees or final orders of the Superior Court, or as otherwise provided by law.' Section 32 embodies the final judgment rule, which generally requires a party 'to raise all claims of error in a single appeal following final judgment on the merits.'" *Bryant v. People*, 53 V.I. 395, 400 (V.I. 2010) (quoting *Enrietto v. Rogers Townsend & Thomas PC*, 49 V.I. 311, 315 (V.I. 2007)). "A final judgment,

decision, or order is one that ends the litigation on the merits and leaves nothing to do but execute the judgment.” *V.I. Gov’t Hosp. and Health* at 279.

The order appealed does not appear to end the entire case. While it dismisses Appellant’s case against Defendant, the Honorable Henry V. Carr, III and Defendant Superior Court of the Virgin Islands with prejudice, Appellant’s claims against Tina Koopmans, Kelly Harrigan and University of the Virgin Islands remain pending. Specifically, the order appealed gives Appellant 30 days to address in writing why his complaint against Koopmans should not be dismissed because more than two years have passed since Koopmans’ death without any party having moved to substitute a personal representative for Koopmans. The order also gives Appellant 30 days to address in writing why his complaint against Koopmans, Harrigan and University of the Virgin Islands should not be dismissed for failure to submit proof of service. The Superior Court certified list of docket entries shows that this is the last order issued. Therefore, the February 27, 2020 Order is not the final order in this case. However, prior to dismissing this matter the Court will allow the parties to address whether this Court has jurisdiction over the February 27, 2020 order. The Court will also stay the Scheduling Order in this matter pending its determination as to whether it has jurisdiction over this appeal.¹ Accordingly, the premises considered, it is hereby

ORDERED that Appellant’s motion to proceed In Forma Pauperis is **GRANTED**; and it is further

¹ Should the Court determine that it has jurisdiction over this appeal, the Court will set a new deadline for Appellant to file his brief and the joint appendix and will address Appellant’s motion for leave to file separate appendices.

ORDERED that within fourteen (14) days of the date of entry of this Order the parties **SHALL FILE** briefs, which may be in the form of a letter in which the parties **SHALL ONLY ADDRESS** whether this Court has appellate jurisdiction over the order appealed; and it is further

ORDERED that the Scheduling Order issued on July 8, 2020 is **STAYED** pending further order; and it is further

ORDERED that copies of this Order shall be distributed to the parties.

SO ORDERED this 31st day of July, 2020

RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Jessica Grant
Deputy Clerk II

Dated: July 31, 2020

Copies to:
Justices of the Supreme Court
Calvin Gumbs, III, *pro se*
Marie E. Thomas Griffith, Esq.
Samuel H. Hall, Jr., Esq.
Paul L. Gimenez, Esq.
Veronica J. Handy, Esq., Clerk of the Supreme Court
Supreme Court Law Clerks
Supreme Court Secretaries
Order Book

Calvin Gumbs, II,
Appellant/Plaintiff,
vs.
Kelly Harrigan,
Tina M. Koopmans (dec.),
UNIVERSITY OF THE VIRGIN ISLANDS,
Co-Appellee/Co-Defendant/Co-Respondent,
and
Henry V. Carr, III, Magistrate,
SUPERIOR COURT OF THE VIRGIN ISLANDS,
SMALL CLAIMS DIVISION,
Co-Appellee/Co-Defendant/Co-Respondent.

Conduct Unbecoming, being judicial
(impropriety) or professional.

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courts of this territory, where is an appellant supposed to turn to in hopes of establishing or seeking some manner of justice since this Court is the **ONLY** appellate court system of and in this territory? It is the right of a citizen of this territory and nation to seek justice, whether for or against, as a matter of [constitutional] law (14th Amendment).

- 2) That all parties involved in this case were given specific instructions in this Court's July 31st, 2020 order, that — ... the parties **SHALL FILE** briefs, which may be in the form of a letter in which the parties **SHALL ONLY ADDRESS** whether this Court has appellate jurisdiction over the order appealed;...

The Appellant filed a brief; counsel for Appellee Henry V. Carr, III, Magistrate and the SUPERIOR COURT OF THE VIRGIN ISLANDS, SMALL CLAIMS DIVISION filed a letter. However, counsel for Appellee Kelly Harrigan, Tina M. Koopmans (dec.), and the UNIVERSITY OF THE VIRGIN ISLANDS did neither, instead filed a motion to dismiss the case, something that this Court directly instructed the parties **NOT** to do. That party disregarded this Court's ruling but was rewarded by being granted the dismissal — how is that allowed in the manner of justice, instead of being sanctioned for that egregious and direct violation? Appellant noticed the motion and chose not to file a counter motion simply because of the direct order by this Court — in which the parties **SHALL ONLY ADDRESS** whether this Court has appellate jurisdiction over the order appealed; ...

This is what the Appellant is missing — how is one party allowed to disobey this Court's explicit order and then get its way by having its requested motion approved and dismissal granted? Again, the Appellant had much to say about the appellee's motion to dismiss, including the brazen acclamation or insinuation challenging the Appellant's receipt of order

CHI

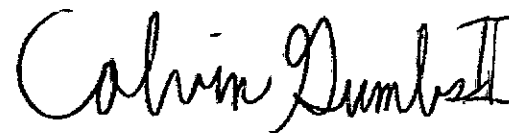
from the Superior Court dated on February 27th, 2020 but delivered by a V.I. Marshall on May 27th, 2020, but the Appellant chose not to respond to said appellee on that issue solely because of the order by this Court to – **ONLY ADDRESS** whether this Court has appellate jurisdiction over the order appealed; ...

Yet, the appellee, by intention or otherwise, which did not submit the requested letter or brief but, instead, submitted a motion to dismiss, violating the exact order by this Court, i. e., did not follow the order of the Supreme Court, was granted the dismissal!

WHETHER OR NOT this jurisdiction felt this case had merit, it is still a civil right of a United States (state or territory) citizen to have due process, and my right to due process was infringed upon.

FOR THE REASONS STATED, I, the Appellant, ask this court for reconsideration for the order(s), in which a motion for dismissal was granted and a lack of jurisdiction was founded. I wish the Court consider(s) the submission of this motion on my behalf in this matter.

Respectfully submitted,



Calvin Gumbs, II
Appellant

March 10, 2021

Prepared by:

Calvin Gumbs, II

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Calvin Gumbs, II

— PETITIONER

(Your Name)

vs.

Kelly Harrigan, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the Virgin Islands

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

APPENDIX F

Calvin Gumbs, II

(Your Name)

Post Office Box 12013

(Address)

Saint Thomas, VI (US Virgin Islands) 00801

(City, State, Zip Code)

(340) 725 - 4558 or (340) 227 - 5621

(Phone Number)

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2019 US Virgin Islands Code

Title 4 - Judiciary

Chapter 2 - Supreme Court of the Virgin Islands

Subchapter IIB - Officers of the Supreme Court and Administration of the Court

§ 32. Jurisdiction

Universal Citation: V.I. Code tit. 4, § 32 (2019)

- (a) The Supreme Court shall have jurisdiction over all appeals arising from final judgments, final decrees or final orders of the Superior Court, or as otherwise provided by law.
- (b) The Supreme Court shall have all inherent powers, including the power to issue all writs necessary to the complete exercise of its duties and jurisdiction under the laws of the Virgin Islands, including those orders necessary for the supervision of the judicial branch of the Virgin Islands. The Supreme Court has supervisory jurisdiction over the Superior Court of the Virgin Islands and all other courts of the judicial branch of the Virgin Islands. The Supreme Court's authority also includes jurisdiction of original proceedings for mandamus, prohibition, injunction, and similar remedies to protect its appellate jurisdiction.
- (c) Upon an appeal from a judgment or an order, the Supreme Court may reverse or affirm, wholly or in part, or may modify the judgment or order appealed from, and each interlocutory judgment or intermediate or other order that it is authorized to review, and as to any or all of the parties. The Court shall thereupon render judgment of affirmance, judgment of reversal and final judgment upon the right of any or all of the parties, or judgment of modification thereon according to law, except where it may be necessary or proper to grant a new trial or hearing, when it may grant a new trial or hearing.
- (d) The Supreme Court may transfer any action or proceeding, except one over which it has exclusive jurisdiction which does not depend upon the monetary amount sought, to any other court within the judicial branch, having jurisdiction of the subject matter if such other court has jurisdiction over the classes of persons named as parties. The Supreme Court may transfer to itself any action or proceeding originated or pending in another local court or administrative agency within the Territory upon a finding that such a transfer will promote the administration of justice. The Supreme Court shall provide, by rules of court, for the time and procedure for transfer and for review, including, among other things, provisions for the time and procedure for transfer with instructions for review of all or part of a decision, and for remand as improvidently granted.
- (e) Regulation of bar. The Supreme Court has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted to the practice of law.

- (f)
 - (1) The Superior Court shall subject to the approval of the Supreme Court adopt the rules of court for the Superior Court of the Virgin Islands consistent with section 21(c) of the Revised Organic Act of the Virgin Islands.
 - (2) The Supreme Court shall adopt rules governing civil and criminal procedure, evidence, judicial discipline, disability, ethics, admission to and governance of the bar of the Virgin Islands, the administration of the judiciary and the practice and procedure in the courts of the judicial branch of the Virgin Islands and other matters of judicial administration.
 - (3) In carrying out the mandate of paragraph (2), the Chief Justice may appoint a committee to recommend the adoption of rules consisting of two judges of the Superior Court and at least two members of the Virgin Islands Bar Association.