

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

**POSITIVE T.A. NELSON, GARY UDHWANI,)
and BRENDA CHARLES,)**

Plaintiffs,)

v.)

Criminal Action No. 2018-0017

**CAROLINE FAWKES IN HER OFFICIAL)
CAPACITY AS THE SUPERVISOR OF)
ELECTIONS FOR THE VIRGIN ISLANDS)
and THE VIRGIN ISLANDS TERRITORIAL)
BOARD OF ELECTIONS,)**

Defendants.)

Attorneys:

Trudy Fenster, Esq.,
St. Croix, U.S.V.I.
For Plaintiffs

Erika Marie Scott, Esq.,
St. Croix, U.S.V.I.
For Defendants

ORDER

THIS MATTER is before the Court on the “Joint Stipulation of Dismissal,” filed by Plaintiffs Positive T.A. Nelson, Gary Udhwani, and Brenda Charles and Defendants Caroline Fawkes in her official capacity as the Supervisor of Elections for the Virgin Islands, and the Virgin Islands Territorial Board of Elections. (Dkt. No. 18). In their Stipulation, the parties report that they “have agreed to withdraw all allegations, claims and defenses in this matter” and “hereby stipulate and agree that this Court may enter an Order dismissing the above-captioned matter with prejudice, with each party to bear its own costs and fees of suit incurred herein.” *Id.* at 1.

UPON CONSIDERATION of the Joint Stipulation of Dismissal, filed in accordance with Fed. R. Civ. P. 41(a)(1)(A)(ii),¹ it is hereby

ORDERED that the Joint Stipulation of Dismissal (Dkt. No. 18) is **ACCEPTED**; and it is further

ORDERED that the Stipulation of Dismissal serves to **DISMISS** Plaintiffs' claims against Defendants, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), with each party to bear its own costs and fees; and it is further

ORDERED that the Clerk of Court is directed to mark this case **CLOSED**.

SO ORDERED.

Date: November 26, 2018

_____/s/_____
WILMA A. LEWIS
Chief Judge

¹ Fed. R. Civ. P. 41(a)(1)(A)(ii) states that: "[T]he plaintiff may dismiss an action without a court order by a stipulation of dismissal signed by all parties who have appeared."