

MEMORANDUM OPINION

PER CURIAM

Appellants contend that the Territorial Court erred in dismissing the motion for injunctive relief against the Government of the Virgin Islands. For the reasons set forth below, the Court will dismiss this appeal as moot.

I. FACTUAL BACKGROUND

The United Industrial Workers and Seafarers International Union ["union"] are parties with the Government of the Virgin Islands to a collective bargaining agreement ["CBA"], which sets the terms and conditions of employment for Assistant Attorney Generals employed by the Department of Justice ["Department"]. Claudine Allen ["Allen"] was such an Assistant Attorney General employed by the Department.

On June 22, 1994, Allen was suspended with pay pending an investigation of charges against her involving dishonesty. At a disciplinary hearing held on September 9, 1994, it was determined that Allen had engaged in conduct that constituted a violation of the specific rules of conduct followed by the Department. She filed an administrative appeal.

On November 14, 1994, the Attorney General of the Department

notified Allen that she was to be suspended without pay, effective immediately. The notice was given pursuant to Article XIX, Section 3 of the CBA, which specifies dishonesty as one of the kinds of misconduct which warrants immediate disciplinary action. On November 17, 1994, Allen signed a stipulation agreeing that arbitration would be the exclusive remedy for all issues arising in this matter. The arbitration was scheduled for May 15-16, 1995.

Appellants filed this action seeking to enjoin the Government of The Virgin Islands, the Department of Justice, and the then Attorney General, Rosalie Simmonds Ballentine ["appellees"], from withholding Allen's pay. Specifically, appellants challenged the suspension as a violation of the CBA. The Territorial Court granted appellees' motion to dismiss and appellants appeal that dismissal.

II. DISCUSSION

Based on its interpretation of the Anti-Injunction Act, V.I. CODE ANN. tit. 24, §§ 341-51, the trial court dismissed appellants' request for injunctive relief on the ground that it had no jurisdiction to grant such relief in labor disputes. Appellants contend the court's interpretation of the law was incorrect. Pending the disposition of this appeal, however, the

substantive issues involved in this matter have been fully arbitrated as scheduled and a decision rendered. See *Government of the Virgin Islands v. United Indus. Workers, Seafarers Int'l Union, AFL-CIO*, Case No. RA-061-94 (Aug. 8, 1995) (Cochran, Arb.).

The issue before this Court, then, is whether this appeal presents a justiciable controversy over which we have jurisdiction. It is axiomatic that a case must present a live controversy "throughout the entire litigation" to impart jurisdiction. *Jersey Cent. Power v. State of New Jersey*, 772 F.2d 35, 36 (3d Cir. 1985); see also *Ortiz v. Dodge*, 126 F.3d 545, 550-51 (3d Cir. 1997); *George & Benjamin General Contractors v. Government of the Virgin Islands*, 34 V.I. 117, 123-24, 921 F. Supp. 304, 308 (D.V.I. App. Div. 1996). Because the matter brought before this Court on appeal has been fully arbitrated, it is no longer a "live controversy," and is, thereby, rendered moot. Accordingly, this appeal must be dismissed as moot.

IV. CONCLUSION

For the foregoing reasons, this Court is without jurisdiction to hear this matter and it is dismissed as moot.

ENTERED this 17th day of August, 2001.

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ATTEST:
WILFREDO F. MORALES
Clerk of the Court

By: _____
Deputy Clerk

ORDER

PER CURIAM.

For the reasons set forth in the accompanying Memorandum Opinion of even date, it is hereby

ORDERED that the above-captioned appeal is dismissed for lack of jurisdiction as the underlying controversy is now moot. The Clerk shall issue the mandate and **CLOSE** the file.

ENTERED this 17th day of August, 2001.

ATTEST:
WILFREDO F. MORALES
Clerk of the Court

By: _____
Deputy Clerk

Copies to:
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Judges of the Territorial Court
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