

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

IN RE:)
)
FEE PAYMENT VIA PAY.GOV) General Order No. 2013-01
)
_____)

ORDER

Effective, March 1, 2013, the District Court of the Virgin Islands will implement internet fee payments for civil cases, notice of appeals and *pro hac vice* motions via Pay.gov. All electronic case filers will be required to use the Pay.gov internet payment module in the District Court's Case Management/Electronic Case File System (CM/ECF). Users will be automatically directed through the Pay.gov payment process in CM/ECF at the time a civil case, notice of appeal or *pro hac vice* event is filed. Attached herewith is a list of Pay.gov filing fee events in CM/ECF (Exhibit A) and a Notice of Refund Policy of Electronic Filing Fees (Exhibit B). Further, information regarding Pay.gov may be obtained on the Court's website at www.vid.uscourts.gov.

/s/ Curtis V. Gómez _____
Curtis V. Gómez, Chief Judge

EXHIBIT A

THE DISTRICT COURT OF THE VIRGIN ISLANDS

PAY.GOV FILING FEE EVENTS

| CIVIL | CRIMINAL |
|--------------------------------------|---|
| Open Civil Case | Notice of Appeal- Conditions of Release |
| Removal of Case | Notice of Interlocutory Appeal |
| Notice of Appeal | Notice of Appeal-Final Judgment |
| Notice of Interlocutory Appeal | |
| Notice of Cross Appeal | |
| Motion to Appear <i>Pro Hac Vice</i> | |
| | |

EXHIBIT B

THE DISTRICT COURT OF THE VIRGIN ISLANDS

NOTICE OF REFUND POLICY OF ELECTRONIC FILING FEES

This notice establishes procedures for the refunding of duplicate or erroneously paid filing fees which are generated during the electronic filing of documents. The Judicial Conference of the United States has generally prohibited the refunding of filing fees. However, in March of 2005, the Judicial Conference of the United States issued guidance endorsing limited refund authority by the courts as a result of the increased likelihood of inadvertent, erroneous or duplicate payments made by parties using the Case Management/Electronic Case Files System (CM/ECF). It further advised that the appropriate policies and procedures for refunding erroneously applied filing fee payments are within the sound discretion of each court.

The Clerk of the District Court of the Virgin Islands, or her designee, is authorized to refund all fees erroneously paid through the Pay.gov electronic filing fee tool in CM/ECF under the following conditions:

1. if it is discovered by the Court or Clerk that a fee has been paid erroneously; or
2. if an attorney files a motion for a refund and it can be determined by the Court that the fee has been erroneously paid.

Attorneys seeking a refund must electronically file a motion that includes the name, address, and telephone number of the party requesting the refund. Further, the motion is to be supported by documentation that includes a copy of the electronic payment receipt and the Notice(s) of Electronic Filing generated from the Court's electronic case management system.

Upon order of the Court, the Financial Services office will process the refund and forward notice to the Operations Department for recording on the docket. For erroneous payments made with a credit card, the refund will be processed to the same credit card from which the erroneous payment was made. Refund checks for credit card payments will not be issued. For erroneous payments processed electronically through the Automated Clearing House (ACH) on Pay.gov, refund checks will be issued.

In the event that an attorney or law firm consistently errs when submitting fees and thereby repeatedly requests refunds, the Court will consider remedial action and may issue an order to show cause as to why further requests for refunds should be considered.