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

DR. NAIM DAHDAH, MD,	)	
Plaintiff,	)	**CASE NO. 3:25-cv-00026**
v.	)	
	)	
VIRGIN ISLANDS DEPARTMENT OF HUMAN SERVICES, GARY SMITH, in his official capacity as the Director of the Virgin Islands Medicaid Program, and CARLA HUGGINS, in her official capacity as the Medicaid Claims Supervisor,	)	
Defendants.	)	

ORDER

Plaintiff Naim Dahdah, MD ("Plaintiff") is a *pro se* litigant. In the roughly nine weeks since the inception of his lawsuit, he has submitted one hundred and six separate filings.[1] These include both *ex parte* and non-*ex parte* motions, as well as a wide array of notices, declarations, supplemental exhibits, amended complaints, and other random filings. In addition to there being multiple repetitive filings, most of the filings themselves are not of the type contemplated under the rules of civil procedure. If Plaintiff believes that by inundating the docket he is bolstering his various causes of action, he is mistaken.[2] Moreover, notably absent from the onslaught of filings is proof that Plaintiff has served the summons and original complaint [ECF 1] on any of the three Defendants. Without such proof, this Court has no personal jurisdiction over said Defendants. Thus, for the reasons that follow, the majority of Plaintiff's motions will be denied,[3] with Plaintiff

[1] Reference is made to the Court's docket as of September 1, 2025.

[2] In one of the four *ex parte* motions filed on July 22, 2025, Plaintiff notes that he has "submitted a robust record of harm" supported by several declarations, supplemental exhibits, and motions. *See* [ECF 46] at 1–2. Reference is also made to Plaintiff's motion for "preemptive sanctions" [ECF 61], wherein Plaintiff states (at the time) that he has "now filed over 30 documents in this case."

[3] This Order does not address Plaintiff's motions for preliminary injunction [ECF 4], [ECF 58], and [ECF 80], nor his motions for an expedited hearing on same [ECF 6] and [ECF 79].

being further cautioned against submitting any excessive, unnecessary, and/or repetitive filings in the future.

I. PROCEDURAL BACKGROUND[4]

Plaintiff filed his civil complaint on June 27, 2025, asserting seven counts. [ECF 1]. Named as defendants are: (1) the Virgin Islands Department of Human Services, (2) Gary Smith, in his official capacity as the Director of the Virgin Islands Medicaid Program, and (3) Carla Huggins, in her official capacity as the Medicaid Claims Supervisor (collectively "Defendants"). *Id*. Accompanying the complaint are eleven exhibits—Exhibits A through K. [ECF 1–2 through ECF 1–10].[5] Several of these exhibits[6] include unredacted personal identifiable information ("PII") such as an EIN tax number, a bank routing number, a social security number, an NPI (National Provider Identifier) number, claim numbers, credit card account numbers, phone numbers, and personal email addresses.[7]

On July 15, 2025, Plaintiff filed a motion [ECF 4] for preliminary injunction and an accompanying motion [ECF 6] for an expedited hearing. The following day, Plaintiff filed two *ex parte* motions. The first of these motions [ECF 11] sought judicial review and an emergency status conference, while the second [ECF 12] sought to schedule a case management conference under emergency conditions. On July 18, 2025, the Clerk issued summons for each of the Defendants. *See* [ECFs 15 through 17].

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[4] The Court does not recite every filing on the docket.

[5] While none of the exhibits are expressly identified in the complaint, Rule 10(c) permits such attachments. Fed.R.Civ.P. 10(c); *see Distajo v. PNC Bank, N.A.*, 2009 WL 3467773, n. 1 (E.D.Pa. Oct. 27, 2009).

[6] *See* [ECF 1–2], [ECF 1–3], [ECF 1–4], [ECF 1–6], [ECF 1–8], and [ECF 1–10]. *See also* [ECF 10].

[7] Pursuant to Rule 5.2(a) of the Federal Rules of Civil Procedure, much of this information would normally require redaction. As it appears the unredacted PII information is associated with Plaintiff, however, he has waived the privacy protection provided under the rule by filing same without redaction and not under seal. *See* Fed.R.Civ.P. 5.2(h). Plaintiff is cautioned that he must abide by the redaction requirements of Rule 5.2 with respect to PII information involving anyone other than himself.

On July 21, 2025, Plaintiff submitted seventeen filings.[8] Of these, two—identified as Supplemental Exhibits H and I—were comprised of various production requests to Defendants. [ECF 32] and [ECF 33]. The first set of discovery requests was submitted in support of Plaintiff's "request for preliminary injunction, motion to compel transparency, and factual clarification of claims and valuation." [ECF 32] at 1[9]. The second set, in turn, was submitted in support of Plaintiff's "request for judicial oversight, sanctions for noncompliance, and summary relief." [ECF 33] at 1.[10] Also submitted on July 21, 2025 is a purported "judicial" notice [ECF 34]—filed *ex parte*—wherein Plaintiff provides a non-binding framework for any "fair and meaningful settlement," as well as a "notice of deliberate indifference, constitutional violations, and retaliatory withholding" [ECF 35] that seeks the Court's acknowledgment of the seriousness and sufficiency of several matters.

On July 22, 2025, Plaintiff submitted another thirteen filings. The first of these filings was an amended complaint [ECF 36], which removes several of the original causes of action and asserts one new claim.[11] A second filing purports to take judicial notice [ECF 38] of "oversight silence and non-responsiveness" of Defendants. Another eight filings are motions,[12] six of which having been filed *ex parte*. The two non-*ex parte* motions—guised as declarations—request, respectively,

[8] Of these seventeen filings, eleven [ECFs 19 through 29] are related to Plaintiff's "Supplemental Exhibit D," which Plaintiff submitted in support of his claim for "brand suppression damages and compounding commercial harm." *See* [ECF 19] at 3. It appears that this Exhibit D—as opposed to the Exhibit D [ECF 1–5] accompanying Plaintiff's complaint—is meant for Plaintiff's preliminary injunction motion, as an earlier "Supplemental Exhibit C" to said motion was filed on July 16, 2025. *See* [ECF 10]. Exhibits G through I were also filed on July 21, 2025 in support of Plaintiff's preliminary injunction motion, with Exhibits H and I propounding production requests as discussed above. [ECF 30 through 33]. An Exhibit E [ECF 47] was filed the following day, as was an Exhibit K [ECF 48].

[9] While the record reflects the preliminary injunction motion, it is devoid of any motion that seeks to "compel transparency and factual clarification of claims and valuation."

[10] It does not appear that such a request was pending before the Court at that time.

[11] Compare [ECF 1] at 6–7 with [ECF 36] 4–5.

[12] Although only six of these filings are expressly identified as motions, two filings identified as notices [ECF 40 and 41] seek Court action and are thus construed as motions.

that the Court acknowledge that Plaintiff has the "legal, financial, and procedural basis for full adjudication of this matter" [ECF 40] and that the Court take judicial notice of the "harms" sustained by Plaintiff [ECF 41]. As for the *ex parte* motions, these seek: (1) to compel discovery and production [ECF 37], (2) "judicial consideration and sanctions for oversight non-responsiveness" [ECF 39], (3) to preserve evidence and prevent spoliation [ECF 42], (4) to amend the complaint to add Dahdah Medical Group, Inc. as a co-plaintiff [ECF 43],[13] (5) judicial notice of retaliatory patterns [ECF 45], and (6) to set an evidentiary hearing or grant summary relief [ECF 46]. The remaining three filings are additional supplemental exhibits, with Exhibit J [ECF 44] filed in support of Plaintiff's motion to amend complaint, while Exhibits E and K are submitted in support of "previously filed motions and declarations." [ECF 47] at 1; [ECF 48] at 1.

On July 23, 2025, in response to several notices of corrected docket entry, Plaintiff resubmitted many of his filings from the day before. In doing so, Plaintiff removed the *ex parte* designation from the motion to compel discovery and production [ECF 51], the motion for judicial notice of retaliatory patterns [ECF 52], and the motion to set an evidentiary hearing or grant summary relief [ECF 53].[14] In addition to these refilings, Plaintiff submitted four new filings as well, comprising of a notice and three motions. The notice [ECF 56] advises the Court that Plaintiff has submitted formal complaints to several oversight authorities. As for the motions, these seek: (1) to renew Plaintiff's request to schedule an emergency case management conference [ECF 57], (2) to supplement the preliminary injunction motion [ECF 58], and (3) judicial notice of "procedural gridlock, escalating damages, and request for court oversight" [ECF 59].

[13] The motion to amend fails to include a "redlined" copy of the proposed amendment with its motion, specifically delineating the changes or additions that the amendment seeks to make. *See* LRCi 15.1.

[14] Plaintiff also refiled Exhibits E, J, and K, *see* [ECF 49], [ECF 54], and [ECF 55], as well as the "supplemental judicial notice of oversight silence and non-responsiveness. [ECF 50].

On July 24, 2025, Plaintiff submitted nine additional filings. Included in these filings are two motions (one guised as a notice), four notices which purport to take judicial notice, a supplemental exhibit ("Exhibit L"), and two declarations. The motion/notice [ECF 60] requests the Court take judicial notice of "federal agency deferrals," while the other motion [ECF 61] seeks "preemptive sanctions for bad faith defense and anticipated retaliatory assertions." As for the remaining notices, Plaintiff purports to take judicial notice of: (1) cumulative economic harm and market disruption [ECF 65], (2) reasonableness and market context of claimed damages [ECF 66], (3) sovereign immunity waiver and inapplicability [ECF 67], and (4) "widespread Medicaid underpayment affecting multiple physicians" [ECF 68]. Lastly, the declarations are of institutional non-response [ECF 62] and brand value suppression [ECF 63][15].

On July 30, 2025, Plaintiff refiled supplemental Exhibits J, E, and K, having done so apparently to include a notice to accompany each exhibit. *See* [ECF 70], [ECF 71], and [ECF 72]. He also refiled several prior motions, removing their *ex parte* designations. These include the motion to amend complaint [ECF 73] and [ECF 73–1], and the motion to preserve evidence and prevent spoliation [ECF 74].[16] Additionally, Plaintiff refiled the motion to set evidentiary hearing or grant summary relief [ECF 75], despite this motion having been previously filed at [ECF 46] and [ECF 53]. The same is true with: (1) the declaration in support of standing and jurisdiction [ECF 76], which was previously filed at [ECF 40], (2) the motion to compel discovery and production [ECF 77], which was previously filed at [ECF 37] and [ECF 51], and (3) the motion for judicial notice of retaliatory patterns [ECF 78], which was previously filed at [ECF 45] and [ECF 52]. The following day, Plaintiff refiled two more previously filed motions: (1) the motion for expedited hearing [ECF 79], which was previously filed at [ECF 8], and (2) the motion for

[15] [ECF 63] was refiled on July 30, 2025 as [ECF 69] in response to a notice of corrected docket entry.

[16] [ECF 73] and [ECF 73–1] mirror [ECF 43], while [ECF 74] mirrors [ECF 42].

preliminary injunction [ECF 80], which was previously filed at [ECF 4]. He also refiled Supplement Exhibit C [ECF 81], which was previously filed at [ECF 10].

On August 4, 2025, Plaintiff filed a second motion to amend complaint [ECF 82], which seeks, among other things, to increase the total claim for damages.[17] The following day, Plaintiff submitted a motion—in the guise of a notice—that requests the Court take judicial notice of ongoing retaliatory withholding and escalating damages. [ECF 84]. He also submitted a notice [ECF 83] to advise the Court of national media outreach and public exposure of retaliatory government conduct. On August 6, 2025, Plaintiff filed a declaration [ECF 85] so as to update the compounded economic harm he has sustained. He also filed a notice [ECF 86] of intent to amend complaint to reflect escalating damages.

On August 25, 2025, Plaintiff submitted an additional twenty-four filings. A third motion to amend complaint [ECF 88] was filed, along with an accompanying judicial memorandum [ECF 89] in support of same. Without waiting for a ruling from the Court, Plaintiff then proceeded with filing a "final consolidated amended complaint for damages, declaratory, and injunction relief." [ECF 92]. He also filed thirteen exhibits—Exhibits A through M—in support of this second amended complaint. [ECF 94 through 111]. As with the exhibits to the original complaint, many of the newly filed exhibits include unredacted PII.[18] Finally, Plaintiff filed a "preemptive memorandum of law in opposition to any assertion of sovereign immunity (and related dismissal theories)." [ECF 90].

On September 1, 2025, Plaintiff filed an Exhibit N [ECF 112] as "part of the record in the above-captioned matter."

[17] As with the first motion to amend complaint [ECF 43], this second motion also fails to include a "redlined" copy of the proposed amended complaint with its motion as required by LRCi 15.1.

[18] *See* [ECF 94–1], [ECF 95–1], [ECF 96–1], [ECF 104–1], [ECF 109–1], and [ECF 110–1].

II. LEGAL STANDARD / DISCUSSION

A. *Pro Se* Litigants

As a general rule, courts need not provide substantive legal advice to *pro se* litigants. *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244 (3d Cir. 2013). Requiring courts to advise *pro se* litigants would undermine the judges' role as impartial decisionmakers and further put the courts' impartiality at risk. Courts do, however, tend to be flexible when applying procedural rules to *pro se* litigants, especially when interpreting their pleadings. *Id.*; *see e.g.*, *Higgs v. Att'y Gen.*, 655 F.3d 333, 339 (3d Cir. 2011) ("The obligation to liberally construe a *pro se* litigant's pleading is well established."). Yet there are limits to this procedural flexibility, and *pro se* litigants must abide by the same rules that apply to all other litigants. *Mala*, 704 F.3d at 245; *see also McNeil v. United States*, 508 U.S. 106, 113 (1993) ("[W]e have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those without counsel.").

Turning to the case at hand, the Court has its suspicion that most, if not all, of Plaintiff's filings are AI generated. Whether or not this is true is of no moment. The Court merely mentions this possibility to advise Plaintiff that his self-represented status does not permit him to submit information blindly. *See Pop Top Corp. v Rakuten Kobo Inc.*, 2025 WL 2098597, at *3 (N.D.Cal. July 25, 2025). Like every other litigant, Plaintiff has an obligation to confirm that arguments and case law submitted to the Court are supported by existing law, and a failure to do so is sanctionable. This includes the responsibility of verifying the accuracy of any AI-generated or AI-provided information. *See Id.*

Moreover, while the Court must be mindful of Plaintiff's *pro se* status and construe his filings liberally, this does not excuse Plaintiff from abiding by the same procedural rules that apply to all other litigants. *Cesareo v. Port Auth. of New York and New Jersey*, 2025 WL 1431167, at *3 (citing *Zimmerman v. United States Nat'l Lab. Rel. Bd.*, 749 Fed.Appx. 148, 149 (3d Cir. 2019);

see also Mala, 704 F.3d at 245. Filing pleadings in a piecemeal fashion—such as filing numerous subsequent notices in support of various causes of action asserted in the complaint—fails to satisfy the requirements of Rules 8 and 15 of the Federal Rules of Civil Procedure. *See Chitester v. US Bank*, 2025 WL 1752359, at *3, n. 3 (D.N.J. June 23, 2025) (collecting cases); *See Ford v. Caldwell*, 2024 WL 361227, at *4 (D.N.J. Jan. 30, 2024).

B. Service of Summons and Complaint

"Before a federal court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied." *Omni Cap. Intern, Ltd. v. Rudolf Wolff & Co., Ltd.*, 484 U.S. 97, 104 (1987). Indeed, regardless of whether a defendant has notice of the lawsuit, as well as a constitutionally sufficient relationship with the forum where said lawsuit is pending, service of summons is still a prerequisite. *Id*. This is because it is through such service that a court having venue and jurisdiction of the subject matter of the suit asserts its jurisdiction over the person of the party served. *Id*. (citing *Mississippi Publ'g Corp. v. Murphree*, 326 U.S. 438, 444-45 (1946)).

The rule governing summons and service is set forth in Rule 4 of the Federal Rules of Civil Procedure. Under this rule, service of a summons and complaint must be made on all named defendants within 90 days of the filing of the complaint. Fed.R.Civ.P. 4(m). Should a defendant not be served within this timeframe, the court—on motion or on its own after notice to the plaintiff––must dismiss the action without prejudice as against that defendant or order that service be made within a specified time. *Id*. It is the responsibility of the plaintiff to present a properly completed summons to the clerk for signature and seal. Fed.R.Civ.P. 4(a) and (b). Once the clerk issues the summons, a plaintiff is responsible for having said summons and the complaint served within the 90-day period. Fed.R.Civ.P. 4(c). Specifically, Rule 4(c) provides as follows:

> (c) Service.
>
> (1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.
>
> (2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.
>
> (3) *By a Marshal or Someone Specially Appointed.* At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

"At one time, all process in federal civil litigation was served by the United States Marshals [] Service." *Dooley v. Wetzel*, 2021 WL 12143099, *1 (M.D.Pa. Mar. 26, 2021). As amended, however, Rule 4 generally allows service of a summons and complaint by "[a]ny person who is at least 18 years old and not a party" to the litigation. *Id*.; *see* Fed.R.Civ.P. 4(c)(2). The purpose of the amendment was "to reduce the burden on the United States Marshal[s] Service of serving civil process in private litigation, without endangering the effective and efficient service of civil process." *Id*. (citing *Changes in Federal Summons Service Under Amended Rule 4 of the Federal Rules of Civil Procedure*, 96 F.R.D. 81, 127 (1983) (advisory committee note to proposed Rule 4(c)). Accordingly, it is the plaintiff who is now responsible for having the summons and complaint served within the time allowed by Rule 4(m) and who must furnish the necessary copies to the person who makes service. *Id*. Rule 4 does, however, retain two exceptions under which the U.S. Marshals Service continues to serve summonses and complaints in civil litigation. *See* Fed.R.Civ.P. 4(c)(2), *see also Dooley*, 2021 WL 12143099 at *2. Under the first exception, such service is mandatory for *in forma pauperis* and seaman's suits. Fed.R.Civ.P. 4(c)(2). The second exception

permits a plaintiff to request such service, which is then within the discretion of the court to allow. *Id*.

Rule 4(e)(2) governs how service is to be made on an individual. *See Elliot v. Ortiz*, 2022 WL 22829814, at *10 (D.V.I. Nov. 15, 2022).[19] Specifically, unless federal law provides otherwise, an individual—other than a minor, an incompetent person, or a person whose waiver has been filed—may be served in a judicial district of the United States by:

> (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
>
> (2) doing any of the following:
>
> (A) delivering a copy of the summons and of the complaint to the individual personally;
>
> (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or
>
> (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

Fed.R.Civ.P. 4(e)(1) and (2). Moreover, in an action against a state or local government, including state or local government employees sued in their official capacity, service must comply with Rule 4(j)(2), which provides:

> (2) *State or Local Government.* A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:
>
> (A) delivering a copy of the summons and of the complaint to its chief executive officer; or
>
> (B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

[19] While the District Court Judge in *Elliot v. Ortiz*, 2024 WL 2957034 (D.V.I. June 12, 2024) rejected in part the report and recommendation submitted by the Magistrate Judge in *Elliot v. Ortiz*, 2022 WL 22829814 (D.V.I. Nov. 15, 2022), this partial rejection had no bearing on the legal standards set forth in the report and recommendation by the Magistrate Judge that are recited within the present order.

Fed.R.Civ.P. 4(j)(2); *see Elliot*, 2022 WL 22829814, at *10. In turn, Virgin Islands law requires that when suing the Government of the Virgin Islands or its agencies, a plaintiff must serve the Governor and the Attorney General. V.I.R.Civ.P. 4(i)(1). "Additionally, when suing a government employee in his official capacity, service must be made upon the Governor, the Attorney General, the chief executive officer of the individual agency, and the named employee." *Elliot*, 2022 WL 22829814, at *10 (citing V.I.R.Civ.P. 4(i)(2)(A)).

Unless service is waived, proof of service must be made to the court. Fed.R.Civ.P. 4(l). Except for service by a United States marshal or deputy marshal, such proof must be by the server's affidavit. *Id*. In the matter at hand, there is nothing in the record to indicate any of the Defendants have waived service. Likewise, the docket is devoid of proof that these Defendants have been served with summons and the original complaint [ECF 1] in accordance with Rule 4.[20] Nor did Plaintiff seek the issuance of summons with respect to his amended complaint [ECF 36]. Absent proof of service, the Court is precluded from exercising personal jurisdiction over the Defendants

[20] Reference is made to the Court's docket as of September 1, 2025.

In reviewing the multitude of pleadings, it is unclear whether Plaintiff may equate the issuance of summonses to that of service. *See* [ECF 46] at 1. Such an assumption would be mistaken. Perhaps, however, Plaintiff appreciates that Rule 4(c) of the Federal Rules of Civil Procedure requires both a valid summons and the complaint to be served, and it is the means in which Plaintiff has attempted to perfect such service that is flawed. This seems to be reflected in a "Supplemental Notice of Retaliatory Withholding and Multi-Agency Silence" filing, wherein Plaintiff contends that he has:

> … lawfully served the Complaint and related documents upon Defendants and relevant government oversight entities, including the Virgin Islands Department of Human Services (DHS), the U.S. Virgin Islands Department of Justice, CMS Region 2, the Office of the Governor and Lieutenant Governor of the Virgin Islands, and the Office of the Inspector General.

[ECF 5] at 1. The filing further avers that "[c]ertified mail service of the Complaint and Supplemental Filing" was perfected on the named Defendants, as well as "[d]irect email service to agency officials and legal departments." *Id*. at 2, ¶ 3. However, neither the Federal Rules of Civil Procedure nor Virgin Islands law provide for service via mail (certified or otherwise) or via email on either local government agencies or local government employees sued in their official capacities. *See* Fed.R.Civ.P. 4(e) and (j); *see* V.I.R.Civ.P. 4(i). Given that each of the Defendants fall within this category for service purposes, service by mail and/or email alone would be insufficient. Ultimately, however, it is not the Court's place to speculate, and Plaintiff is required to provide proof of service in accordance with Rule 4(l) of the Federal Rules of Civil Procedure.

at this time.[21] *See Omni Cap.*, 484 U.S. at 104; *see Murphy Bros. v. Michetti Pipe Stringing,* 526 U.S. 344, 350, (1999). Moreover, this lack of proof is procedurally fatal to a majority, if not all, of Plaintiff's motions. In other words, at best, the motions are premature and fail as a matter of law without any consideration as to their merit. *See Risenhoover v. Cent. Intelligence Agency*, 2020 WL 13065071, at *1 (D.D.C. Feb. 7, 2020).

C. Judicial Notice

Under Rule 201 of the Federal Rules of Evidence, a *court* may judicially notice a fact that is not subject to reasonable dispute because it:

> (1) is generally known within the trial court's territorial jurisdiction; or
>
> (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Fed.R.Evid. 201(b). This rule further permits a court to take judicial notice on its own or if requested of a party, the court must take such notice if the court is supplied with the necessary information. *Id*. at 201(c). "A judicially noticed fact must either be generally known within the jurisdiction of the trial court, or be capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be question." *Wilson v. Reilly*, 163 Fed.Appx. 122, 125 (3d Cir. 2006) (citing *Werner v. Werner,* 267 F.3d 288, 295 (3d Cir.2001).

First and foremost, it is not for a party to take such notice, it is for courts to exercise. A cursory review of Plaintiff's numerous "judicial" notices reflects that Plaintiff does not appreciate this distinction. Moreover, by way of example, just because Plaintiff submits declarations that aver certain damages does not equate to a subject ripe for judicial notice. To the contrary, Defendants

[21] "[E]ven a properly issued summons is nonetheless ineffective for purposes of conferring personal jurisdiction if it has not been served in compliance with Rule 4's service of process provisions." *Archbold v. Cracker Barrel Old Country Store, Inc.*, 2013 WL 5272846, at *2 (M.D.Pa. Sept. 17, 2013) (citing *Ayres v. Jacobs & Crumplar, P.A.,* 99 F.3d 565, 570 (3d Cir.1996)).

may very well challenge the veracity of such damages during the litigation process, including at trial. Even assuming the Court were to take the proof of service issue out of the equation, none of the judicial notices "asserted" and/or sought by Plaintiff would be warranted—especially at this early juncture of the lawsuit—and all such requests will be denied.

D. Standard for *Ex Parte* Filings

An *ex parte* motion is a request made to the court by a party without any notice having been provided to the other side. *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F.Supp. 488, 490 (C.D.Cal. 1995), *see also Leone v. Towanda Borough*, 2012 WL 1123958, at *3 (M.D.Pa. Apr. 4, 2012). Such motions are rarely justified, as they are inherently unfair and pose a threat to the administration of justice. *Mission Power*, 883 F.Supp. at 490. They debilitate the adversary system, by circumventing the other parties' opportunity to argue and/or file opposing papers. *Id.*; *see also* LRCi 7.1 and 37.2. To justify *ex parte* relief, the movant must establish: (1) that its cause of action will be irreparably prejudiced if the underlying motion is heard according to regular noticed procedures; and (2) that it is without fault in creating the crisis that requires *ex parte* relief, or (3) that the crisis occurred as a result of excusable neglect. *Soper v. United Airlines, Inc.*, 2024 WL 3306301, at *1 (C.D.Cal. Apr. 16, 2024) (citing *Mission Power*, 883 F.Supp. 492-93).

Applying the above standard to the *ex parte* filings that have been submitted by Plaintiff, none justify this designation. The only filing that may have arguably warranted such a designation was the purported "judicial" notice [ECF 34] wherein Plaintiff provides a non-binding framework for any "fair and meaningful settlement." However, given that the matter has not been scheduled for a settlement conference before the Court, this information simply should not have been shared, *ex parte* or not. Furthermore, even were the Court to conduct a settlement conference in the

future,[22] the parties are to await the Court's direction as to what should be submitted and how the submissions are to be made.[23] But Plaintiff's notice goes well beyond addressing settlement framework. Despite being filed *ex parte*, it purports to place Defendants on "formal notice" of their litigation hold obligations, as well as provides a spoliation warning. [ECF 34] at 2–3. It's axiomatic that a party cannot be placed on notice by a document they are never provided with. The filing further provides the Court with notice that Plaintiff intends to file an amended complaint, as well as advises of the "national significance and systemic consequences" of the lawsuit. *Id*. at 3–4. These are not appropriate *ex parte* communications with the Court. Accordingly, each of the *ex parte* filings[24] will have this designation removed and be available for all parties and the public to view.

E. Standard to Amend Pleadings

Under Rule 15(a)(1) of the Federal Rules of Civil Procedure, a party may amend its pleading *once* as a matter of course no later than 21-days after service or, if the pleading is one to which a responsive pleading is required, 21-days after service of a responsive pleading or 21-days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed.R.Civ.P. 15(a)(1) (emphasis added). In all other cases, a party may amend its pleading only with the opposing party's written consent or by leave of court, the latter of which should be freely given when justice so requires. *See Katzenmoyer v. City of Reading*, 158 F. Supp. 2d 491, 497 (E.D. Pa. 2001) (the movant "has the burden of showing that justice requires the amendment"); *In re Engle Cases*, 767 F.3d 1082, 1119 n.37 (11th Cir. 2014) ("The party seeking leave to amend under Rule 15 bears

[22] Although it is the Court's practice to require mediation in every civil matter, this is normally conducted by a disinterested third-party mediator not associated with the Court. The Court itself does not conduct settlement conferences in every civil matter.

[23] Normally, parties provide confidential submissions outside the Court's docket, with the Court providing directives as to the scope of the submissions and how they are to be provided.

[24] The Court further finds that the "non-binding settlement framework" outline set forth in [ECF 34] does not warrant redaction.

the burden of establishing his entitlement to it"). Nonetheless, the policy favoring liberal amendments is not "unbounded." *Dole v. Arco Chem. Co.*, 921 F.2d 484, 487 (3d Cir. 1990). "[A] district court has discretion to deny a request to amend if it is apparent from the record that (1) the moving party has demonstrated undue delay, bad faith or dilatory motives, (2) the amendment would be futile, or (3) the amendment would prejudice the other party." *Hill v. City of Scranton*, 411 F.3d 118, 134 (3d Cir. 2005); *see Foman v. Davis*, 371 U.S. 178, 182 (1962). A court may also "ground its decision . . . on consideration of additional equities, such as judicial economy/burden on the court and the prejudice denying leave to amend would cause to the [movant]." *Mullin v. Balicki*, 875 F.3d 140, 149–50 (3d Cir. 2017).

In addition to the above, Rule 15.1 of this Court's Local Rules of Civil Procedure[25] requires a party who moves to amend its pleading to include a "redlined" copy of the proposed amendment with its motion, specifically delineating the changes or additions that it seeks to make. Specifically, Rule 15.1 provides as follows:

> A party who moves to amend a pleading shall file the proposed amendment with the motion. Except as otherwise ordered by the Court, any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must reproduce the entire pleading as amended specifically delineating the changes or additions and may not incorporate any prior pleading by reference. A proffered amended pleading must note prominently on the first page the numbered amendment it represents; *i.e.*, 1st, 2nd, or 3rd amendment.

In the present matter, Plaintiff amended his pleading *once* as a matter of course with the filing of the July 22, 2025 amended complaint.[26] *See* [ECF 36]. Thus, all subsequent amendments require either written consent from the opposing parties or this Court's leave. *See* Fed.R.Civ.P.

[25] The Local Rules of Civil Procedure for the District Court of the Virgin Islands can be found on the Court's website at www.vid.uscourts.gov.

[26] Assuming Plaintiff has yet to perfect service, he did not require leave of court to amend the complaint at this time. *See* Fed.R.Civ.P. 15(a)(1).

15(a). Plaintiff's first motion to amend [ECF 43] and [ECF 73–1]—which would be the second amended complaint if permitted—seeks to add Dahdah Medical Group, Inc. as a co-plaintiff. As acknowledged by Plaintiff in his original complaint, however, a corporate entity cannot represent itself in a litigation, but must be represented by counsel. *See* [ECF 1] at 4; *see Oriental Bank v. Butina*, 2022 WL 523021, n. 2 (D.V.I. Feb. 22, 2022) (citing *Simbraw, Inc. v. United States*, 367 F.2d 373, 374 (3d Cir. 1966). *See also Beyond Cushions Corp. v. TJX Companies, Inc.*, 2019 WL 6271621, at *1 (D.N.J. Nov. 25, 2019) (magistrate judge struck corporation's *pro se* answer to complaint). Even single-member LLCs, like corporations, may only appear in federal court through counsel. *See Dougherty v. Snyder*, 621 Fed.Appx. 715, 716 (3d Cir. 2015) (upholding district court's dismissal of corporate plaintiff because it was not represented in the proceeding by counsel). Therefore, to avoid having an amended complaint that adds a legal entity as a party-plaintiff stricken, said legal entity must be represented by counsel. As the motion does not state that counsel will be making an appearance on behalf of Dahdah Medical Group, Inc., the motion will be denied without prejudice.

As for Plaintiff's second [ECF 82] and third [ECF 88] motions to amend complaint, neither comply with LRCi 15.1 as they fail to include a "redlined" copy of the proposed amendment that specifically delineates the changes or additions from the predecessor complaint—in this instance, the amended complaint [ECF 36] of July 22, 2025—that the respective amendments seek to make. Failure to comply with LRCi 15.1 is grounds for denying leave to amend a complaint.[27] *Russell v. AT&T, Inc.*, 2020 WL 13133825, at *1 (D.V.I. June 18, 2020); *Kouns v. Estate of Luton*, 2018 WL 1249272, at *4 (D.V.I. Mar. 9, 2018); *see also Brooks-McCollum v. Emerald Ridge Serv. Corp.,*

[27] "[L]ocal rules play a 'vital role in the district courts' efforts to manage themselves and their dockets," and "facilitate the implementation of court policy ...." *Romero v. Twp. of Tobyhanna*, 2023 WL 2728829, at *2 (3d Cir. Mar. 31, 2023). "For this reason, it is both fitting and 'beyond question that the District Court has the authority to strike filings that fail to comply with its local rules.'" *Id*.

563 Fed. App'x. 144, 147 (3d Cir. 2014). Accordingly, each of these motions will be denied without prejudice.

As for the purported second amended complaint [ECF 92], which Plaintiff identifies as the "Final Consolidated Amended Complaint for Damages, Declaratory, and Injunctive Relief," Plaintiff did not obtain leave of court prior to filing said pleading, nor did he advise that Defendants had consented in writing to the amendment. Fed.R.Civ.P. 15(a)(2). As such, the Court shall strike this pleading, as well as the exhibits filed in support thereof.

F. Standard for Expedited Discovery

Ordinarily, "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)." *Canal St. Films v. Does 1-22*, 2013 WL 177506, at *2 (M.D.Pa. Apr. 25, 2013) (citing Fed.R.Civ.P. 26(d)(1)). District courts do, however, have broad discretion to manage the discovery process and can expedite or otherwise alter the timing and sequence of discovery. *Id*. While it does not appear that the Third Circuit has addressed the proper standard for deciding a motion to expedite discovery, the "prevailing approach" in the circuit is to apply the "good cause" or "reasonableness standard" when deciding a motion to expedite discovery. *Spark Orthodontics v. Ormco Corp.*, 2021 WL 7908194, at *1 (E.D.Pa. Oct. 25, 2021); *Flatiron Crane Operating Co., LLC v. Adkins*, 2023 WL 4565470, at *3 (E.D.Pa. July 17, 2023). "Under the 'good cause' standard, the party seeking expedited discovery must demonstrate that its 'request is reasonable in light of the relevant circumstances.'" *Spark*, 2021 WL 7908194, at *1. Where the purpose of expedited discovery is to gather evidence for an upcoming preliminary injunction hearing, courts consider the following non-exhaustive factors: "(1) the timing and context of the discovery requests, including whether a preliminary injunction hearing has been scheduled; (2) the scope and purpose of the requests; and (3) the nature of the burden to the respondent." *Adkins*, 2023 WL 4565470, at *3; *Spark*, 2021 WL 7908194, at *1.

As a general rule, expedited discovery "is highly disfavored." *Adkins*, 2023 WL 4565470, at *3 (citing *Socal Dab Tools, LLC v. Venture Techs., LLC*, 2022 WL 19977793, at *1 (M.D.Ala. Apr. 25, 2022). "The party seeking expedited discovery carries the burden of showing that the request is reasonable under the circumstances." *Id*. (citing *Barbieri v. Wells Fargo & Co.*, 2012 WL 3089373, at *3 (E.D.Pa. July 27, 2012). "Assuming the moving party has met its burden to show there is good cause, a motion for expedited discovery should generally be granted when the requested discovery is 'narrowly tailored to fit the needs of the preliminary injunction hearing.'" *Id*. (citing *Epsilon Energy USA, Inc. v. Chesapeake Appalachia, LLC*, 2021 WL 1740582, at *3 (M.D.Pa. May 3, 2021) (quoting *Better Packages, Inc. v. Zheng*, 2006 WL 1373055, at *3 (D.N.J. May 17, 2006). "Conversely, the motion should be denied if 'the requests are overly broad and extend beyond the needs of the preliminary injunction.'" *Id.* (quoting *Better Packages*, 2006 WL 1373055, at *3).

In the matter at hand, Plaintiff has filed two supplemental exhibits—Exhibits H [ECF 32] and I [ECF 33]—comprised of various production requests to Defendants. Generally, a party may not seek discovery from any source before the parties have conferred pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. *Canal St*, 2013 WL 177506, at *2. Given that Plaintiff has yet to file proof of service in accordance with Rule 4, the discovery requests are premature. Moreover, a party does not propound production requests on other parties by filing same with the Court. Instead, the party serves the requests directly upon the party in which they are directed. Fed.R.Civ.P. 34(a). Nor is the party to file a copy of the production requests with the Court until such time as they are used in the proceeding—such as in support of a motion or responsive pleading—or the court orders otherwise. Fed.R.Civ.P. 5(d)(1)(A).

Even assuming the discovery requests were not premature and had been properly served upon Defendants, Rule 34 still provides 30-days in which the party must respond to the requests

unless a shorter or longer time is stipulated to by the parties or ordered by the Court. Fed.R.Civ.P. 34(b)(2)(A). Plaintiff's motions to compel [ECF 37], [ECF 51], and [ECF 77], however, were filed, respectively, only one, two, and nine days after the production requests were submitted, well before the expiration of the 30-day responsive period.[28] Accordingly, each of the motions to compel will be denied.

G. Remaining Motions

This order does not address Plaintiff's motions for preliminary injunction [ECF 4], [ECF 58], and [ECF 80], nor his motions [ECF 6] and [ECF 79] for an expedited hearing on same. Injunctive relief motions are reserved for district court judges and thus, these motions will be addressed by the presiding judge. *See* 28 U.S.C. § 636(b)(1)(A).

With respect to Plaintiff's other remaining motions, the Court shall deny as premature Plaintiff's motion [ECF 11] for an emergency status conference, Plaintiff's motions [ECF 12] and [ECF 57] to schedule a case management conference under emergency conditions, Plaintiff's motions [ECF 42] and [ECF 74] to preserve evidence and prevent spoliation, and Plaintiff's motions [ECF 46], [ECF 53], and [ECF 75] requesting the Court set an evidentiary hearing or grant summary relief. These motions are premature, as Plaintiff has yet to submit proof of service and thus, the Court lacks personal jurisdiction over Defendants.

The Court shall deny Plaintiff's *ex parte* motion [ECF 39] for judicial consideration and sanctions for oversight non-responsiveness, Plaintiff's motions [ECF 45], [ECF 52], and [ECF 78] seeking judicial notice of retaliatory patterns, Plaintiff's motion [ECF 60] seeking judicial notice of "federal agency deferrals," and Plaintiff's motion [ECF 61] for preemptive sanctions for bad

[28] In his Exhibit I production requests, Plaintiff even states—incorrectly—that Defendants have 21-days (as opposed to 30-days) in which to respond. *See* [ECF 33] at 2.

faith defense and anticipated retaliatory assertions. Notwithstanding the service issue, none of these motions have merit.

H. Excessive Filings

District courts have broad discretion to manage their own dockets, with a view toward the efficient and expedient resolution of cases. *Techfields Pharma Co., Ltd. v. Covance, Inc.*, 2024 WL 4213702, at *1 (D.N.J. Sept. 17, 2024) (citing *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016); *Lawrence v. Mooney*, 680 Fed.Appx. 146, 148 (3d Cir. 2017); *see also Gore v. Buccaneer, Inc.*, 2020 WL 2515941, at *3 (D.V.I. May 15, 2020). While access to the courts is unquestionably a right of considerable constitutional significance, it is neither an absolute nor unconditional right. *Reaves v. Guined*, 2024 WL 4800523, at *1 (N.D.Ga. July 25, 2024) (citing *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008); *see also In re McDonald*, 489 U.S. 180, 184 (1989). Indeed, courts have a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others. *Id*. (citing *Debose v. United States*, 2024 WL 489699, at *1 (11th Cir. Feb. 8, 2024). A litigant that inappropriately taxes the resources of the court can be severely restricted as to what it may file and how it must behave in its applications for judicial relief. *Debose*, 2024 WL 489699, at *1; *see Browne v. Ciobanu*, 2025 WL 619152, at *10 (N.D.Ind. Feb. 25, 2025).

"District courts possess the power to issue prefiling injunctions 'to protect against abusive and vexatious litigation.'" *Debose*, 2024 WL 489699, at *1 (citing *Martin-Trigona v. Shaw*, 986 F.2d 1384, 1387 (11th Cir. 1993)); *Gagliardi v. McWilliams*, 834 F.2d 81, 83 (3d Cir. 1987); *Pickering-George v. Dowdye*, 2015 WL 4910538, at *2 (D.V.I. Aug. 17, 2015). A filing injunction against a vexatious litigant, however, should not be imposed without prior notice and some occasion provided to the litigant to respond. *Dowdye*, 2015 WL 4910538, at *2 (citing *Gagliardi*, 834 F.2d at 83. This Court further has the sole discretion to grant a *pro se* party permission to file

electronically and may revoke such permission when the privilege is abused by excessive filings that are frivolous, vexatious, or harassing. *See* LRCi 5.4(b)(2).

In addition to his numerous and often times, repetitive motions, Plaintiff has filed—again, often repetitively—a wide array of notices, declarations, supplemental exhibits, and other filings.[29] Even a cursory review of the docket leads to the inescapable conclusion that Plaintiff has submitted a dramatically larger number of filings than is typical or appropriate for a case of this nature. Many of these filings provide updates on such things as "compounding economic harm and forward-looking damages trajectory" [ECF 30], while still others seek to supplement and/or further support Plaintiff's complaint or provide "executive summar[ies]" and "timeline[s]." *See* [ECF 5] at 2; [ECF 19] at 3; [ECF 20] at 1; [ECF 29]; and [ECF 31]. The plethora of filings have done nothing more than create a cobbled mess of the docket.

While the Court will not enjoin Plaintiff from further filings at this time, it emphatically warns Plaintiff that repetitive and vexatious litigation will lead to sanctions and filing injunctions. Such an injunction would enjoin Plaintiff from filing, and the Clerk of Court from accepting, any future motions, notices, or other filings from Plaintiff absent his first obtaining leave of court to do so. This would also include the Court revoking Plaintiff's electronic filing privileges. The Court cautions the *pro se* Plaintiff that the inundation of notices, declarations, and other miscellaneous filings will not advance his cause; rather, he should limit his filings to actual pleadings and appropriate motions and avoid repeated amendments in piecemeal fashion. *See Hall v. Equifax Info. Serv., LLC*, 2025 WL 1710065, at *2 (N.D.Miss. June 18, 2025). Plaintiff's future filings are to further cite the authority (i.e., rule of law and/or caselaw) in which they rely upon.

[29] Plaintiff has even submitted "preemptive" filings for matters not presently in dispute. *See* [ECF 61], [ECF 67], and [ECF 90].

III. CONCLUSION

For the foregoing reasons, it is hereby

ORDERED that Plaintiff's motions [ECF 11], [ECF 12], [ECF 42], [ECF 46], [ECF 53], [ECF 57], [ECF 74], and [ECF 75] are **DENIED** as premature; it is further

ORDERED that Plaintiff's motions [ECF 43], [ECF 73], [ECF 82], and [ECF 88] are **DENIED WITHOUT PREJUDICE**; it is further

ORDERED that Plaintiff's motions[30] [ECF 37], [ECF 39], [ECF 40], [ECF 45], [ECF 51], [ECF 52], [ECF 59], [ECF 60], [ECF 61], [ECF 77], [ECF 78], and [ECF 84] are **DENIED**; it is further

ORDERED that the *ex parte* designations of [ECF 11], [ECF 12], [ECF 34], [ECF 37], [ECF 39], [ECF 42], [ECF 43], [ECF 45], and [ECF 46] be **REMOVED**; and it is further

ORDERED that Plaintiff's amended complaint [ECF 92] and the exhibits [ECF 94], [ECF 95], [ECF 96], [ECF 97], [ECF 98], [ECF 99], [ECF 100], [ECF 101], [ECF 102], [ECF 103], [ECF 104], [ECF 105], [ECF 106], [ECF 107], [ECF 108], [ECF 109], [ECF 110], and [ECF 111] in support thereof (Exhibits A through M) are **STRICKEN**.

ENTER:

Dated: September 2, 2025

/s/ G. Alan Teague
G. ALAN TEAGUE
U.S. MAGISTRATE JUDGE

[30] This includes requests for judicial notice and judicial acknowledgment.