

**UNITED STATES DISTRICT COURT
DIVISION OF ST. THOMAS AND ST. JOHN**

GEORGE R. SIMPSON

Plaintiff

-v-

ANDREW CAPDEVILLE
ALAN R. FEUERSTEIN

Defendants

CIVIL NO.

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

COMPLAINT

Here comes George R. Simpson, Prose, on behalf of himself files this Complaint against Andrew Capdeville and Alan R. Feuerstein alleging the following:

Jurisdiction and Venue

1. Plaintiff, George R. Simpson resides in Southampton, New York, and has an address at PO Box 775, Hampton Bays, New York 11946. George R. Simpson, for the period April 1, 2003 through September 14, 2005 was a resident of St Thomas, US Virgin Islands, and was an owner of unit C-4, at the Sapphire Bay Condominiums West, and was an owner/member of the condominium association organized pursuant to By-laws and Rules and Regulations, amended September 22, 1991, and in accordance with the provisions of Chapter 33, Title 28, of the Virgin Islands Code, known as the "Condominium Act of the Virgin Islands".
2. Sapphire Bay Condominiums West is located at 6345 Smith Bay, St. Thomas, US Virgin Islands.
3. Defendant ALAN R. FEUERSTEIN, is a practicing attorney who has offices in Buffalo, NY and in St Thomas, US Virgin Islands. He has a residence at Sapphire Bay Condominiums West, 6345 Smith Bay, St. Thomas, US Virgin Islands.

4. Defendant ANDREW CAPDEVILLE, is a practicing attorney who has offices in at 2011 Nisky Center, St Thomas, He resides on St Thomas, US Virgin Islands.
5. The Federal counts and claims, herein, arise under violations of Plaintiff's rights under the 5th and 14th Amendments to the Constitution of the United States of America.
6. The amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00) excluding attorney fees, costs, and interest.
7. Plaintiff alleges that Defendants caused him to be falsely imprisoned; Defendants made false representations leading to Plaintiff being assaulted, falsely arrested, being detained against Plaintiff's will, battery; Defendants were accessory before and after the fact with respect to false arrest and illegal detainment, assault and battery.
8. Defendants are also charged with reckless endangerment and interfering with Plaintiff's right to Due Process and right to travel.

Facts

9. Plaintiff was an owner of a condominium unit at Sapphire Bay Condominiums West, St Thomas, US Virgin Islands in 2003, 2004, and until September of 2005.
10. Both Defendants Capdeville and Feuerstein were attorneys retained to represent the Sapphire Bay Condominiums West Board of Directors and, in that capacity, Defendants Capdeville and Feuerstein filed five lawsuits against Plaintiff. All five of these lawsuits are still on-going. (USVI St Thomas St John Div of the Superior Court, Civ.Nos. 168/2004, 181/2004, 252/2004, 253/2004, and USVI St Thomas St John Div of the Fed District Court Civ.No 2004-62).
11. All of the five lawsuits were filed with no legitimate basis in law or in fact, and both Defendants knew it.
12. All five lawsuits were filed for one purposes only: to get huge legal fees from their client and to harass Plaintiff.
13. Defendant Capdeville also filed a frivolous lawsuit against Plaintiff Simpson, which is still on-going. (USVI St Thomas St John Div of the Superior Court, Civ.No. 190/2004)
14. Defendant Feuerstein also filed a frivolous lawsuit against Plaintiff Simpson, which is still on-going. (USVI St Thomas St John Div of the Fed District Court

Civ.No 2004-62). Upon Plaintiff Simpson's answer to that lawsuit, Defendant Feuerstein (in that lawsuit a Plaintiff) did not even reply to Plaintiff Simpson's answer, thereby abandoning the frivolous lawsuit.

15. In 2004, Plaintiff George R. Simpson filed a Grievance against Defendant Capdeville before the USVI Bar Association for his lies and misrepresentations. That Grievance is still pending.

16. For a full copy of the Grievance against Defendant Capdeville:

See: www.usvicondos.com/VI 20Bar.htm

Filing of Frivolous Lawsuits by Attorneys Capdeville and Feuerstein

17. Starting in 2004, Defendant attorneys Capdeville and Feuerstein filed five frivolous lawsuits against Plaintiff George R. Simpson. Each of these lawsuits were filed with Defendants knowing that the Plaintiff in the lawsuits, Sapphire Bay Condominiums West, did not have legal standing to file the lawsuits, and the Board (Plaintiff) was not a legally constituted Board.

18. Furthermore, the lawsuits were filed based upon lies by Defendant Capdeville about fictitious bylaws violations by Plaintiff Simpson.

19. Defendants Capdeville and Feuerstein knew or should have known that disputes between the Board of Sapphire Bay Condominiums West, according to the bylaws, should have been settled by arbitration, yet they filed five lawsuits at the enormous loss and stress to Plaintiff, his wife, and his business.

20. These five lawsuits created enormous legal fees for Sapphire Bay Condominiums West owners, which enriched Defendants Capdeville and Feuerstein (estimated to be \$300,000).

21. These lawsuits created an enormous workload for Plaintiff and his wife, which consumed most of their time for three years, and caused them stress, financial loss, harm to their businesses, and forced them to leave their home in the US Virgin Islands.

Harassment of Plaintiff Simpson and His Wife -- "Drive by's on a Golf Cart"

22. In 2005, Defendant Feuerstein became a party to harassment of Plaintiff and his wife, which had already begun by Sapphire Bay Condominiums West manager, Frank Barry.

23. The harassment campaign included Defendant Feuerstein and manager Frank Barry riding around on a golf cart, arm in arm, on the common grounds of Sapphire Bay stalking, pointing at, and with cameras taking pictures of Plaintiff and his wife.
24. On information and belief, Defendant Feuerstein and manager Frank Barry are involved in an inappropriate relationship.
25. The harassment campaign included frequent "drive by's" in front of Plaintiff's apartment, pointing up at, kiking (staring up) at Plaintiff's apartment window, where Plaintiff's wife was working, taking pictures of her through her window as they drove by, smiling and giggling like a couple of teenaged girls.
26. The harassment was very distressing for Plaintiff and his wife to endure.
27. Defendant Feuerstein and manager Barry refused to stop the harassment, and the "elected" (elected illegally) officials of the Condominium Association, for whom manager Barry and attorney Feuerstein worked, refused to stop the harassment.

Defendant Capdeville Threatens Plaintiff Simpson --
"...take you outside and kick you in the face."

28. On March 9, 2005, at a deposition (Civ.No. 168/2004) of the Sapphire Bay Condomiums West Board Secretary, Edith Rohrman, Plaintiff Simpson (acting as his own attorney, Prose) was engaged in cross-examination of Ms Rohrman, when Defendant attorney Capdeville made the following threatening statements to then Defendant George R. Simpson:

“You know, it’s a good thing I am a lawyer, sir. I’d take you outside ... and kick you in the face.”

(Deposition of Edith A. Rohrman, Wednesday, March 9, 2005, record taken by “Theodore A. Dorsett & Associates, Registered Professional Court Reporters”, Page 100, at the bottom of the page, carrying over to page 101 – See: Exhibit 1, attached hereto).

This threat, recorded by Defendants' court reporter, show Defendant Capdeville's intent to harm Plaintiff Simpson.

Reckless Endagerment by Defendants Capdeville and Feuerstein Caused Plaintiff Simpson to be Assaulted by two Court Marshals, Falsely Arrested, False Imprisonment and Forced in Handcuffs to Continue a 'Mock Deposition' Against Plaintiff Simpson's Will

29. The two Defendant attorneys Capdeville and Feuerstein caused Plaintiff Simpson to be assaulted by two Court Marshals, falsely arrested, falsely imprisoned, and forced to continue a "not Court Ordered" deposition against his will in handcuffs on March 18, 2005.
30. In the first quarter of 2005, Defendants Capdeville and Feuerstein were trying to compel Plaintiff Simpson to be deposed prematurely in lawsuit Civ.No. 168/2004.
31. In January of 2005, one premature "deposition" of Simpson was scheduled by the two Defendants, and Plaintiff Simpson did not attend, because this "deposition" was out of order, and not Court Ordered.
32. Defendants Capdeville and Feuerstein then scheduled another deposition of Plaintiff Simpson, and gave Plaintiff Simpson notice of the Deposition date (March 18, 2005), time, and place, which they wanted to take place before the Court scheduled Hearing on March 21, 2005 for lawsuit Civ.No. 168/2004 (The Board of Directors of Sapphire Bay Condominiums West -vs- George R. Simpson, which lawsuit was initiated by Defendant Capdeville, based upon his lies, See: www.usvicondos.com/VI 20Bar.htm).
33. On receiving notice of the "deposition", Plaintiff Simpson filed a "Motion for Protection" brief with the Court saying that he, Simpson, was not going to attend the "deposition" because it was not time for the deposition. Plaintiff Simpson's brief explained that other discovery activities had not been performed as yet, and those activities were required by law to be performed prior to taking Simpson's deposition.
34. As a precaution, Plaintiff George R. Simpson made an appearance at the second scheduled "mock deposition" of George R. Simpson, which Defendant attorneys Capdeville and Feuerstein had scheduled in the Family Court Conference Room at the Superior Court in St. Thomas, at 9:00 AM, March 18, 2005.
35. At 9:05 AM on March 18, 2005, Plaintiff Simpson arrived at the conference room and told Defendant attorneys Capdeville and Feuerstein that he would not be deposed, unless the attorneys were able to get the Judge to order him to continue with the deposition by 9:20 AM.
36. At 9:20 AM, Mr. Simpson re-entered the conference room and made a statement for the record, wherein he entered his "Motion for Protection", which had

previously been filed with the Court, into the record, and left the conference room, where the deposition was being held.

37. Plaintiff Simpson explained to Defendant attorneys Capdeville and Feuerstein that he was not going to be deposed for the reason explained in the "Motion for Protection", and because the Judge had not ordered him to be deposed.

38. As the Plaintiff Simpson walked from the conference room door to the door to the outside of the Court House building, both attorneys Capdeville and Feuerstein came out of the conference room yelling to the Marshals located near the door to the outside:

“Stop that man, he cannot leave the conference room...”.

39. This statement, yelled with an air of authority by the Attorneys, created a “Clear and Present Danger” (Act of "reckless endangerment" -- like yelling "fire" in a crowded theatre), which caused the two Marshals to physically stop Plaintiff Simpson and try to make him return to the conference room.

40. Defendants Capdeville and Feuerstein had no right to say that Plaintiff had to return to the conference room, because they knew that he did not have to return to the conference room, he had already announced to Defendants Capdeville and Feuerstein that he was finished with his deposition.

41. **Defendants Capdeville and Feuerstein yelling to the Marshals "Stop that man, he cannot leave the conference room..." could only have been intended to hurt and harass the Plaintiff.**

42. The 67 year old Plaintiff Simpson tried shake off the physical efforts of the Marshals to cause him to return to the Conference room, saying:

“I don’t want to go back there. You don’t have a right to make me, if I don’t want to”.

43. The court reporter (hired by Defendants Capdeville and Feuerstein) Theodore A. Dorsett witnessed Plaintiff quietly leaving the conference room and witnessed the attorneys Capdeville and Feuerstein leave the conference room, yelling:

“Stop that man, he cannot leave the conference room...”.

Defendant Feuerstein Pre-conditions Marshal to Expect "Trouble Maker Simpson", Accessory Before the Fact, and Accessory After the Fact

44. Two Court Officers were stationed in the Courthouse lobby because attorney Feuerstin had set it up that way earlier in the morning of March 18, 2005.
45. Several days after Plaintiff was assaulted, false arrested, falsely imprisoned, one of the Court Officers provided a written statement to the authorities attesting to the fact that attorney Feuerstein had warned him about the "trouble maker" prior to the meeting, so the lone marshal on duty had called for another Marshal to be there to deal with the "trouble maker".
46. There could be only one reason for Defendant Feuerstein tell the Marshal that Plaintiff was a "trouble maker", that being to set up Plaintiff for the assault and false arrest.
47. Defendant Feuerstein intentionally made a false representation to the Marshal to set up Plaintiff to be at risk.
48. So, when Plaintiff Simpson said that he did not want to return to the conference room, the young Marshals wrestled the then 67 year old Simpson to the ground, where they assaulted him, knocked his eyeglasses off him, and placed hand-cuffs behind his back.
49. One Marshal forced his knee into one side of Plaintiff Simpson's face, thereby forcing the other side of the face against the floor. The other Marshal put his knee into Plaintiff Simpson's ribs, spraining them. Plaintiff Simpson sustained multiple traumas to many parts of his body due to the brutal beating by the Marshals, caused by attorneys Capdeville and Feuerstein.
50. The Marshals and the Defendants Capdeville and Feuerstein forced Plaintiff Simpson to go back into the conference room, where attorneys Capdeville and Feuerstein forced Plaintiff Simpson to continue the deposition **AGAINST HIS WILL**, badly bruised, in handcuffs, and without his eyeglasses.
(See: Exhibit 2, the Court Reporter's recording of the "deposition" attached hereto)
51. A copy of the Deposition transcript records the gruesome experience, including a recorded statement from one of the Marshals. The transcript, recorded by trusted and experienced courtroom reporter Theodore Dorsett, also records the fact that Mr. Simpson was forced to endure the recorded statements against his will.

52. When the Defendant attorneys Capdeville and Feuerstein were finished with Plaintiff Simpson, detained against his will and forced to attend the "mock deposition" (KGB Style). Plaintiff Simpson was led off by the Court Marshals, still hand-cuffed behind his back, to be booked, finger-printed, and imprisoned, as the result of Defendants Capdeville and Feuerstein's illegal actions.
53. In the police report filed on March 18, 2005 by the Marshals who assaulted, falsely arrested, falsely imprisoned, and made Plaintiff Simpson go in to the conference room against his will, one of the Marshals **wrote that they had required Plaintiff to go back into the conference room with the attorneys, and that Plaintiff Simpson had resisted.**
54. Plaintiff Simpson was required to pay \$1,000 (one thousand dollars) bail to get out of jail.
55. Within an hour of Plaintiff Simpson's release from Jail, Plaintiff Simpson entered the emergency room of the St Thomas Hospital. Copy of the medical reports is attached hereto as Exhibit 3.
56. Within a week after Plaintiff was assaulted by the two Marshals, Plaintiff Simpson had to be rushed to the Hospital in an ambulance. As a result of the beatings, he had experienced a stroke.
57. Plaintiff Simpson's Probable Cause hearing was held the next work day (March 21, 2004), the same day as the hearing of the Civ.No. 168/2004 lawsuit in the Honorable Judge Rhes Hodge's Court Room. (Plaintiff Simpson, a Defendant in that lawsuit, ***won the hearing***).
58. Defendants Capdeville and Feuerstein attended the Probable Cause hearing and made sure that many of Plaintiff Simpson's neighbors (owners at the Sapphire Bay Condominiums West condo), who had come to the 168/2004 lawsuit hearing case, also attended the Probable Cause hearing, so that maximum humiliation of Plaintiff and his wife would be caused to happen.
59. At the Probable Cause hearing, one of the Marshals lied – in direct contradiction of their written police report, their testimony recorded in the Deposition transcript, and the testimony of Mr. Dorsett, the stenographer at the Deposition.

Summary of Assault, False Arrest, False Imprisonment and Reckless Endangerment
.... Instigated by Defendants Capdeville and Feuerstein

60. Plaintiff George R. Simpson has been subjected to the most egregious of acts, all at the hands of attorneys Andrew Capdeville and Alan Feuerstein, all under the auspices of a "Deposition" within this Court.
61. The criminal conduct of Defendant attorneys Capdeville and Feuerstein has been outrageous, unheard of as a part of a Civil trial deposition proceeding.
62. Certainly no one should have to endure these experiences, deliberately initiated and encouraged by these two terrible attorneys. Plaintiff was beaten, hand-cuffed, detained against his will, falsely arrested, and falsely imprisoned – all because of the deliberate criminal conduct of Defendant attorneys Andrew Capdeville and Alan Feuerstein.

Additional Facts

63. While Defendants Capdeville and Feuerstein were attorneys to Sapphire Bay Condominiums West Board of Directors, the "Board" was not legally constituted, and Defendants Capdeville and Feuerstein did nothing to correct the situation.
64. Defendants Capdeville and Feuerstein were, in fact, a party to this illegality, misrepresentation and Fraud by each member of the Board.
65. Defendants Capdeville and Feuerstein were fully aware that each of the five "Board Members", for the period 2000 to 2006 were elected with defective Proxies, and therefore the Board was illegally constituted, and actions taken by the Board(s) were without any authority.
66. According to the Condominium ByLaws, proxies required the explicit definition of someone to vote the Proxy for the person signing the Proxy. The Proxies used to elect "Directors" at Sapphire Bay Condominiums West did not contain the necessary designation of such a person to vote the Proxy.
67. All five "Directors" of Sapphire Bays Condominiums West Board of Directors and their lawyers Defendants Capdeville and Feuerstein were fully aware that each of the five "Directors" had no right to claim to be Directors and had no right to serve as directors, yet they continued to serve fraudulently, and Defendants Capdeville and Feuerstein did nothing to correct the continuing fraud.
68. While Defendants Capdeville and Feuerstein were attorneys for Sapphire Bay Condominiums West "Board", at least three Directors (Kerschner, Golden, and

- Donohoe) served on the association Board, yet they did not have the necessary credentials required by the ByLaws to be a Director.
69. Defendants Capdeville and Feuerstein knew that these three Directors were not qualified to be Directors, but they allowed them to remain on the Board. With the full knowledge that the "Board" had no authority to spend the money, Defendants Capdeville and Feuerstein illegally took about \$300,000 (three hundred thousand dollars) of legal fees, for filing illegitimate lawsuits and mounds of legal papers, approved by a "Board" which had no legal standing and was illegally constituted. By their actions, Defendants Capdeville and Feuerstein stole over \$300,000 from the owners of the Condominium Association like "thieves in the night".
 70. Defendants Capdeville and Feuerstein knew that the Board was not a legally constituted Board, because these three individuals lacked necessary qualifications, and because all the directors were elected using phony proxies, yet the two attorneys continued to accept large legal fees approved and paid by a "Board" which had no right to be approving or paying those bills.
 71. Defendants Capdeville and Feuerstein led a campaign of slander and harassment against Plaintiff and Plaintiff's wife. Defendants Capdeville and Feuerstein manipulated others to cause them to ruin the life of Plaintiff and Plaintiff's wife, making it impossible for Mr. and Mrs. Simpson to have quiet enjoyment of their apartment, eventually causing them to sell their apartment.
 72. Defendants Capdeville and Feuerstein were fully aware of the Board of Directors' effort to continue to evade and cover-up extensive filing violations by the SBCW Condo association and its owners with the Coastal Zone Management and Permits Department (CZM) of the Department of Planning and Natural Resources of the USVI Government, causing Plaintiff Simpson and all of the other one hundred owners to be liable for millions of dollars of penalties.
 73. Defendants Capdeville and Feuerstein did nothing to convince the "Board" to fix these dangerous code violations, putting Plaintiff Simpson and all other owners in financial and physical danger.
 74. In addition to the CZM filing cover-ups, Defendants Capdeville and Feuerstein were parties to the "Boards'" efforts to continue to evade and cover-up extensive

filing violations with the Building Department of the Government of the US Virgin Islands.

75. This massive cover-up involves potential CZM filing fines of as large as \$50,000,000 (\$50 Million) and as many as 500 building permit violations.
76. These CZM filing infractions carry with them a jail term for anyone who knowingly neglects their responsibility under the CZM laws.
77. The permit violations are so extensive that virtually every apartment and all commons areas are unsafe due to permit violations, and no area of Sapphire Bay Condominiums West apartment and facilities would be covered by insurance, should a serious accident/claim occur.
78. Therefore, because of the continued building code and CZM violations and cover-ups with the full knowledge of Defendant attorneys Capdeville and Feuerstein, all Condo Owners at Sapphire Bay Condominiums West are exposed to UNINSURED liabilities of an unlimited extent -- even if the Condo Owner *has paid for insurance, and thinks he is insured*.
79. The International Building Code, (IBC) which is incorporated into USVI law, states that facilities which have not been inspected in accordance with the IBC are UNSAFE.
80. Therefore, because of the lack of necessary permits, approvals and inspections of facilities at Sapphire Bay Condominiums West, virtually all the facilities (electrical, structural, plumbing, etc.) are "By Law" determined to be UNSAFE.
81. Plaintiff Simpson and Plaintiff's wife were under considerable emotional pressure because of this known, and repairable, problem of the Sapphire Bay Condominiums West *unsafe and uninsured premises*, which Defendants Capdeville and Feuerstein helped to cover up.
82. See Exhibit 4, from Civ.No. 168/2004, "Board of Directors of Sapphire Bay Condominium West -vs- George R. Simpson",

**"Defendant George R. Simpson's Emergency Motion
for an Injunction to Compel Plaintiff to Correct
Hundreds of Intentional Building Code Violations
which Cause the Risk of Personal Injury, Death, and
Substantial Property Damage to all Association
Members",**

attached hereto.

83. The "Board of Directors" of Sapphire Bay Condominium West, acting together with Defendants Capdeville and Feuerstein, deceived the CPA auditors, and did not disclose the enormous contingent liabilities which exist at SBCW, to the extreme detriment of Plaintiff and his fellow owners.
84. The deception of the "Board of Directors" led to the non publishing of a financial report for the year ending June 30, 2006, expected to be published in September of 2006, and required of the "Board of Directors" by the Association bylaws.
85. Owners at Sapphire Bay Condominiums West have requested to receive the financial report, but the "Board" and the Condo manager refuse to provide the report, and refuse to say why.

Instigators for the Filing of Five Lawsuits Against Plaintiff Simpson

86. Defendant Capdeville sent letters containing lies to Plaintiff Simpson, deliberately misrepresenting the facts in order to be able to file lawsuits on behalf of the "Board of Directors" of Sapphire Bay Condominium West. Later, Defendant Feuerstein joined the "Gravy Train" of stolen legal fees, representing an illegally constituted "Board" of Directors of Sapphire Bay Condominiums West.
87. Defendants Capdeville and Feuerstein have been instigators in the filing and continuation of five frivolous lawsuits against Plaintiff George R. Simpson. These lawsuits are exposing the Owners of Sapphire Bay Condominiums West to needless legal expense and damages, which will be paid to George Simpson in settlement of the frivolous actions. (Estimated to amount to \$500,000 in legal fees and \$20,000,000 of damages.)
88. Defendants Capdeville and Feuerstein continued the pursuit of the lawsuits (charging enormous legal fees to a "Board" who had no right to pay these fees), even after both Defendants, attorney Capdeville and attorney Feuerstein, learned that Sapphire Bay Condominiums West had no right to be in Court because:
 - (a) The Board of Directors was not a legal board, and therefore could not file or continue a lawsuit.
 - (b) Sapphire Bay Condominiums West was in violation of the USVI Trade Name statutes, and for that reason, had no right to file or continue a lawsuit in any Court in the US Virgin Islands.

- (c) The ByLaws of the Sapphire Bay Condominiums West Condominium Association required that all disputes between owners and the SBCW Board be handled by Arbitration, not by lawsuit.
89. By filing a series of lawsuits, and by continuing the lawsuits, even after Defendants Capdeville and Feuerstein knew that the lawsuits were not legal pursuits under the law, the two attorneys (all the time collecting \$300,000 in legal fees from a "Board" which had no legal authority) incurred additional legal expense for the Condo Association, and additional expense, stress, effort, and lost time for Plaintiff.
 90. Defendants Capdeville and Feuerstein, masquerading as legally appointed counsel for an illegally constituted Board of Directors of Sapphire Bay Condominiums West, did so only to fleece the owners of the condominium association, in conspiracy with five "Board" members.
 91. Defendants Capdeville and Feuerstein encouraged manager Frank Barry to commit perjury in two lawsuits, which are pending, and even though Defendants Capdeville and Feuerstein knew that Frank Barry committed Perjury, Barry is still on the Condominium payroll as manager.
 92. While Defendants Capdeville and Feuerstein were masquerading as counsel for the "Board" of Sapphire Bay Condominiums West, they advised manager Frank Barry to bill Plaintiff Simpson incremental monthly attorney fees which grew to over \$150,000 in legal fees to Plaintiff, for which Plaintiff had absolutely no legal responsibility to pay.
 93. This harassment of receiving illegitimate bills for Defendants Capdeville and Feuerstein legal fees billed to the Condo Association caused Plaintiff and his wife to be under enormous additional stress.
 94. While Defendants Capdeville and Feuerstein were masquerading as counsel for the "Board" of Sapphire Bay Condominiums West, Defendants filed an illegal lien against Plaintiff's apartment.
 95. The lien was for the unpaid "legal bills" for Defendants' services, billed to Sapphire Bay Condominiums West, which bills had no right to have been billed to the Plaintiff Simpson in the first place.

96. This additional harassment by Defendants Capdeville and Feuerstein of filing a lien against Defendant Simpson for legal fees, which were not owed, caused Plaintiff and his wife to be under enormous stress.
97. While Defendants Capdeville and Feuerstein were masquerading as counsel for the "Board" of Sapphire Bay Condominiums West, they were organizers of a party of eleven owners, lawyers, video camera man, an off-duty police officer in uniform to create the "color of Law", and others to descend on the apartment of Plaintiff for purpose of "inspection" of Plaintiff's walls.
- The inspection was unnecessary, in that the walls had already been inspected and approved by the USVI building inspector.**
98. While in the apartment of Plaintiff, "Board President" George Wood, as orchestrated by Defendants Capdeville and Feuerstein, tried to destroy Plaintiff's wall using a crow bar, which he brought into Plaintiff's apartment without Plaintiff's approval.
99. The spectacle of eleven people with a police officer and cameraman was very embarrassing to Plaintiff and Plaintiff's wife, and the harassment orchestrated by Defendants Capdeville and Feuerstein caused Plaintiff and his wife to be under enormous stress and embarrassment.
100. Condo manager Frank Barry and Condo association lawyer and Defendant Alan Feuerstein carried on an inappropriate relationship, flaunting the relationship on the premises of the Condo, including riding around the premises arm in arm in the Condo owned golf cart, giggling and laughing like teen age girls as they taunted and harassed Plaintiff and Plaintiff's wife.
101. The Condo Association lawyer and Defendant, Alan Feuerstein, even moved into Condo Association owned apartment adjacent to the Condo Association owned apartment housing Frank Barry.
102. The harassment and emotional distress caused by Defendant attorney Feuerstein and his "friend" Frank Barry was so great, that early in 2005, Plaintiff put his condominium unit at Sapphire Bay Condominium West up for sale.
103. Once a buyer was secured, the closing of the sale was set for September of 2005.
104. While Defendants Capdeville and Feuerstein were masquerading as Counsel to the "Board" of Sapphire Bay Condominiums West, the Condominium

Association tried to prevent Plaintiff and Plaintiff's wife from selling their apartment by requiring them, before they could sell their apartment, to pay over \$150,000 in attorney fees, which Defendant attorneys Capdeville and Feuerstein had billed to the Condo Association illegally constituted "Board of Directors", and which were clearly not the liability of Plaintiff.

105. Although the Condominium Association, represented by Defendant attorney Feuerstein, finally gave in on their extortion demands, the absurd and illegal demand delayed the closing of the Simpson's sale of their apartment for many days, caused the Plaintiff Simpson to expend thousands of dollars in legal fees, and the cruel act by the Condominium Association caused Plaintiff and Plaintiff's wife to be under enormous stress.
106. While Defendants Capdeville and Feuerstein were masquerading as Counsel to the "Board" of Sapphire Bay Condominiums West, Defendant attorneys Capdeville and Feuerstein extorted moneys out of Plaintiff in order to "replace" the windows in Plaintiff's apartment.
107. In September of 2005, when Plaintiff's apartment was to be sold, the Condominium Association, as a condition prescient to providing a "Release Letter", which letter was needed for closing, required that Plaintiff provide moneys for window replacement, *when there was absolutely no legal basis for the moneys to be provided to the association.*
108. This extortion, led by Defendants Feuerstein and Capdeville, caused Plaintiff to expend moneys for the replacement of the windows, and in legal fees. This harassment and extortion caused Plaintiff and his wife to be under additional enormous stress.
109. Condo Association Attorneys Capdeville and Feuerstein, wasted the money of the owners at Sapphire Bay Condominiums West on the five suits filed against Plaintiff Simpson. They should not have filed any of the lawsuits because:
 - The Board of Directors was not a legal board, and therefore could not file or continue a lawsuit.
 - Sapphire Bay Condominiums West was in violation of the USVI Trade Name statutes, and for that reason, had no right to file or continue a lawsuit in any Court in the US Virgin Islands.

- The ByLaws of the Sapphire Bay Condominiums West Condominium Association required that all disputes between owners and the SBCW Board be handled by Arbitration, not by lawsuit.
- 110. All five lawsuits were filed to enrich the pockets of Defendants Capdeville and Feuerstein and to harass Plaintiff Simpson and his wife.
- 111. None of the lawsuits had any merit, whatsoever, and Defendant attorneys Capdeville and Feuerstein knew it.
- 112. Defendants Capdeville and Feuerstein have, as yet, refused to return these huge legal fees, which wasted the moneys of the Condo Owners.
- 113. Defendants Capdeville and Feuerstein have each filed lawsuits against Plaintiff Simpson. Neither suit has any merit. The Feuerstein suit, filed in Federal District Court has been abandoned by Defendant Feuerstein, and the Capdeville suit has been tried (March 9, 2007) and the outcome is awaiting the Judge Hollar's decision in the Superior Court.
- 114. While Defendants Capdeville and Feuerstein were masquerading as Counsel, they knew that Sapphire Bay Condominiums West "Board" was knowingly hiring unlicensed contractors to perform electrical and other work at the Condominium Complex. Even though they knew that such work being performed was illegal, and unsafe, they allowed it to continue without "blowing the whistle" to the authorities.
- 115. Frank Barry, manager of Sapphire Bay Condominium, has been allowed to have a pet cat in his Condo Association owned apartment and have the cat run free on the property of the Sapphire Bay Condominiums West, even though Defendants Capdeville and Feuerstein know that having a cat in an apartment or on the premises is against the By-laws of the Condo Association; these two Defendants counsels to the "Board" continued to support Mr. Barry's ownership of the cat.
- 116. Plaintiff has a phobia against cats, and is terrified when he comes near a cat. Defendants Capdeville and Feuerstein have known of Plaintiff's cat phobia, yet did nothing to cause the cat owned by Frank Barry and other cats on the premises to be removed in accordance with the ByLaws.
- 117. In fact, Defendants Capdeville and Feuerstein each wrote letters and briefs for the Courts, which lied about the legality of owning cats at the Association, knowingly

doing so to prolong the agony of Plaintiff Simpson, pending the long time the Court takes to make determinations.

118. This inaction caused the Plaintiff and Plaintiff's wife to be under substantial stress.

COUNT ONE

Reckless Endangerment, False Imprisonment, Misrepresentations Leading to False Arrest, Assault, Detainment Against Plaintiff's Will, Battery, Accessory Before and After the Fact with Respect to False Arrest and Illegal Detainment, Assault and Battery, Denial of the Right to Due Process and Right to Travel.

119. Plaintiff re-alleges paragraph 1 through 118, and incorporates the same by reference.
120. Defendants Capdeville and Feuerstein caused Plaintiff Simpson be assaulted by two Court Marshals, falsely arrested, falsely imprisoned, and forced to continue a "not Court Ordered" deposition against his will in handcuffs in a conference room.
121. Such extreme violations of Plaintiff's rights caused Plaintiff to receive extensive physical and emotional damage, damage to his ability to conduct his businesses, and extreme embarrassment. The assault to Plaintiff resulted in physical damage which caused 67 year old Plaintiff Simpson to experience extreme bodily harm and a Stroke.

COUNT TWO

Fraud

122. Plaintiff re-alleges paragraph 1 through 121, and incorporates the same by reference.
123. Defendants deliberately and fraudulently represented the qualifications of Directors of Sapphire Bay Condominiums West, whom they knew were not qualified to be Directors.
124. Defendants Capdeville and Feuerstein deliberately and fraudulently represented that the Board met the Condo Association ByLaw requirements for Board officership when in fact, they knew that the Board had not been legally constituted, due to Proxy irregularities and Board member lack of qualifications.
125. Defendants Capdeville and Feuerstein deliberately and fraudulently received over \$250,000 in legal fees from the Board of Directors of Sapphire Bay Condominiums

- West, when they knew that they had no right to receive such fees, because the "masquerade Board" did not have the authority to engage Defendants as attorneys in the name of the Board, and the "masquerade Board" had no right to be a Board.
126. Defendants Capdeville and Feuerstein deliberately and fraudulently represented that the lawsuits which were filed and continued against Plaintiff Simpson were legally filed, when they knew that according to the Bylaws, disputes between the Board of Directors and owners **were to be handled by Arbitration, not by lawsuit.**
127. Defendants Capdeville and Feuerstein deliberately and fraudulently represented that the lawsuits which were filed and continued against Plaintiff Simpson were legally filed when they knew that the Board of Directors of Sapphire Bay Condominiums West had not fulfilled their Trade Name filing obligations with the Government of the US Virgin Islands, and therefore were not allowed to file or continue any lawsuits in the US Virgin Islands.

COUNT THREE
Misrepresentation

128. Plaintiff re-alleges paragraph 1 through 127, and incorporates the same by reference.
129. Defendants Capdeville and Feuerstein deliberately and fraudulently represented that the Board met the Condo Association ByLaw requirements for Board legality, when in fact, he knew that the Board had not been legally constituted due to Proxy irregularities and Board member lack of qualifications.
130. Defendant attorneys Capdeville and Feuerstein misrepresented Plaintiff to the Court Marshal as a "trouble maker".
131. Defendant attorneys Capdeville and Feuerstein misrepresented to the "Board" that they had a right to file lawsuits against Plaintiff Simpson.
132. This Complaint tells stories of Defendant attorneys Capdeville and Feuerstein lying and misrepresentations.
133. See: www.usvicondos.com/VI 20Bar.htm for many examples of Defendant Capdeville's lying and misrepresentations.

134. See Exhibit 5 for an example of Defendant Feuerstein's extensive lying in one legal brief submitted in one of the five lawsuits filed by Defendant Feuerstein against Plaintiff Simpson.

Exhibit 5 Title:

DEFENDANT GEORGE R. SIMPSON'S REQUEST FOR
AN EVIDENTIARY HEARING TO DETERMINE
WHETHER ATTORNEY ALAN R. FEUERSTEIN
COMMITTED PERJURY BY THE EXTREME
DISHONESTY COMMITTED IN HIS "PLAINTIFF'S
REPLY TO DEFENDANT'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS
AND TRANSFER TO ARBITRATION"

COUNT FOUR
Misfeasance

135. Plaintiff re-alleges paragraph 1 through 134, and incorporates the same by reference.
136. Defendants Capdeville and Feuerstein had a total disregard for their responsibilities as attorney members of the USVI Bar.
137. Defendants Capdeville and Feuerstein had a total disregard for their responsibilities as attorneys for their Client, Sapphire Bay Condominiums West.

COUNT FIVE
Malfeasance

138. Plaintiff re-alleges paragraph 1 through 137, and incorporates the same by reference.
139. Defendants Capdeville and Feuerstein knew they were representing a Board of Directors of Sapphire Bay Condominiums West, which was not legally constituted, and they knew that they were performing dishonestly, but in spite of this, they continued behavior with reckless disregard of the interests of Plaintiff and the other owners.
140. Defendants Capdeville and Feuerstein knew the Board of Directors of Sapphire Bay Condominiums West was illegal, and they knew that the lawsuits were illegal, yet they used their positions as attorneys to the "Board" to damage the

reputation of Plaintiff, and harassed Plaintiff in the name of the Board, and attempt to bankrupt Plaintiff. They continue to do so even today.

COUNT SIX

Intentional Infliction of Emotional Distress

141. Plaintiff re-alleges paragraphs 1 through 140, and incorporates the same by reference.
142. Defendants Capdeville and Feuerstein acting as counsel for Sapphire Bay Condominiums West, had a fiduciary responsibility to be fair with all owners.
143. Contrary to their responsibility as attorneys, Defendants Capdeville and Feuerstein deliberately and intentionally inflicted emotional distress upon Plaintiff and his wife.
144. Defendants Capdeville and Feuerstein filed frivolous and illegal lawsuits bombarding Plaintiff with mounds of legal briefs and motions, consuming time and money of Plaintiff and his wife, and inflicting extreme emotional stress on them.
145. Defendants Capdeville and Feuerstein deliberately acted, and caused the Board to act in a way to harm Plaintiff's reputation, harassed him, prevented him from being able to quietly enjoy his home, and deplete Plaintiff's financial resources and time.
146. Defendants Capdeville and Feuerstein each, with Condo manager Frank Barry, drove around the Condo grounds in the Condo Association golf cart harassing and humiliating Plaintiff and Plaintiff's wife, inflicting emotional distress and harm.
147. Defendants Capdeville and Feuerstein, by covering up and not correcting extensive CZM and Building Violations, caused Plaintiff and Plaintiff's wife extensive emotional distress.
148. Defendants Capdeville and Feuerstein led the Condo Association in illegally putting a lien on Plaintiff's apartment, illegally billing Plaintiff for legal fees in excess of \$150,000, tried to extort these legal fees from Plaintiff, and extorted moneys from Plaintiff for window replacement.
149. Defendants Capdeville and Feuerstein, by their lies pertaining to the legality of cats on the premises and in the apartments of Sapphire Bays Condominiums

West, inflicted enormous emotional damage and distress upon Plaintiff in that he had a phobia against cats, which were not allowed on premises by the Bylaws.

COUNT SEVEN
Action for Damages

150. Plaintiff re-alleges paragraphs 1 through 149, and incorporates the same by reference.
151. Due to the aforementioned reasons, Plaintiff has been greatly damaged, financially and emotionally.
152. In addition, other owners have been damaged, financially and emotionally.
153. Plaintiff seeks recovery of the Damages for himself in the amount of \$40,000,000 (forty million dollars).

Relief Requested

WHEREFORE, the Plaintiff prays for the following relief:

- a) That all relief granted be "jointly and severally liable" applied to both Defendants Capdeville and Feuerstein
- b) For actual, compensatory, and punitive damages;
- c) For costs and attorney fees; and,
- d) Loss in value of Plaintiff's apartment, which Defendant caused Plaintiff to have to sell.
- e) Compensate Plaintiff for his time and his wife's time spent for three years defending frivolous lawsuits, and for financial losses to Plaintiff's business, which he suffered due to lack of attention.
- f) For whatever other relief the Court deems just and proper.
- g) Refer the various criminal activities of Defendants Capdeville and Feuerstein to the USVI Attorney General for investigation and prosecution. (Such Criminal activities as Perjury, reckless endangerment, accessory before and after the fact, extortion and knowingly breaking the CZM and Building Code regulations, which caused virtually the entire premises of Sapphire Bay Condominiums West to be unsafe.)

Trial By Jury

Plaintiff requests a Jury trial for all charges and claims.

DATED: _____, 2007

GEORGE R. SIMPSON, PROSE

By: _____

George R. Simpson
PO Box 775
Hampton Bays, NY 11946
631-357-9502