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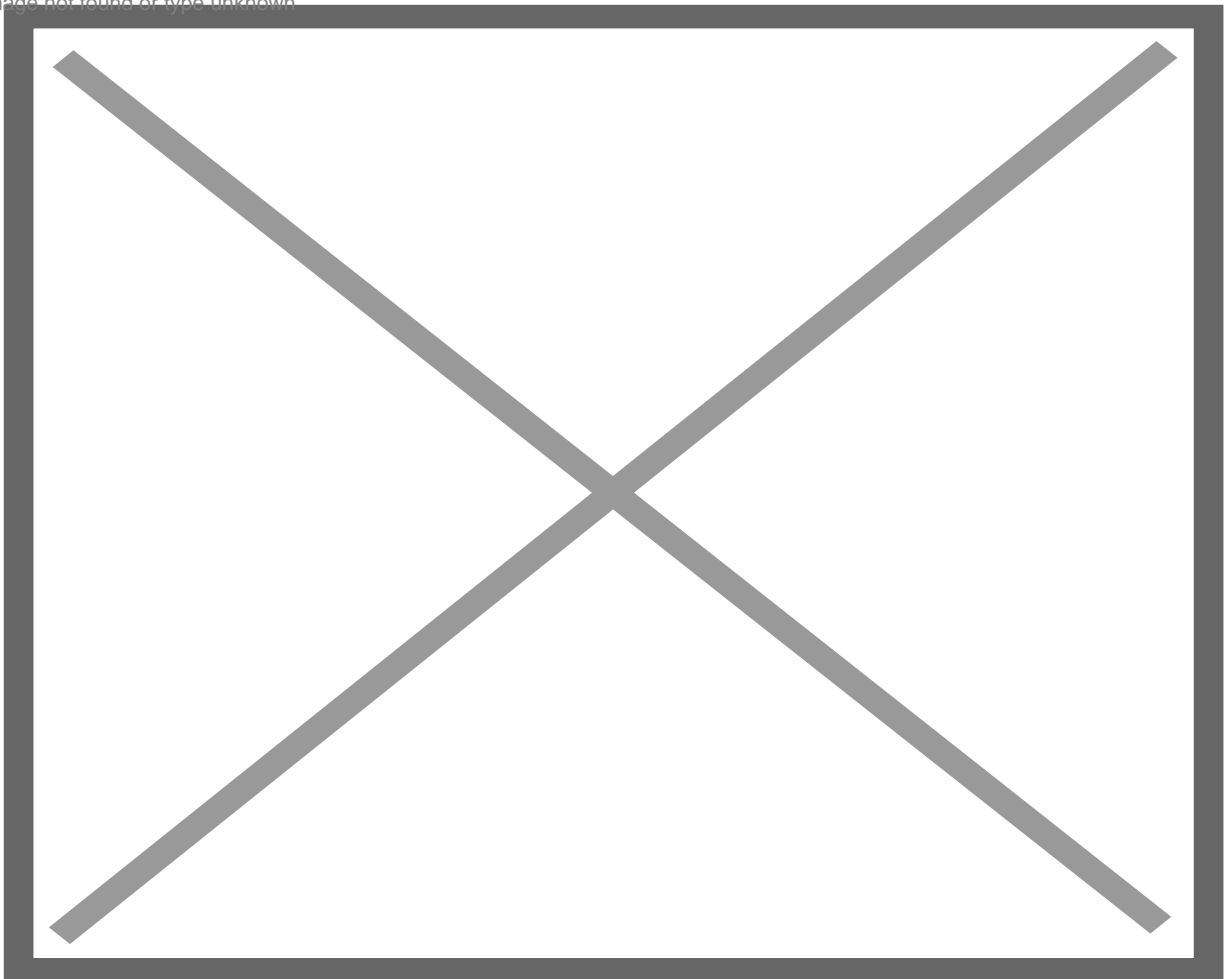
Mon Ethos Says GVI Lawsuit Riddled With Fatal Errors, Asks Court to Toss Complaint

MEPSVI says the GVI has failed to meet legal standards in their complaint, denies allegations of mishandling sensitive data, and highlights unresolved payments as the basis for their defense

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Mon Ethos Pro Support founder David Whitaker.

On Tuesday, attorneys for Mon Ethos Pro Support responded to [a lawsuit filed by the Government of the Virgin Islands](#) by asking the Superior Court to dismiss the complaint.

The lawsuit claimed that the company which provided data extraction and forensic analysis services for the Virgin Islands Police Department has failed to meet its contractual obligations, and has also mishandled sensitive data. The government is asking for a temporary restraining

order “to protect the integrity of VIPD’s data”, which it claims is under threat of deletion by Mon Ethos. The TRO would also “ensure the return of [the government’s] property,” the lawsuit argues.?

However, according to Mon Ethos, the government has failed to meet “even the relatively permissive standard of complaint” by failing to support key allegations.?

In its response, Mon Ethos first notes that the contract by which it is bound is a simple services contract as stipulated by the government, which makes provisions for the work produced by Mon Ethos to become the property of the government only upon termination of the contract, which is reportedly still in force. An extension of that logic would mean that there is no “government property” to be returned, particularly since the government’s complaint does not allege that the contract has come to an end. “Furthermore, the Plaintiff’s own exhibits...indicate that no demand has been made for MEPSVI to return any property,” Mon Ethos says in its response. The only demand has been one to return items no later than one week after all outstanding invoices have been settled. As the government itself admitted that payment is still pending for more than one such invoice, Mon Ethos says it is under no obligation to hand over anything at all right now.

Mon Ethos also argues that it is not in breach of the services contract between itself and GVI. The contract is to “deliver investigative support services, including but not limited to comprehensive data discovery and forensic analysis,” and the government has not said that the company failed to provide those services. Further, Mon Ethos claims that the panic over any potential data deletion is overwrought, as there is no allegation of that actually happening, only of a threat to do so if payment is not rendered in a timely manner.

?Thirdly, Mon Ethos uses the government’s admitted delinquency in payments as evidence of its ineligibility for injunctive relief, as GVI “is in material breach of its agreement with MEPSVI.” The agreement between the parties stipulates that submitted invoices will be “reviewed and commented upon, or paid, within 30 days” – a clause to which the government has not adhered.

The company also argues that other claims made by the government – of conversion and spoliation (destroying or ruining) of evidence – are either unsupported or do not apply in this dispute. Ultimately, according to the Mon Ethos response, the government’s current distress over not having control of what it deems to be its property stem entirely from its failure to pay its debts in a timely manner as stipulated by the existing contractual agreement.

Dealings with Mon Ethos and its CEO, David Whitaker, is what led to the resignations of [former Police Commissioner Ray Martinez](#), and [former Office of Management & Budget Director, Jenifer O’Neal](#). Both individuals had their devices seized by federal agents in connection with an investigation into government corruption. Investigators typically need a search warrant to seize a phone, which requires showing probable cause that the phone contains evidence of a crime. The warrant must also be approved by a judge.

Mr. Martinez said he was served a target letter, and federal investigators requested documents from Ms. O’Neal in connection with their investigation. Calvert White, Dept. of Sports, Parks and Recreation commissioner, [also had his cellphone seized](#) and was asked to provide documents.

Mon Ethos provided data extraction and forensic analysis services for the VIPD, playing a vital role in ongoing criminal investigations. Their work included handling sensitive evidence, extracting data from electronic devices such as cellphones, and ensuring the integrity of this data for use in court.

