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Judge Grants Temporary Restraining Order Against Mon Ethos in Government Lawsuit

The ruling mandates Mon Ethos to safeguard and return VIPD property, preventing the deletion or alteration of crucial data, while Mon Ethos insists on receiving overdue payments from the government

Government / **Published On August 08, 2024 07:52 PM /**

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Mon Ethos Pro Support's office in Yacht Haven Grande, St. Thomas USVI.

Judge Carol Thomas-Jacobs on Thursday ruled in favor of the Government of the Virgin Islands in its [case against Mon Ethos Pro Support](#) (MEPSVI), granting a temporary restraining order to prevent the company from deleting or altering critical data related to the V.I. Police Department.

The lawsuit, initiated by the GVI on August 2, accuses Mon Ethos of breach of contract and mishandling sensitive data. The GVI's action seeks several remedies, including the immediate return of all VIPD property and protection against the potential deletion or alteration of crucial evidence. Mon Ethos provided data extraction and forensic analysis services for the VIPD, playing a vital role in ongoing criminal investigations. Its work included handling sensitive evidence, extracting data from electronic devices such as cellphones, and ensuring the integrity of this data for use in court.

In her ruling, Judge Thomas-Jacobs emphasized the likelihood of the GVI's success on the merits of its claim for conversion, citing the government's right to immediate possession of the property and Mon Ethos's refusal to return it. "The Government has demonstrated a reasonable chance or probability of success on the merits of its claim for conversion," the judge noted, referencing prior demands made by the VIPD for the return of their property, including electronic devices and forensic data.

The GVI argued that Mon Ethos's actions have placed VIPD operations at risk, necessitating swift judicial intervention. The government stressed that failure to obtain a TRO would result in irreparable harm, potentially delaying or compromising criminal investigations. "The prosecution of major criminal cases could be compromised to the detriment of the community, victims, and their families, absent immediate relief from this Court," Judge Thomas-Jacobs wrote in her decision.

In response to the court order, Mon Ethos issued a press statement acknowledging and welcoming the TRO. "We will fully comply with the Court's directives to ensure that all forensic data and evidence remain intact and secure," the company stated. Mon Ethos emphasized the ongoing issues with the VIPD, noting that it had informed VIPD in January 2024 that [contract](#) funds were running low. Despite assurances from VIPD that additional funds would be allocated, Mon Ethos claims it was expected to continue providing services without payment, leading to financial strain.

CEO David Whitaker confirmed that the company was under financial duress due to unpaid invoices from the government, which he said amounted to hundreds of thousands of dollars. This financial difficulty has prevented Mon Ethos from paying its employees, leading to additional challenges in fulfilling its contractual obligations.

Documents and email exchanges between MEPSVI officials and Virgin Islands government representatives, obtained by the Consortium, revealed that Mon Ethos had made efforts to resolve the payment issues, and at one point, the VIPD had agreed to pay. In one exchange, former Police Commissioner Ray Martinez noted that the existing services contract between VIPD and Mon Ethos Pro Support was set to expire on September 30th, 2024, and that the allocated funding had been depleted. However, the former commissioner emphasized that the VIPD could not afford for the services to be suspended. To address this, he mentioned that \$750,000 had been budgeted for Mon Ethos contract services in fiscal year 2024 and urged the team to expedite the process of utilizing these funds to cover the contract until September.

However, VIPD officials later raised concerns about the validity invoices submitted by Mon Ethos, and requested detailed documentation of the work completed.

In her [ruling](#), Judge Thomas-Jacobs highlighted the public interest in preserving evidence in criminal cases and ensuring the speedy and just prosecution of serious crimes. She noted that any delay in the return of VIPD property could have significant consequences for the community. "The public has an overriding interest in preserving evidence in criminal cases and the speedy and

just prosecution of serious crimes," she stated.

The TRO compels Mon Ethos to safeguard and preserve all evidence related to criminal investigations, as well as any government property loaned to it. Additionally, the order mandates the preservation of all work product and deliverables created under the contract with VIPD.

A status conference is scheduled for Friday, August 9, at 11:30 a.m. via Zoom, where the court will discuss the next steps in the case, including a hearing on the government's motion for a preliminary injunction.

Mon Ethos said it intends to pursue all available remedies to collect the sums owed by the Government.

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