

logo not found or type unknown

## Plaintiffs Push for Discovery in Lawsuit Against WAPA Over Faulty Metering System, Seeking Court's Reconsideration Post-Judge Miller's Retirement

Attorneys for plaintiffs in a lawsuit against WAPA argue for lifting the stay on discovery, citing the need for critical documents and information to proceed with the trial, following the retirement of Magistrate Judge Ruth Miller

WAPA / **Published On August 15, 2024 06:19 AM /**

Janeke Simon **August 15, 2024**

Image not found or type unknown



Plaintiffs in a lawsuit accusing WAPA of knowingly rolling out an automated metering system that generates [incorrect and unreliable bills](#) have renewed their efforts to get the court to lift a stay placed on the discovery process.?

The day after Magistrate Judge Ruth Miller retired from the bench of the District Court of the Virgin Islands, attorneys for the plaintiffs filed a motion for the court to lift her January 2024 orders staying discovery. The orders halting this crucial pre-trial procedure mean that the legal teams on both sides are not able to receive documents and information from other parties that they may need to prove their cases at trial.

According to Judge Miller, the defendants had successfully argued that moving ahead with discovery while other key decisions about the case remained pending would be a costly undertaking that was not currently necessary. The plaintiffs, several of whom argue that their advanced age makes undue delay unwise, did not convince the court of the possibility that a stay would sufficiently damage their interests, she ruled. A subsequent motion by the plaintiffs to have the magistrate reconsider her decision was also denied.

With U.S. District Judge Juan R. Sanchez now presiding over the matter, the plaintiffs have filed a new motion asking him to lift his predecessor's stay on discovery. "The only factors weighing in favor of a stay are the Magistrate Court's convenience in avoiding discovery disputes and Defendants' incentive to avoid accountability and the burdens of discovery," plaintiffs attorney Terri Griffiths argued. Concerns about cost from WAPA and other defendants are disingenuous, as it is the plaintiffs who are "unjustifiably burdened with discovery costs," she continued. Finally, "any hardships Defendants claim are of their own making," Ms. Griffiths declared.

In response, defendants Itron and Tantalus Systems questioned the timing of the motion, filed immediately after Magistrate Miller's retirement. They argued that the plaintiff's new motion was simply a rehashed request to reconsider the original stay, which is unwarranted absent a change in the law, new evidence, or "the need to correct clear error or prevent manifest injustice." Because the motion filed by the plaintiffs does not properly identify which of these three conditions apply, defendants say it fails as a valid challenge to Judge Miller's original stay orders.

Plaintiffs say however that this is not a motion for reconsideration but a request for a new, separate order lifting a previous decision from the court, allowing discovery to proceed while judicial consideration is given to whether the lawsuit may proceed as a class action, among other pending matters.