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Judge Blocks NIS from Removing Scaffolding from PHRT Refinery Amid Legal Battle

Port Hamilton alleges NIS unlawfully removed millions in scaffolding based on fraudulent documents; Court finds a "reasonable probability of success" in PHRT's claims

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PHRT pickup trucks were moved to allow the removal of scaffolding from the refinery, an action that PHRT considers illegal. By. V.I. CONSORTIUM

ST. CROIX — On Friday, Judge Yvette-Ross Edwards granted Port Hamilton Refining & Transportation's request for a temporary restraining order against National Industrial Services, prohibiting the latter from [removing any scaffolding](#) or related equipment from PHRT's refinery or the adjacent fuel storage facility owned by Ocean Point Terminals.

?According to Port Hamilton’s lawsuit against NIS, the defendants have been expropriating millions of dollars worth of scaffolding from the terminal and refinery complex in violation of the legally valid agreements between the parties. Their seeming basis for doing so is an allegedly fraudulent document reversing decades of standing practice.

The document, dating back to when the refinery was owned by Limetree Bay Refinery, was allegedly signed by an independent consultant masquerading as a member of refinery management. The PHRT lawsuit also notes that the consultant, Paul Falterman, was apparently a close friend of NIS principal Jeff Nations.

Based on the merits of the complaint and supporting evidence filed by Port Hamilton, the company had a “reasonable probability of success,” the court found. Additionally, PHRT had made a “moderate showing” that had the temporary restraining order not been granted, the company would have been irreparably injured, meaning that monetary damages awarded after the fact would not be sufficient compensation for the harm suffered.?

In coming to her decision, Judge Ross-Edwards also decided that the granting of the TRO would not unduly harm NIS, and that the move was in the public interest.

In addition to halting the removal of the materials in question, NIS will also be required to provide a complete inventory of all the scaffolding and equipment it has already taken from the refinery and terminal, and keep those items in a secure manner.

?The court will hold a further hearing on the matter on August 28.