

DISTRICT COURT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

Katherine Willett v. Christopher Dahlberg

Willett v. Dahlberg, No. 1:24-cv-00024-MEM-EAH (D.V.I. Mar. 6, 2026) · No. 1:24-cv-00024-MEM-EAH ·
Decided March 6, 2026

SUMMARY

The District Court of the Virgin Islands addresses a motion to compel discovery in Willett v. Dahlberg. The dispute concerns Katherine Willett’s invocation of the Fifth Amendment in response to requests for admission and document requests involving an alleged transfer of funds, as well as requests for medical and professional-licensing records. The court’s discussion applies Federal Rules of Civil Procedure 26, 34, 36, and 37 and the law governing testimonial privilege and waiver.

CASE DETAILS

COURT	District Court of the Virgin Islands, Division of St. Croix
WRITING FOR THE COURT	Emile A. Henderson III
JURISDICTION	District Court of the Virgin Islands, Division of St. Croix
DECIDED	March 6, 2026
DOCKET	1:24-cv-00024-MEM-EAH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant/Counter-Plaintiff moved under Federal Rule of Civil Procedure 37 and LRCi 37.1 to compel Plaintiff/Counter-Defendant to respond to requests for admissions and production of documents. The court granted the motion in part and denied it in part.
STANDARD OF REVIEW	Discovery rulings, including decisions concerning waiver of discovery objections and compelling production, are committed to the sound discretion of the court. The moving party bears the initial burden of showing relevance; the resisting party must then establish lack of relevance or that the discovery's marginal relevance is outweighed by its potential harm.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- privilege
- civil procedure
- constitutional law
- evidence

PRACTICE AREAS

civil procedure

discovery

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether Willett's responses to Requests for Admission 11 and 12, served five days late and invoking the Fifth Amendment, were admitted under Rule 36(a)(3) and whether the privilege was independently waived.
2. Whether Willett could refuse to produce PayPal and related transaction records by invoking the Fifth Amendment.
3. Whether Dahlberg was entitled to compel production of VIBME records, mental-health records, and Three Rivers Behavioral Health records.

HOLDINGS

1. Because Willett did not serve answers or objections within Rule 36(a)(3)'s thirty-day period, Requests for Admission 11 and 12 were admitted and conclusively established under Rule 36.
2. Even if the requests were not admitted by operation of Rule 36, Willett waived the Fifth Amendment privilege as to them by failing to invoke it timely and by voluntarily disclosing incriminating facts.
3. Willett was required to produce the documents responsive to Request for Production 1, including PayPal account statements for 2023 and 2024 related to the Truist transactions.
4. The motion to compel was denied as to Requests for Production 14, 15, and 16.

KEY QUOTATIONS

“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” (13)

“The Fifth Amendment protects against self-incrimination through its provision that “[n]o person . . . shall be compelled in any criminal case to be a witness against himself.”” (15)

“Thus, even if Requests for Admission 11 and 12 were not admitted by operation of Rule 36, Willett waived the Fifth Amendment privilege that she asserted in response to them, and the Court rules that Requests for Admissions 11 and 12 are admitted.” (21)

“The Court concludes that Willett must be compelled to produce all documents, in response to Request for Production 1, including but not limited to PayPal account statements for 2023 and 2024 related to the Truist account transactions on December 27, 2023 and the January 12, 2024 internet payment for \$18,080.” (25)

FACTUAL BACKGROUND

Willett alleged that Dahlberg assaulted and otherwise harmed her, while Dahlberg asserted counterclaims including that Willett took approximately \$19,000 from his bank account without authorization. Willett answered that she took the money with Dahlberg's permission. During later sanctions litigation, she invoked the Fifth Amendment in response to questions about accessing the account and transferring \$18,080. Dahlberg then sought admissions and documents concerning the transfer, PayPal records, Willett's medical and professional records, and records from Three Rivers Behavioral Health.

PROCEDURAL HISTORY

Willett's action was removed from the Superior Court of the Virgin Islands to the District Court of the Virgin Islands in October 2024. After the parties' discovery disputes could not be resolved through a meet and confer or an informal court conference, Dahlberg moved to compel responses to requests for admissions and requests for production. The court ordered responses to two requests for admission and to a request for production concerning Truist and PayPal transactions, but denied relief concerning VIBME, mental-health, and Three Rivers Behavioral Health records.

DISPOSITION

other

CASES CITED

- United States v. Washington, 869 F.3d 193, 220 (3d Cir. 2017)
- Crozer Chester Medical Center v. National Laboratory Resources, Inc., No. 22-2608, 2023 WL 3018280, at *2 (3d Cir. Apr. 20, 2023)
- Allen v. Bonner Life Insurance Co., 340 F.R.D. 232, 238 (D.N.J. 2022)
- BITCO General Insurance Corp. v. Port Vue Plumbing, No. 23-cv-1088, 2024 WL 5118431, at *1 (W.D. Pa. Dec. 16, 2024)
- Morrison v. Philadelphia Housing Authority, 203 F.R.D. 195, 196 (E.D. Pa. 2001)
- Prime Energy & Chemical, LLC v. Tucker Arensberg, P.C., No. 2:18-D-CV-0345, 2022 WL 1642394, at *4 (W.D. Pa. May 24, 2022)
- United States v. Kastigar, 406 U.S. 441, 444-45 (1972)
- United States v. Yurasovich, 580 F.2d 1212, 1215 (3d Cir. 1978)
- S.E.C. v. Graystone Nash, Inc., 25 F.3d 187, 190 (3d Cir. 1994)
- Penn Central Securities Litigation, 347 F. Supp. 1347, 1348 (E.D. Pa. 1972)
- Roberts v. United States, 445 U.S. 552, 559 (1980)
- Brock v. Gerace, 110 F.R.D. 58, 63 (D.N.J. 1986)
- United States v. Doe, 938 F.2d 433, 439 (3d Cir. 1991)
- Parilla v. IAP Worldwide Services, 368 F.3d 269, 275 (3d Cir. 2004)
- United States v. Hubbell, 530 U.S. 27, 35-36 (2000)
- Fisher v. United States, 425 U.S. 391, 410-11 (1976)
- Freedom Medical, Inc. v. Gillespie, No. 06-cv-3195, 2008 WL 3791339, at *2 (E.D. Pa. Dec. 21, 2008)

- Knopf v. Esposito, 517 F. Supp. 3d 187, 190-91 (S.D.N.Y. 2021)
- Pallante v. Those Certain Underwriters at Lloyd's London, No. 17-cv-1142, 2019 WL 1745664, at *2 (E.D. Pa. Apr. 18, 2019)
- Acqis Mac Pro Computer, 851 F.3d 238, 247 (3d Cir. 2017)
- In re Generic Pharmaceuticals Pricing Antitrust Litigation, MDL No. 2724, 2019 WL 13444929, at *2 (E.D. Pa. Dec. 23, 2019)
- Kwanzaa v. Brown, No. 05-cv-5976, 2009 WL 10873025, at *2 (D.N.J. Apr. 15, 2009)
- In re Orthopedic Bone Screw Products Liability Litigation, No. MDL 1014, 1995 WL 925666, at *1 (E.D. Pa. Sept. 15, 1995)