

SUPERIOR COURT OF THE VIRGIN ISLANDS, APPELLATE DIVISION

St. Thomas Cargo & Ship Services, Inc. v. Bonnie Braga

2025 VI Super 40 · No. ST-2025-RV-00009 · Decided December 1, 2025

SUMMARY

The Superior Court of the Virgin Islands, Appellate Division, reviewed St. Thomas Cargo & Ship Services, Inc.'s appeal from the denial of its motion to vacate a Small Claims default judgment. The court held that the appellant received legal notice, failed to act timely, and did not establish good cause or excusable neglect. The court affirmed the August 28, 2025 order denying relief from the June 26, 2025 default judgment.

CASE DETAILS

COURT	Superior Court of the Virgin Islands, Appellate Division
WRITING FOR THE COURT	Sigrid M. Tejo
JURISDICTION	Superior Court of the Virgin Islands, Division of St. Thomas and St. John
DECIDED	December 1, 2025
DOCKET	ST-2025-RV-00009
DISPOSITION	affirmed
PROCEDURAL POSTURE	St. Thomas Cargo appealed from the Superior Court Magistrate Division's denial of its motion to vacate a Small Claims default judgment and obtain a new trial on damages.
STANDARD OF REVIEW	Interpretation of court rules and other questions of law are reviewed de novo or plenary. The denial of relief from a Small Claims default judgment is reviewed for abuse of discretion. The existence of subject matter jurisdiction is reviewed independently.
PRECEDENTIAL VALUE	published and precedential within the Superior Court of the Virgin Islands, subject to review by the Supreme Court of the Virgin Islands
PARTIES	St. Thomas Cargo & Ship Services, Inc. v. Bonnie Braga

TOPICS

- default judgment
- motions to dismiss
- civil procedure
- appellate procedure
- subject matter jurisdiction

PRACTICE AREAS

civil procedure

appellate procedure

contracts

torts

QUESTIONS PRESENTED

1. Whether St. Thomas Cargo's motion to set aside the Small Claims default judgment was timely under Virgin Islands Small Claims Rule 6(b).
2. Whether St. Thomas Cargo established good cause or excusable neglect warranting relief from the default judgment and a new trial on damages.
3. Whether the Magistrate Division had subject matter jurisdiction over Braga's Small Claims action.
4. Whether the appeal from the Magistrate Division's order was timely.

HOLDINGS

1. A motion by a party to a Small Claims proceeding seeking relief from a default judgment is timely when filed within sixty days after entry of the judgment. St. Thomas Cargo's August 25, 2025 motion was filed on the sixtieth day after entry of the June 26, 2025 default judgment.
2. St. Thomas Cargo failed to establish good cause or excusable neglect for its failure to appear at the Small Claims hearing or otherwise defend the action. The Magistrate Division therefore did not abuse its discretion by denying relief from the default judgment.
3. The Magistrate Division possessed subject matter jurisdiction over Braga's Small Claims action.
4. The default judgment was not shown to be void because St. Thomas Cargo received legal notice and did not establish a defect in service or personal jurisdiction.
5. Under Small Claims Rule 6(b), only a party may file a motion for relief from a Small Claims default judgment; counsel's filing after testimony has been taken does not operate as a notice of appearance requiring transfer to the general jurisdiction division.

KEY QUOTATIONS

“A party to a Small Claims Proceeding may move to set aside a Default Judgment within 60 days of entry of the judgment.” (2025 VI Super 40, at 20-21)

“the preference for determination of cases on the merits, however strong, does not establish a rule of law that eliminates the requirements in the Virgin Islands Small Claims Rules” (2025 VI Super 40, at 25)

“the reason for the delay” is “the most important factor” in an excusable neglect analysis” (2025 VI Super 40, at 30)

FACTUAL BACKGROUND

Braga paid monthly fees for more than twenty-five years to use storage space at St. Thomas Cargo's facility. After she paid through August 2024, the contents of her storage unit were removed and allegedly destroyed during a company cleanout. Braga filed a Small Claims action, supported her allegations with testimony and exhibits, and obtained a default judgment after St. Thomas Cargo failed to appear despite service of process and

notice of the hearing. St. Thomas Cargo attributed its failure to appear and defend to an attorney's clerical mistake.

PROCEDURAL HISTORY

Braga filed a Small Claims Complaint against St. Thomas Cargo on May 21, 2025. St. Thomas Cargo was served through a business manager but did not appear on the June 24, 2025 return date, and the Magistrate Division entered a default judgment on June 26, 2025 after hearing Braga's evidence concerning unliquidated damages. St. Thomas Cargo later moved to vacate the judgment and obtain a new trial, asserting that its failure to appear resulted from counsel's clerical error. The Magistrate Division denied relief on August 28, 2025, and St. Thomas Cargo appealed.

DISPOSITION

affirmed

CASES CITED

- *Montgomery v. Virgin Grand Villas St. John Owners' Ass'n*, 71 V.I. 1119, 1127 (V.I. 2019)
- *Beachside Assocs., LLC v. Fishman*, 53 V.I. 700, 713 (V.I. 2010)
- *Skepple v. Bank of N.S.*, 69 V.I. 700, 731-33 (V.I. 2018)
- *Penn v. Mosley*, 67 V.I. 879, 897 (V.I. 2017)
- *Alexander v. Wilson*, 73 V.I. 528, 532-33 (V.I. 2020)
- *Mill Harbour Condo. Owners' Ass'n v. Marshall*, 53 V.I. 581, 584 n.3 (V.I. 2010)
- *Carr v. Pena*, 432 F. Supp. 828, 833 (D.V.I. 1977)
- *Deliver It, Inc. v. Mitchell*, 28 V.I. 25, 29 (V.I. Super. Ct. 1992)
- *Peters v. People*, 60 V.I. 479, 484-85 (V.I. 2014)
- *Archer v. Caribbean Auto Mart, Inc.*, 67 V.I. 1024, 1030-31 (D.V.I. App. Div. 2017)
- *Gore v. Tilden*, 50 V.I. 233, 238-39 (V.I. 2008)
- *Fuller v. Browne*, 59 V.I. 948, 953-54 (V.I. 2013)