

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

MOHAMMAD HAMED, by his  
authorized agent, WALEED HAMED,

Plaintiffs,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-370

**NOTICE OF FILING PROPOSED ORDER GRANTING MOTION TO STRIKE  
SELF-APPOINTED REPRESENTATIVE**

Defendants hereby give notice of the filing of a proposed Order Granting Motion to Strike Self-Appointed Representative, which pending motion is fully-briefed. The proposed Order is attached as Exhibit "A" hereto.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph A. DiRuzzo, III  
USVI Bar # 1114  
FUERST ITTLEMAN DAVID & JOSEPH, PL  
1001 Brickell Bay Drive, 32<sup>nd</sup> Floor  
Miami, Florida 33131  
305.350.5690 (O)  
305.371.8989 (F)  
[jdiruzzo@fuerstlaw.com](mailto:jdiruzzo@fuerstlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2012, a true and accurate copy of the foregoing was forwarded via USPS and email to the following: *Joel H. Holt, Esq.*, 2132 Company St., St. Croix, VI 00820, [holtvi@aol.com](mailto:holtvi@aol.com); and *Carl J. Hartmann III, Esq.*, 5000 Estate Coakley Bay, L-6, Christiansted, VI 00820, [carl@carlhartmann.com](mailto:carl@carlhartmann.com).

  
\_\_\_\_\_  
Joseph A. DiRuzzo, III

# EXHIBIT "A"

---

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

MOHAMMAD HAMED, by his  
authorized agent, WALEED HAMED,

Plaintiffs,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-370

**ORDER GRANTING MOTION TO STRIKE SELF-APPOINTED REPRESENTATIVE**

BEFORE THE COURT is Defendants' Motion to Strike Self-Appointed Representative, through which Defendants move, pursuant to Rule 17 of the Federal Rules of Civil Procedure, to strike Waleed Hamed as Plaintiff Mohammad Hamed's self-appointed representative or "authorized agent." Plaintiff filed a response, and Defendants filed a reply.

Upon consideration of the parties' papers, and otherwise being fully advised in the premises, the Court finds the following:

1. The substance and intent of the First Amended Complaint reflect Mohammad Hamed's clear desire to prosecute this action by and through a self-appointed representative, *i.e.*, "his authorized agent Waleed Hamed," his son. (First Amended Complaint at ¶ 2). Mohammad Hamed also attributes the allegations in this action to certain unnamed additional representatives or "authorized agents" acting "from time to time." (*Id.*).

2. The Federal Rules of Civil Procedure, including Rule 17, apply to this Court pursuant to Rule 7 of the Superior Court Rules.

3. When a minor or, as here, an apparent "incompetent" plaintiff seeks to prosecute an action through a representative or various representatives, Rule 17 of the Federal Rules of Civil

Procedure requires the representative(s) to be one of the following: “(A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary.” Fed. R. Civ. P. 17(c)(1).

4. The record is devoid of any facts regarding Mohammad Hamed’s competency to proceed with or without a representative, including any facts to support a claim that Waleed Hamed has been properly appointed as a “general guardian,” “conservator” or “like fiduciary,” as required by Rule 17(c)(1).

Accordingly, it is hereby

**ORDERED AND ADJUDGED** that:

1. Defendants’ Motion to Strike Self-Appointed Representative is **GRANTED**.

2. Waleed Hamed is hereby stricken as Plaintiff Mohammad Hamed’s representative or “authorized agent” under Rule 17(c)(1) of the Federal Rules of Civil Procedure.

3. The First Amended Complaint is hereby amended by interlineation to exclude any reference therein to Plaintiff Mohammad’s prosecution of this action “by his authorized agent Waleed Hamed” or similar such wording as reflected in the caption and elsewhere in the pleading.

**DONE AND SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Judge of the Superior Court

ATTEST: VENETIA H. VELAZQUEZ, ESQ.  
Clerk of the Court

By: \_\_\_\_\_  
Court Clerk Supervisor

Dated: \_\_\_\_\_

cc: All counsel of record