

regarding Waleed Hamed's claim to be Mohammad Hamed's "authorized agent" remain extremely relevant and are unresolved. Indeed, the agency issues in this action were highlighted during the TRO hearings when, for example, Hisham Hamed claimed to be yet another self-appointed "agent for [his] father," Mohammad Hamed. (Jan. 25, 2013 Hr'g Tr. at 255:13-14).


Defendants also oppose Plaintiffs' disingenuous attempt to interject their TRO arguments, which should be reserved for their TRO papers, into a motion to file something under seal. The argument (on pages 2 and 3 of the motion) is wholly improper and irrelevant to the motion for leave. The argument thus should be disregarded *in its entirety*. Nor will Defendants stoop to Plaintiffs' level by addressing in this response brief the merits (or lack thereof) of Plaintiffs' improper argument in the underlying motion for leave.

Lastly, Defendants wish to clarify Plaintiffs' misleadingly inaccurate claim that "the defendant is seeking additional time to file" its post-hearing submissions. (Motion at 1). That is simply untrue. Rather, as reflected in Defendants' February 25, 2013 Supplement to Agreed Motion for Enlargement of Time, an incomplete version of the last of the hearing transcripts, consisting of 330 pages, was circulated to the parties via electronic-mail well after regular business hours on Friday, February 22, 2013. On the immediate next business day, Monday, February 25, 2013, Defendants notified the Court of their receipt of the transcript and requested seven (7) days, as agreed by the parties, *i.e.*, through March 4, 2013, within which to submit the post-hearing submissions. Further, because Plaintiffs now have indicated that they have provided "a disc in Word to assist the Court," Defendants similarly request through March 4, 2013, unless otherwise instructed by the Court, within which to prepare such disk and submit its full set of opposition materials.

A proposed Order consistent with the foregoing is attached hereto.

In conclusion, Plaintiffs' Motion for Leave to File should be denied, as set forth in the attached proposed Order.

Respectfully submitted,



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February 27, 2013

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2013, a true and accurate copy of the foregoing was forwarded via email to the following: *Joel H. Holt, Esq.*, 2132 Company St., St. Croix, VI 00820, holtvi@aol.com; *Carl J. Hartmann III, Esq.*, 5000 Estate Coakley Bay, L-6, Christiansted, VI 00820, carl@carlhartmann.com; *Nizar DeWood, Esq.*, The DeWood Law Firm, 2006 Eastern Suburb, Suite 101, St. Croix, VI 00820, dewoodlaw@gmail.com; and *K. Glenda Cameron, Esq.*, Law Offices of K.G. Cameron, 2006 Eastern Suburb, Suite 101, St. Croix, VI 00820, kglenda@cameronlawvi.com.



Joseph A. DiRuzzo, III

4. Based on the course of events, Defendants' following motions are now moot and thus are hereby **denied**: Defendants' (a) September 28, 2012 Motion to Proceed; and (b) November 2, 2012 Motion to Strike or, Alternatively, for Leave to File Sur-Reply.

5. Plaintiffs' request to deem moot Defendants' November 2, 2012 Motion to Strike Self-Appointed Representative is **denied**, as the agency issues raised in the motion to strike remain unresolved and will be addressed separately, following a hearing on such motion.

DONE and ORDERED in Chambers this ____ day of _____, 2013.

Hon. Douglas Brady
Judge of the Superior Court

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

By: _____
Deputy Clerk

Dated: _____

cc: All counsel of record