

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

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S NOTICE OF
SUPPLEMENT THE PRELIMINARY INJUNCTION RECORD**

Defendants hereby respond in opposition to the Plaintiffs' Notice of Supplementation of the Preliminary Injunction Record. In support of the Defendants' opposition they state as follows.

At this late stage in the TRO proceedings the Plaintiff improperly attempts to expand the record by way of "Notice." This is improper and is unsupported by any statute, rule, or any authority whatsoever. This Court should deny the request to supplement the record on two independent grounds.

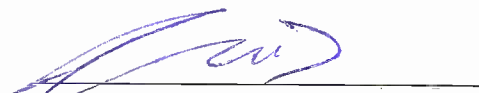
First, the Plaintiff has not shown why the exhibits, which contain facts after the record was closed, should be admitted into evidence. The Plaintiff is improperly attempting to put into the record evidence that the Defendants did not have a reasonable opportunity to dispute the authenticity or relevance. Further, given that the Parties have already filed their proposed findings of fact and conclusions of law, together with memorandum of law in support, the Defendants will be prejudiced because said moving papers will not have incorporated this potentially new evidence. Accordingly, the Court should deny the request.

Hameds v. Yusuf, CIVIL NO. SX-12-CV-370

Defendants' Response Re: Plaintiff's Notice of Supplementation of the Preliminary Injunction Record

Second, a party may not just give "Notice" of supplementing the record. Rather, a party must seek leave of Court to introduce facts into the record. Accordingly, for this independent, yet cumulative, reason the Court should deny the Plaintiff's request.

Respectfully submitted,



4/1/2013

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S. Ct. BA. No. 2013-0010 (pro hac vice)

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Co-counsel for Defendants Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 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; and *K. Glenda Cameron, Esq.*, Law Offices of K.G. Cameron, 2006 Eastern Suburb, Suite 101, St. Croix, VI 00820, kglenda@cameronlawvi.com.



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