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May 16, 2013

Via Electronic Filing Only

Veronica J. Handy, Esq. Clerk of the Supreme Court of the Virgin Islands P.O. Box 590 St. Thomas, VI 00804

Re: Yusuf, et al. v. Hamed; S. Ct. Civ. No. 2013-0040

Dear Attorney Handy,

This letter brief is in response to the Court's Order dated May 15, 2013, requiring the Appellants to address and discuss whether the Supreme Court of the Virgin Islands has appellate jurisdiction over the instant case. Attached hereto as Exhibit A is the April 15, 2013 Order entering a preliminary injunction against the Appellants and attached hereto as Exhibit B is the April 25, 2013, memorandum opinion detailing the Superior Court's reasoning.

As the Superior Court's memorandum opinion explicitly states, the order was entered pursuant to Fed. R. Civ. P. 65(a), see Exhibit B at p. 1. Unlike Crucians in Focus, Inc. v. VI 4D, LLLP, 57 V.I. 529, 535 (V.I. 2012) (where the Supreme Court of the Virgin Islands addressed a TRO entered pursuant to Fed. R. Civ. P. 65(b)(2)) here the Superior Court explicitly entered its order pursuant to Fed. R. Civ. P. 65(a). Indeed, the Supreme Court of the Virgin Islands has stated that it has

jurisdiction over [an appellant's] notice of appeal from the preliminary injunction pursuant to V.I.C. § 33(b)(1) (Supp. 2008), which grants this Court jurisdiction over appeals from [i]nterlocutory orders of the Superior Court ... granting, continuing, modifying, or refusing or dissolving injunctions, or refusing to dissolve or modify injunctions.

In re Najawicz, 52 V.I. 311, 324-325 (V.I. 2009) (internal citations and quotations omitted). Accordingly, because the Superior Court issued an injunction pursuant to Fed. R. Civ. P. 65(a) the Supreme Court of the Virgin Islands has the statutory authority to entertain the instant case.

Kind Regards,

/s/ Joseph A. DiRuzzo, III

Distally signed by /s/ Joseph A DiRuzzo, III

Distally signed by /s/ Joseph A DiRuzzo, III, o=Fuerst Ittleman, PL, ou, email=jdiruzzo@fuersilaw.calls

Date: 2013 05.16 18:56:48 -04'00'

Joseph A. DiRuzzo, III

cc: counsel of record via electronic notification

JOEL H. HOLT, ESQ. P.C.

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May 17, 2013

Veronica J. Handy, Esq. Clerk of the Supreme Court of the Virgin Islands P.O. Box 590 St. Thomas, VI 00804

Re: Yusuf, et al. v. Hamed, S.Ct. Civ. NO. 2013-40

Dear Attorney Handy:

In response to the Appellants' letter dated May 16th, the Appellee agrees that the order entered below was a preliminary injunction pursuant to Rule 65(a) and not a TRO pursuant to Rule 65(b).

However, as noted on the docket sheet (excerpt attached), the Appellants did file several motions for reconsideration on May 9, 2013, just prior to filing his appeal. Thus, the order appealed from does not appear to be a final order as set forth in V.I. Sup. Ct. R. 5(a)(4).

Respectfully submitted,

/s/ Joel H._Holt

cc: Counsel of record via electronic notification

Superior Court of the Virgin Islands

Civil Division 05/16/13

CIVIL ACTION DOCKET

DAMG

PAGE: 1

MOHAMMAD HAMED BY HIS AUT CASE NO: SX-12-CV-0000370

FILING DATE: 09/17/12

JUDGE: Hon. Douglas A. Brady VS.

ET AL YUSUF, FATHI

PARTY TYPE LITIGANT PARTY NAME

DEWOOD, NIZAR A. ATTORNEY FOR DEFENDA

ATTORNEY FOR DEFENDA

ATTORNEY FOR PLAINTI

ATTORNEY FOR ANY OTH

PLAINTIFF

DEFENDANT

ATTORNEY FOR DEFENDA

DEWOOD, NIZAR A.

POO1 HARTMANN, CARL ESQ.

MOHAMMAD HAMED BY HIS AUTH. AGENT WALEED

YUSUF, FATHI

DO02 DIRUZZO, III, JOSEPH A. ESQ.

DEFENDANT D002 UNITED CORPORATION

FEE/AMOUNT DATE

CERTIFIED DOCKET FORWARDED TO THE SUPREME COURT OF THE VIRGIN

05/16/13

NOTICE OF APPEAL COVER LETTER, INFORMATION SHEET, MEMORANDUM OF OPINION, ORDERS AND CERTIFIED DOCKET SHEET FORWARDED TOT HE SUPREME COURT OF THE VIRGIN ISLANDS

PREPARED BY ROXANNE SERRANO, COURT CLERK SUPERVISOR

05/13/13

DOCKETING LETTER RECEIVED

SUBMITTED BY SHANTEL ARRINDELL, DEPUTY CLERK I

05/13/13

NOTICE OF APPEAL RECEIVED

SUBMITTED BY JOSEPH A. DIRUZZO, III, ESQ.

MOTION FOR EXPEDITED RESOLUTION OF PRIOR MOTION TO INTERVENE AND A STAY OF THE COURT'S ORDER DATED APRIL 25, 2013

SUBMITTED BY K. GLENDA CAMERON, ESQ.

05/09/13

FILE FORWARDED TO JUDGE BRADY'S CHAMBER

05/09/13

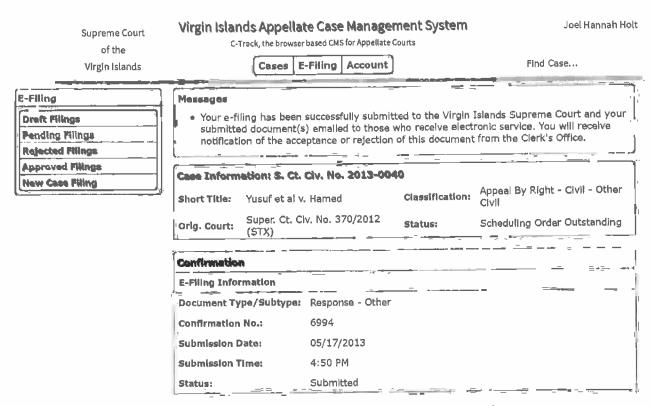
DEFENDANT'S EMERGENCY MOTION FOR RECONSIDERATION OF PRELIMINARY INJUNCTION ORDER TO STAY OF SAME PENDING POSTING OF ADEQUATE BOND SUBMITTED BY NIZAR DEWOOD, ESQ.

05/09/13

DEFENDANTS' MOTION TO RECONSIDER AND TO MODIFY PRELIMINARY INJUNCTION TO TERMINATE EMPLOYEES MUFEED HAMED, WALEED HAMED, AND WADDA CHARRIEZ

SUBMITTED BY NIZAR DEWOOD, ESQ.

05/09/13



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