

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

MOHAMMAD HAMED By His Authorized Agent WALEED HAMED,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-370
v.)	
)	
FAHTI YUSUF AND UNITED CORPORATION,)	ACTION FOR DAMAGES
)	INJUNCTIVE AND
)	DECLARATORY RELIEF
Defendants)	JURY TRIAL DEMANDED

OPPOSITION TO DEFENDANTS' MOTION
TO CLARIFY SCOPE OF PRELIMINARY INJUNCTION
AS TO UNITED'S FINANCIAL STATEMENTS & UNRESTRICTED
ACCESS TO UNITED'S FINANCIAL SYSTEMS

Defendants filed a fifth motion regarding the preliminary injunction in as many days, this time seeking clarification regarding this Court's Order on a point that is clear—equal access by the partners to the accounting information of the Plaza Extra Supermarkets. The plaintiff, Mohammad Hamed, has tried hard to work out this matter. Indeed counsel for defendants promised this information, so it was somewhat of a surprise when this motion was filed.

In any event, once one gets by the lengthy rhetoric that unfairly and unnecessarily attacks this Court's April 25th Order by including numerous complaints that have nothing to do what its proposed order seeks, it becomes clear that this matter need not take up much of this Court's time. In this regard, the proposed Order (a courtesy copy of which is attached as **Exhibit A**) seeks the following relief:

1. An order allowing the defendants 30 days to provide revised financial statements to the plaintiff;

2. An order that these financials can be used for "internal" purposes only and not "disseminated to any third party"; and
3. An order allowing only "mutual access" to all financial data.

The plaintiff has no problem with the first point, so it is moot. The plaintiff has no problem with the second point, which will be presumably mutual, so long as the order does not prevent either party from sharing this information with their respective counsel, and accounting experts, as well as any government agencies if required to do so.

As for the last point, the plaintiff believes such a restriction to these passwords is unduly burdensome and not needed, but he will agree to this requirement so long as the procedures for "mutual access" using these passwords is clear enough to avoid any further confusion.

In this regard a proposed order is attached to address these points, which should moot this point.

In summary, the defendants motion is full of irrelevant and erroneous statements, but the plaintiff neither needs to respond to these points nor does this Court need a another lengthy opposition memorandum. Instead, this Court can resolve this matter by granting the relief sought subject to the clarifications set forth in the plaintiff's proposed Order that is attached as **Exhibit B**,

Dated: May 20, 2013



Joel H. Holt, Esq.
2132 Company Street
St. Croix, VI 00820
Telephone: (340) 773-8709
Email: holtvi@aol.com

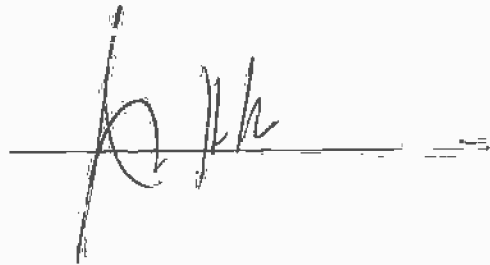
Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiff
5000 Est. Coakley Bay, L6
Christiansted, VI 00820
Telephone: 340-642-4422
Email: carl@carlhartmann.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, I caused a true and exact copy of the foregoing to be served by mail and email to:

JOSEPH A. DIRUZZO, III
Fuerst Ittleman David & Joseph, PL
1001 Brickell Bay Drive, 32nd. Fl.
Miami, FL 33131
305-350-5690
Email: jdiruzzo@fuerstlaw.com

NIZAR A. DEWOOD
The Dewood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
340-773-3444
Email: dewoodlaw@gamil.com

A handwritten signature in black ink, appearing to read 'C. Hartmann III', is written over a horizontal line. The signature is stylized and cursive.

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

MOHAMMAD HAMED

Plaintiff

Vs.

FATHI YUSUF
UNITED CORPORATION

Defendants

CIVIL NO. SX-12-CIV-370

CIVIL ACTION

ACTION FOR DAMAGES

ORDER

ORDER

Before this Court is Defendants Motion to Clarify Scope of Preliminary Injunction regarding Access to United's Financial Statements, Computer Passwords, etc., an evidentiary hearing was held on the ____ day of _____, 2013; the Court duly apprised in the premises, and the Memorandum of Law in Support thereof, it is hereby

ORDERED that the Motion is **GRANTED**;

ORDERED that Defendant United Corporation shall provide revised financial statements for Plaza Extra Stores only within 30 day of date of this Order.

ORDERED that Defendant United Corporation's financial statements shall be used for internal purposes only, and may not be disseminated to any third parties without the written consent of United Corporation.

ORDERED that only mutual access of all sensitive financial data, records, financial statements shall be permitted.

ORDERED that copies of this Order be served on the parties of record.



ORDERED this _____ day of _____, 2013.

HON. DOUGLAS BRADY
SUPERIOR COURT JUDGE

ATTEST:

Venetia H. Velazquez, Esq.

Clerk of the Court

By: _____

DEPUTY CLERK

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

MOHAMMAD HAMED By His Authorized
Agent WALEED HAMED

Plaintiff,

v.

FATHI YUSUF AND UNITED CORPORATION

Defendant.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES
INJUNCTIVE AND
DECLARATORY RELIEF
JURY TRIAL DEMANDED

ORDER

Before this Court is Defendants' Motion to Clarify Scope of Preliminary Injunction regarding Access to United's Financial Statements, Computer Passwords, etc., to which the Plaintiff has responded on May 20, 2013; the Court duly apprised in the premises, and the Memorandum of Law if Law in Support thereof, it is hereby

Joel Holt 5/20/13 2:57 PM

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ORDERED that the Motion is GRANTED;

ORDERED that Defendant United Corporation shall provide revised financial statements for Plaza Extra Stores only within 30 day of date of this Order.

ORDERED that financial statements of the Plaza Extra Supermarkets shall be used for internal purposes only, and may not be disseminated to any third parties without the written consent of the other partner, except that the either partner may share this information with their respective counsel, tax experts and accountants.

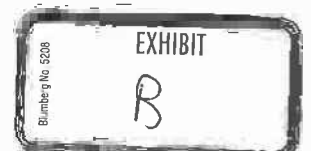
Joel Holt 5/20/13 3:04 PM

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ORDERED that only mutual access of all sensitive financial data, records, financial statements shall be permitted, so that a member of the Yusuf and Hamed family shall be present whenever the passwords are used to access these accounts, which either party must be given access to upon 24 hours notice.



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

MOHAMMAD HAMED By His Authorized Agent WALEED HAMED)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-370
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Order
Page 2

ORDERED that copies of this Order be served on the parties of record.

Dated:

HON DOUGLAS BRADY
Superior Court Judge

A T T E S T: VENETIA VELAZQUEZ
Clerk of the Court

BY: _____
Deputy Clerk