

S. Ct. Civ. No. 2013-0040

---

**In the Supreme Court of the Virgin Islands**

---

**FATHI YUSUF and UNITED CORPORATION,**  
Appellants/Defendants,

v.

**MOHAMMAD HAMED, by his**  
authorized agent, **WALEED HAMED,**  
Appellee/Plaintiff.

---

**ON APPEAL FROM THE SUPERIOR COURT OF THE VIRGIN  
ISLANDS, DIVISION OF ST. CROIX  
Super. Ct. No. 370/2012 (STX)  
HON. DOUGLAS BRADY, PRESIDING**

---

**JOINT APPENDIX VOLUME II**

---

Joseph A. DiRuzzo, III  
FUERST ITTLEMAN DAVID & JOSEPH, PL  
1001 Brickell Bay Drive, 32<sup>nd</sup> Floor  
Miami, FL 33131  
305.350.5690 (o)  
305.371.8989 (f)  
[jdiruzzo@fuerstlaw.com](mailto:jdiruzzo@fuerstlaw.com)

*Counsel for the Appellants*

**JOINT APPENDIX VOLUME II  
TABLE OF CONTENTS**

	<b>PAGE</b>
Transcript of January 25, 2013, Hearing.....	JA-333
Transcript of January 31, 2013, Hearing.....	JA-663

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

MOHAMMED HAMED By His Authorized )  
Agent WALEED HAMED, )  
 ) CIVIL No. SX-12-CV-370  
Plaintiff, )  
 ) ACTION FOR DAMAGES  
vs. ) INJUNCTIVE AND  
 ) DECLARATORY RELIEF  
FATHI YUSUF and UNITED ) JURY TRIAL DEMANDED  
CORPORATION, )  
 )  
Defendants. )  
\_\_\_\_\_ )

CERTIFIED TRANSCRIPT

The Hearing in the above-entitled action was heard  
before the HONORABLE DOUGLAS A. BRADY, JUDGE, in Courtroom  
No. 211, Kingshill, St. Croix, on Friday, January, 25th,  
2013, at approximately 10:30 a.m.

SUZANNE A. OTWAY-MILLER  
REGISTERED PROFESSIONAL REPORTER  
SUPERIOR COURT OF THE VIRGIN ISLANDS  
KINGSHILL, ST. CROIX, U.S.V.I.  
(340) 778-9750

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ON BEHALF OF THE PLAINTIFF:

JOEL HOLT, ESQUIRE  
Law Offices of Joel H. Holt  
2132 Company Street, Suite 2  
Christiansted,  
U.S. Virgin Islands 00820  
(340)773-8709  
***holtvi@aol.com***

CARL J. HARTMANN, III, ESQUIRE  
5000 Estate Coakley Bay, L6  
Christiansted,  
U.S. Virgin Islands 00820  
***Carl@carlhartmann.com***

ON BEHALF OF THE DEFENDANT:

NIZAR A. DeWood, ESQUIRE  
The DeWood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted,  
U.S. Virgin Islands 00820

CHRISTOPHER M. DAVID, ESQUIRE  
Fuerst Ittleman David & Joseph, PL  
1001 Brickell Bay Drive, 32nd Floor  
Miami, FL 33131  
(305)350-5690  
***cdavid@fuerstlaw.com***

JOSEPH A. DiRUZZO, III, ESQUIRE  
Fuerst Ittleman David & Joseph, PL  
1001 Brickell Bay Drive, 32nd Floor  
Miami, FL 33131  
(305)350-5690  
***jdiruzzo@fuerstlaw.com***

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESSES

FOR THE PLAINTIFFS

Page No.:

Waleed Hamed

Direct Examination by Mr. Holt	22
Cross-Examination by Mr. DiRuzzo	97
Redirect Examination by Mr. Holt	134

Waheed Hamed

Direct Examination by Mr. Holt	141
Cross-Examination by Mr. David	151
Redirect Examination by Mr. Holt	157

Kareema Dorsette

Direct Examination by Mr. Holt	157
Cross-Examination by Mr. DiRuzzo	159

Mufeed Hamed

Direct Examination by Mr. Holt	160
Cross-Examination by Mr. David	167
Redirect Examination by Mr. Holt	177

Wadda Charriez

Direct Examination by Mr. Holt	180
Cross-Examination by Mr. DiRuzzo	188
Redirect Examination by Mr. Holt	194

Mohammed Hamed

Direct Examination by Mr. Holt	195
Cross-Examination by Mr. David	203

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25INDEXCONTINUEDWITNESSESFOR THE PLAINTIFFSPage No. :Mahar Yusuf

Direct Examination by Mr. Holt	211
Cross/Direct Examination by Mr. DiRuzzo	215
Cross-Examination by Mr. Holt	241

Hisham Hamed

Direct Examination by Mr. Holt	255
Cross-Examination by Mr. David	259

\* \* \* \* \*

EXHIBITS

<u>PLAINTIFFS'</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
1	Deposition of Fathi Yusuf	22	22
2	Deposition of Fathi Yusuf	22	22
3	Motion to Dismiss	22	22
4	Reply to Rule 12 Motion	22	22
7	Letters to Mohammad Hamed	44	51
8	Rental Calculation	48	51
9	Signed Checks	50	51
10	Dissolution of Partnership	52	55
11	Dissolution Letter	52	55
12	E-mail from Nizar DeWood	55	58
13	Notice of Withdrawal	59	66
14	Letter to Najjar Yusuf	68	150
15	Cancelled checks	74	77
16	Checks for Legal Services	76	82
17	Notice of Payment	82	90
18	Letter for Sale of Property	82	90

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

CONTINUED

EXHIBITS

<u>DEFENDANTS'</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
1	Copies of Cancelled Checks	103	105
2	Plea Agreement	111	113
3	Plea Agreement Addendum	113	114
4	Letter from Internal Revenue	114	117
5	Transcript of Hearing	118	128
6	Photos	119	122
7	Articles of Corporation	216	217
8	Lease for Tutu Park Mall	217	219
9	Bank Securities	229	241
10	Employees names	231	241
11	Photos of West Inventory	232	241
12	Account Payables for East	235	241

P R O C E E D I N G S

1  
2 THE COURT: Good morning.

3 THE CLERK: **Mohammad Hamed by his authorized**  
4 **agent, Waleed Hamed versus Fathi Yusuf and United**  
5 **Corporation.**

6 MR. HOLT: For the record, my name is Joel Holt  
7 along with Carl Hartmann. I represent Mr. Mohammad  
8 Hamed.

9 MR. DiRUZZO: May it please the Court, good  
10 morning, Your Honor. Joseph DiRuzzo together with  
11 Christopher David and Nizar DeWood, we represent the  
12 United Corporation and Fathi Yusuf.

13 THE COURT: The matter is before the Court this  
14 morning on plaintiffs' Emergency Motion and  
15 Memorandum to Renew Application for TRO, and  
16 defendants' Response in Opposition to Plaintiffs'  
17 Renewed TRO Application. Those are the -- that is  
18 the only matter that's before the Court and that's  
19 the only matter that we'll be entertaining today, and  
20 we will take evidence as necessary to address that.

21 So I'll -- I guess I'll ask Attorney Holt on  
22 behalf of the plaintiff, is there anything  
23 preliminarily before you call your first witness?

24 MR. HOLT: The only preliminary matter we have,  
25 which we would like to do before the first witness is



1 to ask the Court to take judicial notice of the four  
2 items that we submitted to the Court.

3 One is the transcript of Mr. Yusuf given in  
4 another Superior Court case; the second item is the  
5 Rule 12 motion filed by the defendants in this case;  
6 third item is the Rule 12 Reply Memorandum filed by  
7 the defendant in this case. And the fourth matter is  
8 a complaint, certified copy of a complaint that was  
9 filed by United Corporation against Waleed Hamed, and  
10 each of those contains what we assert to be judicial  
11 admissions which we would like to use in this  
12 proceeding.

13 THE COURT: Yes.

14 MR. DiRUZZO: Your Honor, we would object, one  
15 in respect to the deposition transcript of Fathi  
16 Yusuf. We object under the rule of completeness,  
17 especially it appears that plaintiffs intend to  
18 selectively cherry pick certain portions of that  
19 document. The document speaks for itself, but we  
20 would not concede that those qualify as an admission.

21 In respect to the documents that are filed in  
22 this case, the fact that they are filed, if that's a  
23 judicial notice that the Court is willing to do  
24 that's not a problem, but as far as anything else,  
25 I -- we would object.

1           And as to the certified copy of the complaint  
2           filed in a related case at its preliminary matter,  
3           that complaint hasn't been served so there is no  
4           action ongoing. However, if the Court wants to take  
5           judicial notice that it has been filed, we won't  
6           object to that because that's the truth, it has been  
7           filed.

8           So although we would anticipate, of course,  
9           during the course of discovery in that case to the  
10          extent that we get there, that the factual  
11          allegations contained in that complaint would be  
12          amended as the facts come to light in the court  
13          through normal discovery means. We don't take the  
14          position that the facts as alleged in that complaint  
15          are necessarily the actual facts. Those facts as  
16          alleged just put the defendant on notice as is  
17          required under the Federal Rules of Civil Procedure  
18          under those pleadings.

19                 THE COURT: Thank you.

20                 MR. DiRUZZO: Can I briefly respond. As to the  
21          first item, we have -- we intend to offer the entire  
22          deposition. As a matter of fact, we submitted a  
23          certified copy of the deposition before today's  
24          hearing, so it's already in the court record.

25                 We have done a summery of the key parts

1 permitted under Rule 1001, so that the Court doesn't  
2 have to guess as to which part we're talking about,  
3 and those parts have not only been separated out,  
4 Exhibit 1 is a -- Deposition Exhibit 1A are the  
5 summary excerpts, so the Court can direct its  
6 attention to specific matters that we believe to be  
7 highly relevant in this case.

8 Items two and three They've conceded. Item  
9 number 4 on the complaint, it's a certified complaint  
10 that's in this court so it doesn't matter whether  
11 it's served or not. But just for the matter it was  
12 served yesterday or the day before.

13 THE COURT: All right. Thank you for that.  
14 Your concern Mr. DiRuzzo, regarding the deposition  
15 transcript should be laid by the fact that the entire  
16 transcript is presented and now is in the Court's  
17 record.

18 I'll address these evidentiary matters when they  
19 are presented. I don't know if the plaintiff is  
20 presenting them right now, but I will grant -- I will  
21 take judicial notice of those matters.

22 Yes, sir.

23 MR. DIRUZZO: As for the -- on the defense side  
24 for point of order, another preliminary matter, the  
25 defendant would invoke the rule of sequestration and

1 would ask that all witnesses who are not parties to  
2 the case be asked to stay outside the room and not  
3 talk about their potential testimony, or to the  
4 extent that they have testified that they would --  
5 their testimony that they have testified to to other  
6 potential witnesses.

7 And Mr. David will address the Rule 408 motion.

8 MR. HOLT: I have no objection to sequestration.

9 THE COURT: Anybody who's going to be a witness  
10 in this case, you are excused from the courtroom at  
11 this time. Thank you very much for being here, and  
12 sorry that you can't participate in the viewing but  
13 those are the rules.

14 Any other persons who are going to be witnesses?  
15 Counsel, make sure you don't have any of your  
16 witnesses in the courtroom, please.

17 MR. HOLT: Other than the parties, correct.

18 THE COURT: Yes, that's Mr. Mohammad Hamed who's  
19 here, Mr. Mahar Yusuf is here as the representative  
20 of United.

21 MR. DiRUZZO: Yes, sir, he's the president of  
22 United Corporation.

23 THE COURT: And Fathi Yusuf is not present?

24 MR. DAVID: Not present, Your Honor.

25 THE COURT: Very well.

1 MR. DAVID: Your Honor, counsel has indicated  
2 that their moving papers and cited at length in their  
3 moving papers a number of statements allegedly made  
4 during a mediation settlement conference as proof of  
5 liability to establish liability as to the alleged  
6 partnership.

7 They have offered and quoted at length letters  
8 from Attorney DeWood to Attorney Holt following up on  
9 settlement offers, laying out settlement offers and  
10 discussing different possible potential to settle or  
11 otherwise resolve of the claim.

12 Rule 408 explicitly precludes the admission of  
13 those type of documents for the purpose they are  
14 being offered here today. They are being offered to  
15 establish liability, which means the existence of  
16 this alleged partnership. They are using Mr. DeWood  
17 use of the term nakedly partnership as a fact that  
18 there was, in fact, a partnership.

19 It was clearly a settlement negotiation. It was  
20 a follow up, it was a settlement agreement, it has  
21 all the ear marks of being protected under Rule 408,  
22 and the plaintiff should not be allowed to use  
23 settlement discussions and admissions and statements,  
24 or alleged admissions and statements and settlement  
25 discussions, which parenthetically are not complete

1           because they are follow-up letters from Mr. DeWood  
2           that would otherwise preclude it.

3           Your Honor, it would chill the settlement  
4           process, it would chill the mediation process, and it  
5           would make potentially both Mr. DeWood a witness and  
6           Mr. Holt a witness when Rule 408 is designed to  
7           prevent such a side show from occurring. So we would  
8           ask that any reference -- that the plaintiff be  
9           precluded from any reference to any type of -- any of  
10          these settlement negotiations.

11          Now, Your Honor, I anticipate counsel is going  
12          to provide you with some case law, because I believe  
13          it was in one of their responsive pleadings that  
14          suggests that they are allowed to use that. The case  
15          law that counsel is relying on, I don't have the case  
16          citation, I remember the case law suggests or states  
17          when one party -- when the -- you cannot use them  
18          offensively, you can use them defensively, so they  
19          are using them offensively, and we don't believe that  
20          you should be able to allow that settlement  
21          communications to be offered as factual predicates  
22          for their case in chief, Your Honor.

23          THE COURT: Thank you.

24          MR. HOLT: Your Honor, there are three exhibits,  
25          they've been premarked as Exhibits 10, 11 and 12,

1 they are dated February 2012 and March of 2012, all  
2 well before I was ever in this case so they aren't  
3 communications with me at all.

4 They -- Exhibit Number 10 is an e-mail from  
5 Mr. Nizar to Waleed Hamed, and basically it's been  
6 proffered because it says that he will be sending a  
7 formal notice of partnership disillusion. And then  
8 it refers to an attachment, and attached to that  
9 e-mail is a letter from Mr. DeWood addressed to  
10 Mr. Mohammad Hamed, my client, officially dissolving  
11 the partnership, listing the assets of three grocery  
12 stores and then talking about discussions how to  
13 finish the disillusion.

14 And so it has nothing to do with settlement.  
15 It's a notice of disillusion, it's a listing of the  
16 assets, and it's an indication they want to meet to  
17 have an orderly disillusion.

18 The third document, Exhibit 12, is dated March  
19 13th, and that is -- the e-mail, says, "Please sign  
20 the attached partnership disillusion agreement."  
21 That disillusion has several things that are key  
22 here, one it starts off, says, "Whereas the partners  
23 that have operated the partnership under an oral  
24 agreement since 1986."

25 Then talks about Mr. Yusuf withdrawing from the

1 partnership pursuant to the notice of that  
2 discussion, and wanting to resolve their differences.  
3 And it talks about the parties of shared profits,  
4 losses, deductions, credits and cash. And then it  
5 goes over on the next page and it lists the three  
6 assets again, the Plaza Extra east store, the Plaza  
7 Extra west store and the Plaza Extra St. Thomas. And  
8 those are the only items that I intend to refer to  
9 because I think they are all factual statements of  
10 notice of disillusion, listing of assets, and then  
11 efforts to try to get the disillusion moving.

12 THE COURT: Are they not presented in the  
13 context of proposed settlement?

14 MR. HOLT: Not at all. The notice of  
15 disillusion, we're dissolving that. That gives you  
16 notice.

17 THE COURT: That's number 10 or number 11?

18 MR. HOLT: Number 10 is only important one. The  
19 e-mail covers number 11. Number 11 is -- and this is  
20 the notice of disillusion, and it talks about three  
21 assets, and then it talks about how we'll proceed  
22 from there. And number 11 is the notice of  
23 disillusion. And then number 12 is the proposed  
24 partnership disillusion agreement. Whereas the  
25 whereas clauses talks about how we got here, and it



1 lists the assets. And then when this gets to where  
2 we're going to go from here, I'm not going to offer  
3 any of that.

4 MR. DAVID: Your Honor, as a brief follow up.  
5 Your Honor, the dispute preexisted the first letter  
6 and was a response and an effort by -- an effort  
7 through Mr. DeWood on behalf of the Yusuf family to  
8 resolve their differences. Those were words counsel  
9 just used, resolve their differences.

10 If we have to have Mr. DeWood testify that there  
11 was a dispute, I don't think that -- there clearly  
12 was a dispute at the time they were trying to resolve  
13 their issue between them. So we think it is clearly  
14 prohibited by 408 and they should be excluded.

15 THE COURT: And what about if only the whereas  
16 clauses are presented?

17 MR. DAVID: Well, Your Honor, the whereas  
18 clauses they are being offered for the -- they are  
19 being offered as a fact. There's no context to why  
20 the whereas clauses were used. There is no  
21 discussion. The documents weren't signed, you know,  
22 so you don't have this issue -- you don't have any --  
23 you get into the whole issue of why didn't you sign  
24 off on the whereas clauses? Why didn't you approve  
25 that part of the agreement.

1           And then we get into all the settlement  
2           discussions and why people didn't sign, and why that  
3           language was included which is exactly what 408 is  
4           designed to preclude and designed to keep us out of  
5           this swamp so we don't have to have witnesses and  
6           lawyers testifying about why they used words in  
7           settlement agreements, Your Honor.

8           If it's a pink house or magenta house it really  
9           doesn't matter what the if we've defined what our  
10          agreement is related to the house. So using these  
11          words that's the context problem. What they were  
12          doing is they are trying to use a -- what's clearly a  
13          settlement negotiation is clearly derived to resolve  
14          the differences between these people which preexisted  
15          these letters.

16          And they want to use -- cherry picked pieces of  
17          them which were never signed or executed out to  
18          establish a fact here to say this is, in fact, a  
19          partnership, Judge, when to get the context you would  
20          have to dig deep into the settlement discussions that  
21          were -- that occurred prior to those letters being  
22          sent, Your Honor, which is exactly what 408 doesn't  
23          want us to do because if you do that you start  
24          talking about why people are settling, you start  
25          hamstringing people in settlements.

1           Your Honor, we say a lot of things in mediation  
2 conferences, a lot of things in settlement cases  
3 to -- conferences to get them solved. Very few of  
4 those, and almost none of them ought to be visited  
5 upon us in the courthouse. If we don't make a deal  
6 then we'll never make settlements. So 408 clearly  
7 precludes use of these documents, and it should be  
8 excluded.

9           MR. DeWood: Judge, Nizar DeWood on behalf of  
10 Mr. Yusuf. I'd like to address the allegations made  
11 by Attorney Holt.

12           THE COURT: Now, my understanding for the first  
13 time that you are the representative of Mr. Yusuf?

14           MR. DeWood: Yes, Judge.

15           THE COURT: And the other gentlemen are the  
16 representatives of United?

17           MR. DeWood: And co-counsel for Mr. Yusuf.

18           THE COURT: And you are counsel to Mr. Yusuf but  
19 not to United Corporation?

20           MR. DeWood: I have designated myself as  
21 co-counsel for United in this matter and also as  
22 counsel in the United versus Waleed Hamed matter.

23           Judge, in all fairness --

24           THE COURT. As far as I am concerned, that's the  
25 first time I've ever understood there may be some

1           distinction about who is representing whom. I  
2           thought all three attorney are representing both  
3           defendants, if that is not true.

4           MR. DeWood: That's true.

5           THE COURT: You want to give the second lawyer's  
6           prospective on this motion. If we're going this  
7           slowly we're not going to get very far.

8           MR. DeWood: I'll make it brief. Attorney Holt  
9           just made a statement to the Court stating this was  
10          not done in settlement negotiations. This is  
11          absolutely unbelievable, Your Honor.

12          This was done because when the default case  
13          issue became apparent, Mr. Fathi Yusuf was actually  
14          discussing with Mr. Waleed their disputes, the issues  
15          that were coming up, and the failure of the parties  
16          to an agreement, it is precisely why there was an  
17          exchange back and forth of the parties' positions.

18          As a matter of fact, there was many discussions  
19          between myself and Mr. Holt, and I have no problem,  
20          Judge, to testify as to what Mr. Holt had said  
21          including him and every single attorney for the  
22          Hameds if that's the road he wants to go down.

23          We have many documents, many proposed settlement  
24          agreements and many representatives, whether through  
25          his office or the office of the defendants'

1 attorneys. For him to pick an e-mail and letter, an  
2 unsigned letter, because neither party could agree,  
3 and that's the point that Mr. Holt doesn't seem to  
4 bring forth to the Court as to why is it that these  
5 parties could not agree.

6 If, in fact, there was an agreement on his  
7 client's part, why doesn't he present a signed  
8 agreement? Why wasn't there any communications from  
9 Mr. Holt or from Waleed Hamed saying, by the way  
10 guys, you've submitted the letter, could you  
11 please -- here's our signed version, or here's our  
12 comment.

13 The truth is, Judge, neither party could agree.  
14 The parties tried so hard to reach an agreement but  
15 they couldn't.

16 One of the issues that came up was the fact that  
17 Mr. Holt himself was telling Mr. Waleed that this was  
18 a partnership when the parties have always agreed  
19 this was never a partnership. So I'm stating if  
20 that's what Mr. Holt wants we -- the Court ought to  
21 allow the parties to bring the entire record before  
22 it to decide whether or not there was actually  
23 settlement negotiations ongoing or not.

24 THE COURT: All right.

25 MR. HOLT: If I could just, briefly, Your Honor.

1 I don't know what he's talking about, an  
2 unsigned letter, because the letter from him was  
3 signed.

4 THE COURT: Which exhibit?

5 MR. HOLT: This is Exhibit Number 11. And it is  
6 a very simple letter giving notice of disillusion and  
7 listing the assets, then saying we need to decide  
8 who's going to take which one. So it is not a  
9 negotiation. It is a notice, it's a listing of  
10 assets and it talks about where we go to solve this.  
11 And they talk about my involvement and all the  
12 outrageous things, I wasn't involved when this came  
13 along.

14 But I do find it little funny when one of their  
15 lawyers has written a letter saying it is a  
16 partnership and lists the assets. We think that is  
17 not only not a settlement letter, but it's highly  
18 irrelevant.

19 THE COURT: You're talking about Number 11 now?

20 MR. HOLT: Yes. Number 10 is only relevant  
21 because it's the e-mail that transmitted number 11.  
22 So the content of number 10 is not important. Then  
23 number 12 is the proposed disillusion agreement which  
24 he is now taking to the next step and putting context  
25 in it.

1 THE COURT: The Motion in Limine is denied as to  
2 Exhibit 10 and 11. I'll take 12 under advisement.

3 MR. DAVID: Your Honor, we have a continuing  
4 objection.

5 THE COURT: Yes.

6 If there's nothing else, why don't I ask the  
7 plaintiff to call your first witness, please.

8 MR. HOLT: Your Honor, we're going to call  
9 Waleed Hamed as our first witness.

10 Before I do that, you've agreed to take judicial  
11 notice of four documents, are those things you want  
12 to read in chambers as opposed to us reading into the  
13 record? They are now part of the record.

14 I will say this much, while the whole deposition  
15 is in, the judicial notice actually just took what  
16 we've marked as Exhibit 1A, which would be the  
17 excerpts.

18 THE COURT: I don't need to have those read into  
19 the record.

20 MR. HOLT: So the same would be true of the  
21 brief. Okay. We call Waleed Hamed.

22 Thereupon,

23 WALEED HAMED,

24 having been first duly sworn, was examined and testified  
25 as follows:

1 MR. HOLT: Your Honor, for the record, we marked  
2 this as Exhibit 1, was the deposition. Exhibit 2 --  
3 excuse me, 1A are the excerpts. Exhibit 2, the Rule  
4 12 motion. Exhibit 3 is the rule 12 reply, and  
5 Exhibit 4 is the Complaint. And we move those into  
6 evidence since you've taken Judicial notice.

7 MR. DiRUZZO: Subject to continuing objection,  
8 Your Honor.

9 THE COURT: Exhibits 1, 1A -- 1, 1A --

10 MR. HOLT: 2, 3 and 4.

11 THE COURT: 2, 3, and 4 are admitted.

12 (Plaintiff's Exhibit 1, 1A, 2, 3 and 4 marked  
13 for identification and received into evidence.)

14 DIRECT EXAMINATION

15 MR. HOLT:

16 Q Can you state your name for the record.

17 A Waleed Hamed.

18 Q And can you tell me where you reside.

19 A 7 Southgate, Christiansted.

20 Q Are you familiar with the Plaza Extra grocery  
21 store located in the Virgin Islands?

22 A Yes, sir.

23 Q And what is -- When did you first start becoming  
24 involved in the operation?

25 A In 1996.



1 Q And where did you start your work?

2 A I started my work in 1986 at the Plaza Extra  
3 Sion Farm location.

4 Q And what were you doing?

5 A I was doing everything, bagger cashier, off  
6 loading containers. What you call it, cashiers, produce,  
7 meat, everything in the store.

8 Q And why were you working in that store?

9 A Because my father owned 50 percent of it. He's  
10 a partner in it.

11 MR. DiRUZZO: Objection, hearsay.

12 THE WITNESS: I'm sorry?

13 THE COURT: Object is denied.

14 BY MR. HOLT:

15 Q Who is your father?

16 A Mohammad Hamed.

17 Q And you see him in court today?

18 A Yes.

19 Q And at that time was he working in the store?

20 A Yes, he was.

21 Q Where did he work?

22 A He worked in the produce department as well as  
23 the warehouse.

24 Q And did there come a time when you began then to  
25 do different things in the store from what you started

1 out?

2 A Yes.

3 Q And what -- can you explain to the Court what  
4 you started doing as far as the Plaza East Sion Farm store  
5 is concerned.

6 A I was in charge of everything that was happening  
7 in the store as far as ordering, sales, dealing with  
8 suppliers, running the front end, running the back end,  
9 off loading containers, pricing, sales, produce  
10 department, meat department, stocking the shelves,  
11 changing prices, doing sales.

12 Q And did there come a time when you became  
13 manager of the store?

14 A Yes.

15 Q Can you explain to the Court how the Plaza East  
16 grocery market operates as far as management was  
17 concerned?

18 A Management would -- we have different store, not  
19 store managers, I'm sorry. We have different department  
20 managers that are in charge of the different departments  
21 and we oversee them, we make sure that they are doing  
22 their jobs, making sure they are doing their orders, they  
23 are doing --

24 MR. DiRUZZO: Objection, Your Honor, foundation  
25 as to "we".

1 THE COURT: And put a time frame on it.

2 BY MR. HOLT:

3 Q When did you start becoming a manager of the  
4 store?

5 A Probably later on. Probably in '88. '87, '89.

6 Q Before Hugo or after?

7 A Before Hugo.

8 Q And when you talk about "we" just explain how  
9 did the manager of the store operate?

10 First off, who did you understand the store was  
11 owned by?

12 A My father and --

13 MR. DiRUZZO: Objection, hearsay. Lack of  
14 foundation, and opportunity to voir dire the witness  
15 as to how he actually knows this.

16 MR. HOLT: Your Honor, I'll give a little  
17 foundation.

18 BY MR. HOLT:

19 Q Did you ever have any conversations with  
20 Mr. Fathi Yusuf?

21 A Yes.

22 Q And did he tell you who owned the store?

23 A Yes.

24 Q And what did he tell you?

25 A He told me that it's owned by my father and him,

1 50/50.

2 Q And this is before hurricane Hugo?

3 A Yes.

4 Q And when you became a manager of the store, how  
5 did the store management work?

6 Would you -- could you -- Did you run the whole  
7 store by yourself?

8 MR. DiRUZZO: Objection, leading.

9 MR. HOLT: I'll rephrase.

10 BY MR. HOLT:

11 Q Can you explain the management of the store, how  
12 the store was managed with two partners?

13 MR. DiRUZZO: Objection. Withdrawn.

14 THE WITNESS: Mr. Yusuf always took care of the  
15 office. My dad was in charge of the receiving, and  
16 he did also the produce. I was merely taking care of  
17 the day-to-day operations of the store, front end,  
18 service desk, produce, meat, grocery trailers,  
19 ordering, dealing with suppliers.

20 BY MR. HOLT:

21 Q And did any of the Yusuf family work in there  
22 beside Mr. Yusuf?

23 A No, sir.

24 Q Did there come a time that the store expanded?

25 A Yes, sir, it did.

1 Q And about when did it begin to extend?

2 A Well, the store -- We lost the store in 1992 to  
3 a fire so we were out of business for about a year, year  
4 and a half. And we started the St. Thomas location I  
5 believe in late '92 or early '93.

6 Q All right. And so while you were rebuilding the  
7 store here, tell me how did the development and management  
8 of the St. Thomas store come about?

9 A When we start negotiating, meaning Fathi and my  
10 father and I, with the Tutu Park people, we were looking  
11 at that location to go into, and the individuals were back  
12 and forth to our office in St. Croix, that's prior to the  
13 fire.

14 Finally a deal was struck, or a lease was  
15 signed, then we lost the store. We continued with the  
16 lease.

17 Q And did there come a time where you went to  
18 St. Thomas?

19 A Yes, sir.

20 Q And tell me about opening the St. Thomas store.

21 A I was sent over to the St. Thomas store. We  
22 took on another partner in St. Thomas.

23 Q What was his name?

24 A Ahamad Idhelleh.

25 COURT REPORTER: Can you spell that?

1 THE WITNESS: A-h-a-m-a-d. I-d-h-i-e-l-e or  
2 d-e.

3 MR. HOLT: I-d-h-e-l-l-e-h.

4 BY MR. HOLT:

5 Q And tell me about then. What -- who owned the  
6 store in St. Thomas at that point when you had this?

7 A My father, Mr. Yusuf and Mr. Idhelleh.

8 Q Did there come a time that he was bought out,  
9 Mr. Idhelleh was bought out?

10 A Yes, he was.

11 Q After he was bought out who owned the store?

12 A My dad and Mr. Mohammad at the time, Yusuf.

13 Q And what percentage?

14 A 50/50.

15 Q And during that time did you manage the  
16 St. Thomas store?

17 A I helped manage the St. Thomas store. I  
18 initially set up the store. My brother Willy was over  
19 there working. Prior to opening the store I was over  
20 there working, and I didn't get paid. Mike Yusuf came  
21 over to the St. Thomas store and he helped put the store  
22 together with me, then he went back and start working on  
23 the St. Croix store.

24 I continued working in the St. Thomas store,  
25 staying in the St. Thomas store, I believe, until probably

1 April of '94.

2 Q All right. And you mentioned another name,  
3 Michael Yusuf?

4 A Mike Yusuf. Mahar Yusuf.

5 Q And who is he?

6 A He's the son of Fathi Yusuf.

7 Q Then I take it -- When you finally left  
8 St. Thomas, where did you go?

9 A I came back to St. Croix to open the St. Croix  
10 store.

11 Q And who was managing the St. Croix store when  
12 you reopened?

13 A I was managing.

14 Q Now, did there come a time that --

15 THE COURT: Excuse me, when you say the  
16 St. Croix store, are you talking about Plaza East?

17 MR. HOLT: Yes.

18 THE WITNESS: Yes, Plaza East.

19 BY MR. HOLT:

20 Q And did there come a time that you then opened a  
21 third store?

22 A Yes.

23 Q And can you tell the Court about that.

24 A We decided -- we had purchased a property I  
25 think in 1988, or probably early '89, I'm not sure what

1 year it was, which is my dad and Mr. Yusuf bought 107  
2 acres over in Grove Place for future development.

3 MR. DiRUZZO: Objection, hearsay. Move to  
4 strike.

5 BY MR. HOLT:

6 Q Did you have personal knowledge of the fact  
7 that this property was brought?

8 THE COURT: Okay. Hold on a second. Tell me  
9 your objection.

10 MR. DiRUZZO: It was hearsay. I don't believe  
11 the witness testified that he had personal knowledge  
12 as to his transaction. I believe he said it was his  
13 father and Fathi Yusuf.

14 THE COURT: Can you --

15 BY MR. HOLT:

16 Q Did you have personal knowledge of who owned the  
17 property?

18 A Yes, I had personal knowledge.

19 Q And who owned that property?

20 A The property is owned by Mr. Mohammad Hamed and  
21 Fathi Yusuf.

22 Q Did there come a time when a store was placed on  
23 that property?

24 A Yes, sir.

25 Q And what's the name of that store?



1 A Plaza Extra West.

2 Q And when did that store open?

3 A In 2002.

4 Q And who owns that store?

5 A That store is owned by my dad and Mr. Yusuf.

6 Q Tell me how -- Now you have three stores, tell  
7 me how you began to operate the three stores.

8 A Well, in every store there is one Yusuf and one  
9 Hamed. There's four Hameds working in the stores and  
10 there's four Yusufs working in the stores. One of the  
11 Hameds is me, the other one is my brother Willy the other  
12 one is Mufeed and Hisham. On the Yusuf side it's Fathi  
13 Yusuf, Mahar Yusuf, Yusuf Yusuf and Najar Yusuf.

14 And each one, each store has one Yusuf and one  
15 Hamed, with the exception of the St. Thomas store and  
16 Plaza Extra East. Plaza Extra East it was me, my brother  
17 Mufeed and Yusuf Yusuf. In Plaza Extra St. Thomas it's  
18 Fathi Yusuf, Najar Yusuf and Waheed Hamed.

19 Q And that's Willy?

20 A That's Willy.

21 Q And when you talk about the Hameds and the  
22 Yusufs you're either talking about the two fathers or  
23 sons; is that correct?

24 A Yes.

25 Q Okay. And how did it develop then that you had

1 one Yusuf and one Hamed? How would they work together?

2 A They would work together in cooperation. That  
3 was the agreement between the Hameds and the Yusufs is one  
4 of them would be in there.

5 MR. DiRUZZO: Objection.

6 THE COURT: What's your objection, sir?

7 MR. DiRUZZO: Hearsay. Foundation as to  
8 personal knowledge.

9 BY MR. HOLT:

10 Q Do you have personal knowledge?

11 A Yes, I do, sir. I've been there since 1986.  
12 I've seen this, I've worked in this, I've done this. I  
13 lived it, I slept it, I dreamt it, everything.

14 Q And you do that today?

15 A Up to today, yes, sir.

16 Q And what is the management of each of the  
17 stores, can you explain it to the Court?

18 A I'm sorry.

19 Q Could you explain how the Hameds and Yusufs  
20 operate these three grocery stores?

21 A There is one from each family member that  
22 operates the store who's the manager. Every individual  
23 has certain management in each department. For instance,  
24 I deal with the ordering, with overall general -- overall  
25 management of the whole store. I overlook all

1 departments, ordering, sales, contracts with vendors.

2 THE COURT: Excuse me, that is the Plaza East  
3 store or all three stores?

4 THE WITNESS: That's the Plaza East, Judge,  
5 that's where I work at.

6 BY MR. HOLT:

7 Q Keep on going.

8 A Yusuf Yusuf is in charge of the front and he's  
9 in charge of the service desk and the safe. Mufeed Hamed  
10 is in charge of the groceries, he's in charge of the  
11 warehouse, he's in charge of -- the warehouse, he's not  
12 the receiving manager we have certain individuals in the  
13 receiving department but he oversees those departments.

14 Q And if a decision has to be made in the store,  
15 how is the decision made in the east store?

16 A We all cooperate together. We all talk  
17 together. If we have a situation we confer, we discuss  
18 the issues at hand and we come up with a solution.

19 Q How long have you operated the east, sir?

20 A I've been in the east store since 1986. It was  
21 out due to the fire, and when we open up, I guess from '94  
22 to this time.

23 Q And as far as the St. Thomas store, how has that  
24 always operated between the Hamed and Yusuf family?

25 A At the time when I was in St. Thomas opening the

1 store, Mr. Yusuf came over and he was there when we had  
2 the situation with the third partner, Mr. Idhelleh, and  
3 finally when we bought him out I was going back between  
4 the east store and St. Thomas, and the St. Thomas store  
5 and Mr. Yusuf also is doing that.

6 We alternated one weekend, or I believe two  
7 weeks in two weeks out, and Mr. Yusuf said, you know what,  
8 I'll stay in the St. Thomas store you stay in the east  
9 store and you can come over monthly or maybe every two  
10 months and you can go ahead and see what these guys are  
11 doing. At least train your brother or train the rest of  
12 the managers.

13 And I did that for three, four months, and after  
14 that I didn't go over to St. Thomas very often.

15 Q And did there come a time that another Yusuf son  
16 and Hamed son took over the management of the store?

17 A Willy was always there. Waheed was always  
18 there, he was the counterpart to Yusuf from 1993 on.

19 Q And how does that operate today?

20 A Operates the same. Well, Najar came take, I'm  
21 not sure when. After he finished college he came down and  
22 started working in the store.

23 Q And he works there today?

24 A He works there, yes.

25 Q And going to the Plaza West store on St. Croix,

1 who manages that store? How does that work?

2 A Well, the store -- when we open the store in  
3 2000 Mike Yusuf is the manager of the store, I was there  
4 briefly to help set up the store and work with him in  
5 developing the store and getting things right, and at the  
6 same time my brother Hisham was there managing the store  
7 with him.

8 Q And how is it operating today?

9 A It's operating by Mahar Yusuf and Hisham Hamed.

10 Q And Hisham is also known by another name?

11 A Sean Hamed.

12 Q Do the three stores operate independently of  
13 each other or do they operate together?

14 A Each store has separate accounts, they have  
15 separate operating accounts. We all have access to the  
16 monies. We all have to sign on the checkbooks, one family  
17 member from the Yusuf and one family member from the  
18 Hameds have to sign on those checks.

19 Q And that's for each of the stores?

20 A Yes, sir.

21 Q And now someone from the west store orders  
22 produce, for example, for the store, does he do it in  
23 conjunction with other stores?

24 A No, sir.

25 MR. DiRUZZO: Objection. Compound.

1 THE COURT: Ask the question again, please.

2 BY MR. HOLT:

3 Q Can you tell me how the stores operate, is it  
4 independent or collectively in trying to order produce and  
5 other products?

6 MR. DiRUZZO: Objection, leading.

7 BY MR. HOLT:

8 Q Tell me how the stores operate.

9 A Each store orders its own produce, its own meat,  
10 its own grocery. There might be a time where I would  
11 collectively order -- say I make a contract for 15 or 20  
12 containers of sugar and those -- that particular contract  
13 would go to the two stores, or three stores, if St. Thomas  
14 need it or they are out of it they can always take from  
15 that contract.

16 Or I would do a contract for vegetable oil for a  
17 number of containers, it's under Plaza Extra east, it  
18 would be shipped to Plaza Extra west because they have a  
19 larger warehouse so we keep it there. But everything else  
20 they order their own produce, their own meat, their own  
21 dairy, their own grocery.

22 Q And does each store have it's own bank account?

23 A Yes.

24 Q And when you say it's own bank account, does it  
25 have more than one bank account?

1           A     Yes.

2           Q     What are the bank accounts each store would  
3 have?

4           A     Each store would have a tele-check account, it  
5 would have an operating account, accounts payable and  
6 payroll checks would go out of. It would have a credit  
7 card account and that's where all the credit card  
8 transactions would go into.

9           Q     What are these banks that you have these  
10 accounts at?

11          A     We have Scotia Bank and we have Banco Popular.

12          Q     And in this case you've signed an affidavit  
13 submitted with the TRO motion, and I'm just showing you  
14 that document. And looking at paragraph 9 --

15               MR. DiRUZZO: Objection, counsel is impeaching  
16 his own witness.

17               MR. HOLT: No, I'm not. I'm asking him to  
18 identify the document.

19               THE COURT: Okay.

20               MR. HOLT: We submitted an affidavit of  
21 Mr. Hamed in support of his TRO motion, paragraph 9,  
22 he lists each store, the operating accounts, the  
23 numbers and identity of the bank.

24               THE COURT: And what's your question?

25               MR. HOLT: I'm just asking him to identify them

1 specifically. I'll just ask him, he might know this  
2 from memory.

3 BY MR. HOLT:

4 Q St. Thomas Plaza operating account, which bank  
5 is that with?

6 A Scotia.

7 Q Payroll account, which bank is that with?

8 A I believe it's Banco.

9 Q Tele-check account?

10 A That's Scotia.

11 Q And the credit card account?

12 A Banco.

13 Q And Plaza Extra east operating account, who's  
14 that with?

15 A Banco.

16 Q Credit card account?

17 A Banco.

18 Q And the tele-check account?

19 A Scotia.

20 Q Plaza Extra west, what is the operating account?

21 A Banco.

22 Q The credit card account?

23 A Banco.

24 Q And the tele-check account?

25 A Scotia.



1           Q     Now, have these businesses generated profits,  
2 these three supermarkets?

3           A     Yes, sir, they have.

4           Q     Now, did there come a time in the early 2000s  
5 that there was a raid by the Federal Government that  
6 seized certain books and records of the company?

7           A     Yes, sir.

8           Q     And when was that?

9           A     That was in September -- I'm sorry, that was in  
10 October 2001.

11          Q     Okay. All right. Now, I'm going to breakdown  
12 this question before and after. Before the raid by the  
13 federal government, what would happen when the store would  
14 generate profits? How would the profits be distributed  
15 from these three stores?

16          A     We've used the profits to buy properties and the  
17 properties are -- we've got properties under Pleasant  
18 Enterprises which is jointly owned 50/50 by the Hameds and  
19 the Yusuf.

20                 And Pleasant Enterprises owns 107 acres where  
21 the Plaza Extra west is sitting on, it also owns 150 acres  
22 over across from the rum factory in Frederiksted. It also  
23 owns Mandela Circle in St. Thomas, two acres. It also  
24 owns 10 acres in Fort Milner, and that was bought with the  
25 profits from the Plaza Extra store and Plaza Enterprises.

1 I'm sorry, maybe I left one or two properties out of  
2 Pleasant Enterprises.

3 There's also a company that's called Peter's  
4 Farm Investments that's jointly owned by my dad myself  
5 and Mr. Yusuf 50/50, and we bought -- we bought  
6 properties. It has 147 acres in St. Thomas over by UVI;  
7 it has about 300 acres in Frederiksted; it has another 56  
8 acres by Peter's Farm in Christiansted, and it has about  
9 85 acres at the eastern end of St. Croix.

10 Also another company that we own is 16 Plus, it  
11 has that we bought -- it has two -- couple of plots in  
12 St. Thomas, I think it's about maybe an acre of each, and  
13 there's about 328 acres that the company owned that is  
14 over -- it's referred to as Diamond Couture that's owned  
15 by the Yusuf and Hamed 50/50.

16 Q So all of these properties you have described  
17 are owned by corporations formed by the two families; is  
18 that correct?

19 A Yes.

20 Q And each one of those corporations is owned 50  
21 percent by the Yusuf family and 50 percent by the Hamed  
22 family?

23 A Yes, sir.

24 Q And these corporations bought land from using  
25 the profits of the three supermarkets?

1 A Yes, sir.

2 Q Has the profits of the three supermarkets ever  
3 been distributed anything other than 50/50?

4 A No, sir.

5 Q And when it comes time to distribute the  
6 profits, how is that determination made? Who decides that  
7 we're going to do this or we're going to do that?

8 THE COURT: Are you still talking before the  
9 raid?

10 MR. HOLT: Yes, before the raid.

11 THE WITNESS: It's always been done jointly,  
12 collectively. It's either through my father or  
13 through me and Mr. Yusuf.

14 BY MR. HOLT:

15 Q Okay. Now, since the raid, what has happened  
16 with the profits in the store?

17 A Well, the profits -- we have a TRO in place by  
18 the feds, all the profits are put -- we -- actually we had  
19 them in the bank accounts and then we recently decided to  
20 put them in an investment account in Banco Popular  
21 securities.

22 Q And so since 2000, since the raid by the federal  
23 government, have profits been distributed to either of the  
24 Yusuf or Hamad family as part of the profits?

25 A No, sir.

1 Q And those profits are where now?

2 A They are in -- most of -- the majority of which  
3 is millions of dollars is over at Banco Popular  
4 Securities, or it's called Banco Securities I believe.

5 Q And are there multiple accounts at Banco Popular  
6 Securities?

7 A Yes.

8 Q And are there any other accounts?

9 A There might be a Merrill Lynch account also.

10 Q And those profits are -- were placed there and  
11 are now placed there by -- ordered into the federal  
12 criminal case?

13 A Yes.

14 Q And that case is still pending against United  
15 Corporation?

16 A Yes.

17 Q And that order froze those assets?

18 A Yes, sir.

19 Q Now, when the store burned down in the east, can  
20 you tell me about how that was rebuilt? How did you  
21 rebuild that store? From what funds?

22 A Once the store was burned we lost everything.  
23 We had insurance, luckily. Insurance paid us for the  
24 supermarket. We took those funds and we reopened the  
25 store.

1 Q Okay. And did the funds come from one partner  
2 or both partners?

3 A Oh, definitely both partners.

4 Q And why would both partners put up funds to  
5 rebuild the building?

6 A Because they are partners.

7 MR. DiRUZZO: Objection, leading. Foundation as  
8 to the actual source of those funds and as to --

9 THE COURT: Well, that question's already done.  
10 The next question is, why did both partners put it  
11 up.

12 MR. DiRUZZO: Objection, hearsay.

13 THE COURT: If he knows.

14 BY MR. HOLT:

15 Q Do you have direct knowledge as to why both  
16 partners put up money?

17 MR. DiRUZZO: Objection, Your Honor. The  
18 plaintiffs have not alleged that this witness is the  
19 partner, they've alleged that Mr. Hamed is the  
20 partner.

21 THE COURT: They've also said he's the general  
22 manager and knows the operations of the store very  
23 well. If he knows he'll say so, if he doesn't know  
24 he'll say so.

25 THE WITNESS: Could you repeat the question.

1 BY MR. HOLT:

2 Q Can you tell me why the two partners would put  
3 up money to rebuild the store?

4 A To operate the store. To open back the stores.  
5 They agreed to be in business together and they decided on  
6 opening up the store as well as the St. Thomas store.

7 Q So when they had profits they shared them, when  
8 they have obligations they shared them?

9 MR. DiRUZZO: Objection, leading.

10 THE COURT: Okay.

11 BY MR. HOLT:

12 Q I'll rephrase the question. Can you tell me  
13 whether or not the partners, Mr. Hamed and Mr. Yusuf,  
14 shared the profits?

15 A Yes.

16 Q Can you tell me whether or not the partners,  
17 Mr. Mohammed -- Mr. Hamed and Mr. Yusuf shared the loss?

18 A Yes, they have.

19 Q And that's been since you've been involved in  
20 the company?

21 A Yes, sir.

22 (Plaintiff's Exhibit 7 marked for  
23 identification.)

24 BY MR. HOLT:

25 Q Now, showing you group Exhibit Number 7. Do you

1 have Exhibit number 7 in front of you?

2 A Yes, sir.

3 Q Do you recognize these documents?

4 A Yes.

5 Q Can you tell me what these documents are?

6 A These are letters sent to my dad and there are  
7 also some copies, attached copies to me of demand for rent  
8 for the Plaza Extra east store.

9 Q And who was sending the letter?

10 A United Corporation.

11 Q And who's signed for United Corporation?

12 A Fathi Yusuf.

13 Q And who are the letters being sent to?

14 A They are sent to Mr. Mohammed Hamed.

15 Q And that's your father?

16 A That's my father, yes.

17 Q And if you look over on the second page of that  
18 exhibit, I see that you're copied at the bottom?

19 A Yes, sir.

20 Q When these notices were sent, would you get  
21 copies of them?

22 A Yes, sir.

23 Q And why is that?

24 A I represent my father. I am an agent for my  
25 father. I work on behalf of my father.

1 Q And do you have a power of attorney for your  
2 father?

3 A Yes.

4 Q And when did he first execute that?

5 A I believe it's either '95 or 96.

6 Q And since that time have you acted as power of  
7 attorney?

8 A Yes, I have.

9 Q And has Mr. Yusuf recognized that fact?

10 A Yes, he has.

11 MR. DiRUZZO: Objection, Your Honor. I've never  
12 seen this power of attorney that this witness is  
13 talking about. I think we're entitled to see if, in  
14 fact, the document exists and be able to use it for  
15 cross-examination purposes.

16 THE COURT: All right. He didn't say that he  
17 has one so we'll find out.

18 BY MR. HOLT:

19 Q Is there a document that gives you a power of  
20 attorney?

21 A Yes.

22 MR. HOLT: I'll be glad to supply that.

23 BY MR. HOLT:

24 Q Has he executed more than one power of attorney?

25 A Yes, he has.



1 Q How many has he executed?

2 A Two.

3 Q When did he execute the other one?

4 A Late last year, 2012.

5 Q And does Fathi Yusuf know that you have a power  
6 of attorney to act on your father's behalf?

7 A Yes, sir.

8 MR. DiRUZZO: Objection, calls for speculation.

9 BY MR. HOLT:

10 Q Is it your understanding that Fathi Yusuf knows  
11 that you have a power of attorney?

12 A Yes.

13 MR. DiRUZZO: Objection to the witness  
14 understanding.

15 THE COURT: Get him to answer, explain why he  
16 knows.

17 BY MR. HOLT:

18 Q On these rent notices, are they sent directly to  
19 your father or to you care of your father?

20 A They are sent to my father and there is also a  
21 letter that goes, I guess it's a postal signature return I  
22 guess it's called, also to me. A copy that goes to me.

23 Q And why did you get a copy?

24 A Because I represent my father and I have power  
25 of attorney for my father.

1 Q And Mr. Yusuf knows that?

2 A Yes, he does.

3 Q And when you look over then on the third page of  
4 this document, do you see the certified mail return  
5 receipt requested to Mohammad Abdul Quader, Q-u-a-d-e-r?

6 A Yes.

7 Q You see that? That's your father?

8 A Yes.

9 Q And this is sent by whom?

10 A Sent by United Corporation.

11 Q And it's sent to your father where?

12 A To the Plaza Extra Sion Farm east store.

13 Q Okay. And that's the address for the east  
14 store?

15 A Yes, sir.

16 Q And, again, these are rent notices of increases  
17 of rent?

18 A Yes.

19 Q Okay. And I take it that these -- were these  
20 rents ever agreed to?

21 A These rents were never agreed to.

22 (Plaintiffs' Exhibit 8 marked for  
23 identification.)

24 BY MR. HOLT:

25 Q Now, showing you Exhibit Number 8. Can you tell

1 me what this document is. What is this document?

2 A This is a calculation that United Corporation,  
3 Fathi Yusuf, came up with, and his calculation is based on  
4 the St. Thomas lease to calculate the rents for the east,  
5 for the Plaza Extra east store.

6 Q And this covers the time period from when to  
7 when?

8 A This covers from 1/2004 to 12 -- I'm sorry, from  
9 1/2004 through 12/31/2011.

10 Q And why did he do this rent calculation? Why  
11 did Mr. Yusuf do this rent calculation?

12 MR. DiRUZZO: Objection, speculation.

13 THE COURT: If he knows.

14 BY MR. HOLT:

15 Q Who gave you this rent calculation?

16 A Fathi Yusuf.

17 Q And do you know who prepared it?

18 A Fathi Yusuf.

19 Q How do you know that?

20 A He gave it to me and, obviously, he worked on  
21 it.

22 MR. DiRUZZO: Objection. Objection,  
23 speculation.

24 BY MR. HOLT:

25 Q I don't need it. Did he give this to you?

1 A Yes.

2 Q Did you discuss this with him?

3 A Yes.

4 Q And is it your understanding that this is the  
5 amount of rent United Corporation wanted Plaza east store  
6 to pay?

7 A Yes, sir.

8 Q And these calculations are based upon the rent  
9 the St. Thomas store paid?

10 A Yes.

11 Q And what was the total amount of rent sought for  
12 this time period from 2004 all the way up to 2011?

13 A \$5,408,806.74.

14 (Plaintiffs' Exhibit 9 marked for  
15 identification.)

16 MR. HOLT: Can I show the witness Exhibit 9,  
17 Your Honor?

18 THE COURT: Yes.

19 BY MR. HOLT:

20 Q And what is Exhibit Number 9?

21 A It's a check that I signed. And my signature is  
22 on the bottom as well as Yusuf Yusuf signed it. It's for  
23 \$5,408,806.74. It's written out to United Shopping Plaza,  
24 which is the landlord in the Plaza Extra east store, and  
25 it's written out of Plaza Extra account. Supermarket

1 account.

2 Q It's signed by two people. Who's it signed by?

3 A By Yusuf Yusuf, which is Fathi Yusuf's son, and  
4 it's signed by me.

5 Q And why did the two of you sign this check?

6 A Because that's the agreement that we have, that  
7 each one of the family members sign the check.

8 Q Okay. And this check is dated what date?

9 A February 7, 2012.

10 MR. HOLT: Your Honor, I move Exhibit 7, 8, 9  
11 into evidence.

12 THE COURT: Any objection?

13 MR. DiRUZZO: No objection.

14 THE COURT: Admitted.

15 **(Plaintiff's Exhibit 7, 8 and 9 received into**  
16 **evidence.)**

17 BY MR. HOLT:

18 Q Now, after this check on February 7, 2012, was  
19 sent, did any problems develop between the parties?

20 A Yes.

21 Q And what were those problems?

22 A Mr. Yusuf would come in and he would rant and  
23 rave, throwing accusations that we've done this, we stole  
24 money, we took money. That he wants us out of the store,  
25 that he wants to close the store down, that we have until

1 the end of the month to get out of the store.

2 He gave us several notices, and I believe it's  
3 in some letters in, I guess in Exhibit 7, where he says  
4 he -- the lease is terminated and he wants us out by the  
5 end of June 2012. He would do that in our office, he  
6 would do that downstairs in front of customers, he would  
7 do it in front of suppliers. He would undermine our  
8 authority.

9 (Plaintiffs' Exhibit 10 and 11 marked for  
10 identification.)

11 MR. HOLT: Okay. Could I have the witness shown  
12 Exhibits 10 and 11.

13 MR. DAVID: Your Honor, we renew our 408  
14 objection to Exhibit 10.

15 THE COURT: 10 is the e-mail?

16 MR. DAVID: Yes, 10 is the e-mail and 11 is the  
17 letter. It was after, the witness just testified,  
18 that the problems were developing and its resolution  
19 of the differences between them, Judge.

20 THE COURT: As to 10 and 11, I denied your  
21 motion.

22 MR. DAVID: I'm just renewing it because now the  
23 facts are in, the reason why it should be excluded.

24 THE COURT: Thank you.

25 BY MR. HOLT:

1 Q Okay. Look at Exhibit Number 10, can you tell  
2 me what that is and the date?

3 A I'm sorry.

4 Q Can you tell me what that document is and the  
5 date of the document?

6 A That's an e-mail from Nizar DeWood, Mr. Yusuf's  
7 attorney, February 10, 2012.

8 Q And does that refer to an attachment?

9 A Yes, sir.

10 Q And look at Exhibit Number 11, is that the  
11 attachment?

12 A Yes, sir.

13 Q And what did Mr. -- Does that have Mr. DeWood's  
14 signature on it?

15 A Yes, it does.

16 Q What does that letter tell you?

17 A It's telling me the disillusion of the  
18 partnership of Yusuf and Hamed.

19 Q And that's a letter directed to who?

20 A Mohammad Hamed.

21 Q Who --

22 A And Waleed Hamed.

23 Q And what -- Why was the letter directed to you,  
24 or care of you?

25 A Because I have power of attorney. I am an agent

1 for my father.

2 Q And it says, stop disillusion of the  
3 partnership, Yusuf Hamed?

4 MR. DiRUZZO: Objection, Your Honor, the letter  
5 speaks for itself.

6 BY MR. HOLT:

7 Q What does it say at the top here?

8 MR. DiRUZZO: Objection.

9 THE COURT: All right, he can ask.

10 BY MR. HOLT:

11 Q What does it say on the top?

12 A It says, DeWood Law Firm.

13 Q And re: What's the letter about?

14 A Oh, reference, disillusion of partnership, Yusuf  
15 and Hamed.

16 Q And what is he telling you in the first sentence  
17 of the letter?

18 A "This letter is to confirm the party's desire to  
19 dissolve the above-reference partnership. Partnership  
20 disillusion would involve appropriate", and so on.

21 Q And then looking at the second paragraph, does  
22 it identify the assets of the partnership?

23 A Yes, it does.

24 Q What are those?

25 A As it stands the partnership has three major



1 assets, Plaza Extra west Grove place, including the real  
2 property; Plaza Extra east Sion Farm location and Plaza  
3 Extra Tutu Park, St. Thomas.

4 (Plaintiffs' Exhibit 12 marked for  
5 identification.)

6 BY MR. HOLT:

7 Q Okay. Now, showing --

8 Could I have the witness shown Exhibit Number  
9 12.

10 Your Honor, we move Exhibits Number 10 and 11  
11 into evidence.

12 MR. DIRUZZO: Same objection.

13 THE COURT: Admitted.

14 (People's Exhibit 10 and 11 received into  
15 evidence.)

16 BY MR. HOLT:

17 Q And can you identify what Exhibit Number 12 is?

18 A It's an e-mail from Mr. DeWood.

19 Q What's the date of it?

20 A March 13, 2012.

21 Q And who's it sent to?

22 A It's sent to me.

23 Q And what does the e-mail say?

24 A Partnership disillusion agreement.

25 Q And was there an attachment to the agreement?

1           A     Yes.

2           Q     And the attachment is a proposed partnership  
3 disillusion agreement?

4           A     Yes, sir.

5           Q     On the first page are there whereas clauses?

6           A     Yes, sir.

7           Q     Can you read the second whereas clause into the  
8 record.

9           MR. DiRUZZO: Your Honor, document speaks for  
10 itself, and we have a witness for that.

11          THE WITNESS: The second one, sir.

12          THE COURT: He can read it.

13 BY MR. HOLT:

14          Q     The second and third.

15          A     "Whereas the partnership was formed for the  
16 purpose of operating supermarket in the district of  
17 St. Croix and St. Thomas.

18                 "Whereas serious disputes and disagreements  
19 between the parties relating to financial matters of the  
20 partnership resulting in the partners unable to continue  
21 as partners."

22          Q     And then above that, the paragraph -- the first  
23 whereas clause?

24          A     The first one?

25          Q     Yes.

1           A       "The partners have operated the partnership  
2 under an oral partnership agreement since 1986."

3           Q       And, finally, down at the bottom of the page,  
4 the second to the last whereas clause, where it says,  
5 "Whereas the partners have".

6           A       "Whereas the partners have shared profits,  
7 losses, deductions, credits and cash of the partnership."

8           Q       Do you have direct knowledge that that, in fact,  
9 occurred?

10          A       Yes, sir.

11          Q       Has that occurred?

12          A       Yes, it has.

13          Q       And over on the second page of this document,  
14 does it identify the assets of the partnership?

15          A       Yes, it does.

16          Q       And are those the same three stores you  
17 previously described in the letter marked as Exhibit  
18 Number 11?

19          A       Yes, sir.

20          Q       Plaza east, Plaza west and Plaza St. Thomas?

21          A       That's correct.

22                 MR. HOLT: We move Exhibit 12 into evidence for  
23 the limited purpose of identifying what was read into  
24 the record.

25                 MR. DAVID: Your Honor, we would object and we

1           again renew our objection under Rule 408 because the  
2           witness has now established the text of the documents  
3           that there was serious disputes, Your Honor, and all  
4           of these exhibits, 10, 11 and 12 ought to be stricken  
5           from the record and the testimony should be stricken  
6           from the record, Your Honor.

7           THE COURT: I'm going to admit it. I think it  
8           falls under the -- one of the exceptions under  
9           408(b). It's not presented to show anything other  
10          than a historical background and the context in which  
11          those discussions were taking place rather than to  
12          bring in evidence of the discussions themselves.

13                   **(Defendants' Exhibit 12 received into evidence.)**

14 BY MR. HOLT:

15           Q       Now, during the ensuing months, can you describe  
16           what effect these discussions had on the operations of the  
17           store?

18           A       We tried to resolve the matter within, different  
19           settlements with different people, with attorneys, and up  
20           to this date we haven't been able to do so. Mr. Yusuf  
21           continued taking unilateral decisions on his own. He  
22           tried -- he's always threatening to fire us, he's always  
23           threatening to close down the stores.

24                   I mean, one day he would say I'm going to close  
25           down the east store, you have no part to this east store,

1 the east store is mine. Even though he received rent,  
2 even though he submits, and he continues to submit, even  
3 after we filed the lawsuit, he continues to send rent  
4 letters or demands.

5 (Plaintiffs' Exhibit 13 marked for  
6 identification.)

7 MR. HOLT: Can I have the witness shown Exhibit  
8 Number 13, Your Honor.

9 THE COURT: Yes.

10 BY MR. HOLT:

11 Q Can you tell me what Exhibit 13 is?

12 A This is a letter that Mahar Yusuf bought to me  
13 at the Plaza Extra east store.

14 Q And it's addressed to whom?

15 A It's addressed to my dad by -- through Waleed  
16 Hamed, me.

17 Q So your name is actually on the letter?

18 A Yes.

19 Q And what's the date of the letter?

20 A It's August 15, 2012.

21 Q And is there some handwritten notations on this  
22 letter?

23 A Yes.

24 Q What does that say?

25 A It says, "received 8/16/2012", by me.

1 Q Then it goes, "Re: Notice of withdrawal"?

2 A Yes.

3 Q And this is from Fathi Yusuf?

4 A Yes, it's from him.

5 Q And what did Fathi Yusuf indicate was going to  
6 be done when he sent this letter?

7 A He said the amount of 2 million, 784, 706 would  
8 be withdrawn from United operating account. Not really  
9 United operating account, it's a Plaza Extra account that  
10 he's talking about, and that's where the money actually  
11 was withdrawn from, effective August 15, even though I  
12 received it on August 16.

13 The amount equals the proceeds you previously  
14 withdrew through your agent Waleed Hamed. To ensure full  
15 accuracy, attached are the receipts. And he never sent  
16 any receipt attached to this letter. And I requested  
17 those receipts from Mike at the time that he gave me the  
18 letter, and he says -- he didn't even answer.

19 Q So did he give you a breakdown where the \$2.7  
20 million was coming from?

21 A Yes. Past confirmed withdrawals, one million  
22 six; additional withdrawals, one million 95. 50 percent  
23 of St. Maarten bank account, 44,000 and 50 percent of  
24 Cairo Amman bank account of 44, 6, 96.

25 Q And this letter indicates there were things

1 attached to it?

2 A Yes, sir.

3 Q Was there anything attached to it?

4 A Absolutely not.

5 Q And turn to the second page, that's a letter  
6 dated what date?

7 A The same day, August 16.

8 MR. DiRUZZO: I'm sorry, Your Honor, I don't  
9 have -- this is a one-page document.

10 (Discussion off the record.)

11 BY MR. HOLT:

12 Q Looking at the next page, what's the date of  
13 that letter?

14 A August 16.

15 Q And that's to whom?

16 A To Mr. Fathi Yusuf.

17 Q And who wrote this letter?

18 A I did.

19 Q And you wrote it on what type of letterhead?

20 A Plaza Extra.

21 Q And what did you tell him in that letter?

22 A That, "In response to your letter of August 16,  
23 or August 15, notice of withdrawal, the figures have not  
24 been agreed to. Indeed, there were no attachments as  
25 indicated and there are numerous other funds that have to

1 be included in any such calculations before any  
2 disbursements can be made.

3 "For example, all withdrawal receipts have to be  
4 reviewed before any withdrawals are paid. No mention or  
5 indication of the amount that the Yusuf family has  
6 previously withdrawn. By way of another example is an  
7 800,000 plus due the Hamed family from the sale of the  
8 condo property in St. Thomas would have to be included.

9 "In short while these are just a few examples,  
10 no withdrawal will be issued until the full accounting is  
11 done and agreed to in writing."

12 Q Now, up until this time had anyone ever  
13 unilaterally withdrawn money from any Plaza Supermarket  
14 accounts without the other partner agreeing?

15 A No, sir.

16 Q And in this letter you indicated that you don't  
17 agree with that withdrawal?

18 A No, I don't agree.

19 Q Now, the next letter is dated what?

20 A August 22.

21 Q It's from United Corporation?

22 A Yes.

23 Q Signed by whom?

24 A Fathi Yusuf -- by Mahar Yusuf for Fathi Yusuf.

25 Q And what in this letter, what did he tell you?



1           A     "In response to your letter through your  
2 agent -- "

3                     Well, the letter is to my father.

4                     "In response to your letter --"

5           Q     It's to your father but it says by who? Your  
6 name is on this?

7           A     Yes. In response to your letter through your  
8 agent Waheed Hamed does not deny validity of any amount  
9 stated as owing and outstanding to United Corporation.  
10 Your letter requests that an accounting be done for other  
11 matters, which is a separate issue. Please reduce to  
12 writing those other matters you contend are owed, and  
13 provide us of supporting documentation."

14          Q     Did you respond to this letter?

15          A     Yes.

16          Q     And looking at this next document, is that your  
17 response?

18          A     I sent an e-mail out.

19          Q     What's the date?

20          A     August 25.

21          Q     And who did you send it to?

22          A     I sent it to Mr. Yusuf, and copies went to Mahar  
23 Yusuf and Yusuf -- and Mike Yusuf.

24          Q     And what did you tell him in this document?

25          A     What I stated is, "Your suggestion that the

1 Hamed family agreed to your calculations of any sums due  
2 to you is incorrect. The Hamed family dispute those  
3 calculations and insist on full accounting. Moreover -- "

4 Q And the next paragraph, what does it say?

5 A "Moreover, any unilateral withdrawal of funds  
6 would violate the court's order currently in place and it  
7 would also violate the agreement between our families."

8 Q Now, let me talk about those two things. First  
9 of all, what is the Court's order you're referring to?

10 A The federal TRO.

11 Q And it was your understanding that if he  
12 withdrew funds for personal use that that would violate  
13 that Court's order?

14 A Yes, sir.

15 Q Then you say in the next sentence, "It would  
16 also violate the agreement between our families," what are  
17 you referring to?

18 A The agreement is we're supposed to agree on  
19 whatever withdrawal, everyone does.

20 Q And in those you -- the last letter in this  
21 exhibit, what is that?

22 A That is the check that Fathi Yusuf and Mahar  
23 Yusuf signed, contrary to the agreement that we have one  
24 Hamed and one Yusuf sign the check. And the check is  
25 dated 8/15, which leads me to believe that the checks were

1 deposited.

2 MR. DiRUZZO: Objection, calls for speculation.

3 BY MR. HOLT:

4 Q The date of the check is August 15th?

5 A Yes, sir.

6 Q And when was the date that you got notice that  
7 they were going to be actually withdraw the funds?

8 A August 16.

9 Q You got notice the day after this check was  
10 written?

11 A Yes.

12 Q And this check is payable to who?

13 A United Corporation.

14 Q Is this written on the supermarket account?

15 A Yes, Plaza Extra east.

16 Q So this came from the bank account of the Plaza  
17 Extra east store?

18 A Yes.

19 Q And can you explain to the Court again about the  
20 signatures on this check.

21 MR. DiRUZZO: Objection, asked and answered.

22 THE WITNESS: The signature --

23 THE COURT: Go ahead, you can answer.

24 THE WITNESS: The signature are Fathi Yusuf and  
25 Mahar Yusuf.

1 BY MR. HOLT:

2 Q And is that the normal practice of checks that  
3 are being written in this business?

4 A No, sir.

5 MR. HOLT: And, Your Honor, we move Exhibit  
6 Number 13 into evidence.

7 MR. DiRUZZO: No objection.

8 THE COURT: Admitted.

9 **(Plaintiffs' Exhibit 13 received into evidence.)**

10 BY MR. HOLT:

11 Q Now, as a result of this withdrawal, what action  
12 was taken by the Hamed family?

13 A We requested -- we requested the funds be  
14 returned.

15 Q Were they returned?

16 A No, they weren't returned.

17 Q And as a result, what did you do?

18 A Filed a lawsuit.

19 Q You filed this lawsuit?

20 A I'm sorry.

21 Q You filed this lawsuit?

22 A Yes, sir.

23 Q And in this lawsuit you sought the return of  
24 those monies?

25 A Yes.

1 Q And you sought -- What other orders do you seek  
2 regarding the money?

3 MR. DiRUZZO: Objection. The pleading's before  
4 the Court, they speak for themselves.

5 MR. HOLT: You know what, they are. I'll  
6 withdraw.

7 THE COURT: Thank you.

8 BY MR. HOLT:

9 Q Now, since the filing of this lawsuit, have  
10 there been any other problems in the operation of Plaza  
11 Extra that didn't exist before 2012?

12 A Yes. One simple thing is the lady in the  
13 office, accounts payable, the office manager was  
14 instructed not to give us any more mail. Normally all the  
15 mail that comes into the Plaza Extra goes to my desk, if  
16 it's United Corporation it goes to them. If it's personal  
17 it goes to whoever.

18 But once it's the store mail it comes to my  
19 desk, I look at it, or -- if I -- if it's personal. If  
20 it's for the store I deal with it and then I distribute it  
21 to either accounts payable or whomever that is in the  
22 office.

23 Mr. Yusuf went ahead and he started paying his  
24 own attorneys out of the supermarket account. His  
25 litigation account, his attorneys in this case out of

1 Plaza Extra account.

2 Q We'll get to that in a second. Let me ask you,  
3 you mentioned United Corporation, who owns the shopping  
4 center?

5 A United Corporation.

6 Q And that's owned by who?

7 A Fathi.

8 Q So your family does not own any part of the  
9 shopping center itself?

10 A No, sir.

11 Q Your ownership interest is limited to the  
12 supermarket?

13 A Yes, sir. Supermarket, yes, sir.

14 (Plaintiffs' Exhibit 14 marked for  
15 identification.)

16 BY MR. HOLT:

17 Q And showing you Exhibit Number 14. Can you tell  
18 me what this is? What is Exhibit Number 14?

19 A That's a letter to Najar Yusuf, reference  
20 control and accounts.

21 Q What type of letterhead?

22 A Plaza Extra.

23 Q And what is -- who is Najar Yusuf?

24 A He's the son of Fathi Yusuf.

25 Q And what was this letter notifying Mr. Yusuf of?

1 What was the problem and what was the date again,  
2 November --

3 A November 2, 2012.

4 Q It's after the lawsuit is filed?

5 A Yes, sir.

6 Q Why were you notifying them of a problem?

7 A Well, it's my brother who's notifying them, it's  
8 Willy, Waheed, not me, he's the one who signed it.

9 Q Right.

10 A But the problem is they've hired --

11 MR. DiRUZZO: Objection, hearsay --

12 THE WITNESS: It's not.

13 THE COURT: Hold on. Hold on. Hold on.

14 THE WITNESS: I'm sorry.

15 THE COURT: Establish how.

16 BY MR. HOLT:

17 Q Are you familiar with the problem that was going  
18 on in the stores of hiring accountants?

19 MR. DiRUZZO: Objection. That --

20 THE COURT: He's not -- he's withdrawn that  
21 question and now he's going another route which I  
22 will allow.

23 BY MR. HOLT:

24 Q Do you have any direct knowledge of the hiring  
25 of the accountants to work at your store?

1           A     Yes, sir.

2           Q     And who were the accountants that were hired?

3           A     One of them is Ayman Al-Khaled and he is the  
4 nephew of Fathi Yusuf, and the other one is Mr. John, I'm  
5 not sure about his last name.

6           Q     Is that Mr. Gaffney?

7           A     Yes.

8           Q     And Mr. Al-Khaled, he is a relative of  
9 Mr. Yusuf?

10          A     Yes, he is nephew.

11          Q     Hiring him violates the TRO in the federal  
12 court?

13          A     To my understanding, yes, sir.

14                MR. DiRUZZO:  Objection, move to strike.  That  
15 calls for a legal conclusion.

16                THE COURT:  That's stricken.

17                MR. HOLT:  I'll withdraw.

18 BY MR. HOLT:

19          Q     And what stores were they working in?

20          A     Initially Mr. Al-Khaled was hired to do  
21 accounting for the St. Croix locations.  Came over to the  
22 St. Croix store, he says not -- Well, he came over, I was  
23 introduced to him and he said --

24                MR. DiRUZZO:  Objection, hearsay.

25                THE COURT:  He came over and he said.



1 MR. DiRUZZO: "He" being Ayman.

2 THE COURT: Well, let's find out what he said.

3 BY MR. HOLT:

4 Q When he came over to your store --

5 A He came over and he told me --

6 Q Just tell us what he did.

7 A That he was hired to --

8 MR. DiRUZZO: I'm -- Objection, Your Honor.

9 BY MR. HOLT:

10 Q Listen to the question. When he came to  
11 St. Croix, what did he start doing?

12 A He starts working on the accounting.

13 Q And who was he being paid by?

14 A Plaza Extra.

15 Q Not by United Corporation or -- but Plaza Extra  
16 supermarket accounts?

17 A Yes, sir.

18 Q And did he provide you with the information he  
19 generated?

20 MR. DiRUZZO: Objection, lack of specificity to  
21 "he". If he could be a little more specific.

22 BY MR. HOLT:

23 Q Did Mr. Ayman Al-Khaled who was on the  
24 supermarket payroll ever provide you with any accounting  
25 information he generated?

1 A I requested it and never got it.

2 THE COURT: We're talking about Plaza east,  
3 correct?

4 HE WITNESS: Yes.

5 BY MR. HOLT:

6 Q Now, did there come a time that they then put an  
7 office in another store?

8 A Yes.

9 Q Which store did they put an office in?

10 A The west store.

11 Q And who worked in the office in the west store?

12 A Mahar Yusuf, Sean Hamed.

13 Q Those were the managers?

14 A Those are the managers.

15 Q Who worked in the office in accounting in the  
16 west store.

17 A Ayman and Mr. John.

18 Q And did they give access to the Hamed family of  
19 their work?

20 A No, they didn't.

21 Q What did they do?

22 A All what they did is lock themself in the room.

23 MR. DIRUZZO: Objection, lack of personal  
24 knowledge. Calls for speculation, he wasn't in the  
25 room.

1 BY MR. HOLT:

2 Q Did you ever go down and see the room that they  
3 were in?

4 A Yes.

5 Q Was the room locked?

6 A I was told it was locked. To my personal  
7 knowledge I was told it was locked.

8 MR. DiRUZZO: Objection, hearsay. Move to  
9 strike.

10 THE COURT: Okay. That's sustained.

11 BY MR. HOLT:

12 Q Have you ever seen any of the accounting work  
13 done by either Mr. Gaffney or Mr. Al-Khaled?

14 A No. I requested it, it was never provided.

15 Q So they are being paid from the supermarket but  
16 you're not seeing it?

17 MR. DiRUZZO: Objection, leading.

18 THE WITNESS: That's correct.

19 THE COURT: Okay. I'll let it go.

20 BY MR. HOLT:

21 Q Now, has there ever been accounting work done  
22 for any of the supermarkets that you -- that the Hamed  
23 family was not allowed access to prior to this?

24 A No.

25 MR. HOLT: Your Honor, we move in --

1 BY MR. HOLT:

2 Q This letter was to put them on notice that --  
3 Well, What was the purpose of this letter?

4 MR. DiRUZZO: Objection, Your Honor. The  
5 document speaks for itself. And he's not the author  
6 of the document.

7 THE COURT: Your objection is that it speaks for  
8 itself?

9 MR. DiRUZZO: One, it speaks for itself. Two,  
10 it's hearsay which the author of the document is not  
11 on the witness stand.

12 MR. HOLT: I'll call the author.

13 THE COURT: All right.

14 (Plaintiffs' Exhibit 15 marked for  
15 identification.)

16 MR. HOLT: Can I have the witness shown Exhibit  
17 Number 15.

18 MR. DiRUZZO: Your Honor, we would object.  
19 This -- these checks were qualified as within --  
20 under the scope of attorney/client privilege on  
21 behalf of United Corporation.

22 We also object on the basis of relevance. We  
23 think it's highly improper for these documents to  
24 even be discussed, let alone made a part of the  
25 record.

1 MR. HOLT: Your Honor, proffer. These are  
2 checks written on the supermarket account for  
3 Mr. Yusuf's private attorneys in this litigation,  
4 they are not supermarket or business related  
5 activities, that's number one. And, number two, they  
6 are signed both by members of the Yusuf family not by  
7 one member of the Hamed family and one member of  
8 Yusuf.

9 MR. DiRUZZO: Your Honor, I would say one, lacks  
10 personal knowledge and two, United Corporation is a  
11 defendant in an ongoing federal case. He has been  
12 indicted, he has entered a plea agreement with the  
13 federal government, has pled to improprieties at the  
14 operation, including but not limited to the Plaza  
15 Extra grocery stores.

16 THE COURT: Okay. Well, the -- there's no -- I  
17 don't see an attorney/client privilege violation, so  
18 that objection is denied.

19 MR. DiRUZZO: Then there was personal knowledge  
20 as to the basis.

21 THE COURT: How does he have knowledge of this?

22 MR. HOLT: These are checks that are returned on  
23 the supermarket accounts that he has personal  
24 knowledge of.

25 THE COURT: All right.

1 MR. DiRUZZO: Your Honor, we stand by our  
2 objection.

3 THE COURT: I'll admit it.

4 BY MR. HOLT:

5 Q What are these checks?

6 A These are checks made to Fathi Yusuf's legal  
7 team, attorneys.

8 Q Okay. And these checks are made on what  
9 account?

10 A The Plaza Extra, St. Croix account.

11 Q The St. Croix account?

12 A Yes, sir.

13 Q And are they signed by a member of the Hamed  
14 family?

15 A No, they are not.

16 Q And other than the check for 2.7 million, have  
17 you ever seen any other checks that weren't signed by a  
18 member of the Yusuf family and the Hamed family?

19 A Yes, I have.

20 Q What are they?

21 A There was another check that was made to  
22 Attorney Smock.

23 Q Other than those three checks have you seen any?

24 A No, sir.

25 (Plaintiffs' Exhibit 16 marked for

1 identification.)

2 BY MR. HOLT:

3 Q Now, showing you Exhibit Number 16.

4 And, Your Honor, while we do that I move Exhibit  
5 Number 15 into evidence.

6 MR. DiRUZZO: Your Honor, objection.

7 THE COURT: Admitted.

8 (People's Exhibit 15 received into evidence.)

9 BY MR. HOLT:

10 Q Can you tell me what Exhibit Number 16 is?

11 A It's a check written out to Mr. Smock and  
12 Moorhead for \$3,395.

13 MR. DiRUZZO: Your Honor, we would object, the  
14 second page has clear billing records there.

15 MR. HOLT: We'll remove the second page, just go  
16 with the first page.

17 MR. DiRUZZO: I'm sorry, Your Honor, just to be  
18 clear, the plaintiffs are just proceeding with the  
19 first page of the exhibit? Just so the record is  
20 clear.

21 THE COURT: That's what was just said, yes.

22 BY MR. HOLT:

23 Q Can you tell me what this document is?

24 A That's a check for \$3,395 to Smock and Moorhead.

25 Q And that check is for what?

1 A That's for legal services.

2 MR. DiRUZZO: Objection, lack of personal  
3 knowledge. If he didn't write it he doesn't know  
4 what it's for.

5 THE COURT: How does he know.

6 MR. DiRUZZO: I'm sorry, the only way he would  
7 have known is he would have been involved in the  
8 attorney/client privilege.

9 BY MR. HOLT:

10 Q Was there a bill in the store?

11 A This check was presented to me for signature.

12 Q Did you sign it?

13 A I refused to sign because Fathi Yusuf refused to  
14 sign a check for my attorney and my brother's attorney.

15 Q So you did not sign this check?

16 A I did not sign the check.

17 Q And that's because it was a check to one of his  
18 lawyers?

19 A Yes, sir.

20 MR. DiRUZZO: Your Honor, we renew the objection  
21 because the witness has just testified that his own  
22 attorneys and his brother's attorney would have been  
23 paid out of Plaza Extra account, so I see no  
24 relevance to why when as to the other checks that  
25 paid for attorneys for ongoing legal services and



1 ongoing federal criminal case, how that's relevant.

2 THE COURT: Your objection is to the question  
3 that's being asked or are you anticipating he's going  
4 to move to admit?

5 MR. DiRUZZO: I'm renewing the objection now the  
6 witness has just laid the foundation that he  
7 personally and his brothers, in respect to the  
8 ongoing federal criminal case, that their legal  
9 services have been paid out of the Plaza Extra  
10 account.

11 MR. HOLT: I'm going to get to that.

12 THE COURT: I'm not sure there's an objection so  
13 I won't --

14 MR. DiRUZZO: I'm just renewing the objection  
15 and move to strike Exhibit 15, again.

16 THE COURT: Okay. Renewed objection is denied.

17 BY MR. HOLT:

18 Q Now, there was a time when you would be  
19 presented with the check to pay Mr. Smock?

20 MR. DiRUZZO: Objection, leading.

21 BY MR. HOLT:

22 Q Can you tell me whether or not there was ever a  
23 time when you were presented with a check for Mr. Smock to  
24 sign?

25 A Yes.

1 Q And when there was that time, why wouldn't you  
2 approve and sign?

3 A Because all the defense team for the federal  
4 case that we have was being paid out of the Plaza Extra  
5 account.

6 Q The supermarket's account?

7 A The supermarket's account, yes.

8 Q Why would you then not sign this one?

9 A Because my attorneys in the legal -- in the  
10 federal case haven't been paid.

11 Q Was there --

12 A Mr. Yusuf -- Mr. Yusuf refused to pay that.

13 Q Was there a time that they were paid?

14 A Yes.

15 Q And then there came a time when he refused to  
16 pay the checks?

17 A Yes.

18 Q And when did that happen?

19 A This happened, I believe, maybe six months, five  
20 months ago.

21 Q In 2012?

22 A In 2012.

23 Q So up until then he would sign all of the  
24 checks?

25 A Yes.

1 Q Now, could you and your brother sign a check to  
2 those lawyers?

3 A Yes, we can.

4 Q And why don't you?

5 A Because we don't want to be in violation of the  
6 TRO.

7 Q And would you also be in violation of another  
8 agreement?

9 A Yes, the family agreement.

10 Q While they are both signing checks your brothers  
11 haven't chosen to do that?

12 A Correct.

13 Q As a matter of fact, on the removal of the 2.7  
14 million with the two Yusufs signing the check, could you  
15 and one of your brothers sign a check for 2.7 million and  
16 remove it?

17 A No, we can't.

18 Q Why not?

19 A Because of the TRO.

20 Q And you're talking about the TRO in the criminal  
21 case?

22 A Yes.

23 Q If the TRO weren't in place --

24 A Yes.

25 Q -- would you do that?

1 A Yes.

2 Q You would?

3 A He took 2.7.

4 Q Would you do it without their permission?

5 A No, I won't.

6 Q Now, what keeps the Yusuf family from writing a  
7 check to themselves for everything in the account today  
8 just like they did the 2.7?

9 A Nothing.

10 (Plaintiffs' Exhibit 17 and 18 marked for  
11 identification.)

12 BY MR. HOLT:

13 Q Now, showing you Exhibit Number 17 and 18, can  
14 you tell me what these are?

15 Your Honor, while they are looking at it I would  
16 move Exhibit Number 16 into evidence.

17 MR. DiRUZZO: Your Honor, subject to our --

18 THE COURT: Recognizing the objection it will be  
19 admitted.

20 (People's Exhibit 16 received into evidence.)

21 MR. DiRUZZO: And, Your Honor, defense would  
22 like an offer of proof as to 17 and 18, because it's  
23 my understanding, because the plaintiff's issued a  
24 subpoena ducus tecum to attorney Robert King in this  
25 case, and then when the defense finally tried to

1 issue their own ducus tecum, the plaintiffs  
2 vehemently objected and sited to this Court's order  
3 granting the motion for protective order that no  
4 discovery would be taken.

5 So seeing when it suits the plaintiffs to get  
6 documents through discovery process it's fine, but  
7 when the defense tries to get -- subpoena documents  
8 and documents through their own ducus tecum, the  
9 plaintiffs turn right back around and object and move  
10 for protective order.

11 So we would object to defense 17, 18 coming from  
12 the subpoena ducus tecum issued to Attorney Bob King  
13 that this is improper.

14 MR. HOLT: First of all, Your Honor, these did  
15 not come from any documents generated by Mr. King,  
16 these are documents Mr. Hamed had in his possession.  
17 Second, of all they consented to that subpoena being  
18 served so that's an exception to Rule 2016.

19 THE COURT: I've seen subpoenas issued by both  
20 parties subsequent to the motion for protective  
21 order. So anyway the -- your objection is noted and  
22 denied.

23 BY MR. HOLT:

24 Q Looking at Exhibit Numbers 17 and 18, can you  
25 tell me what that is?

1 A Notice of payment of purchase price.

2 Q That's Exhibit Number 17?

3 A Yes, sir.

4 Q And is there a signature on that?

5 A Yes.

6 Q And who is that?

7 A That's Najeh Yusuf.

8 Q Anyone else?

9 A No one.

10 Q What was the purpose of that? What does that  
11 document reference?

12 MR. DiRUZZO: Your Honor, the defense would  
13 object. This document regards a Y & S Corporation.  
14 We're here in response to United Corporation and  
15 plaintiffs alleged partnership with the Hameds. I  
16 see no reason why they want to talk about Y & S  
17 Corporation.

18 Moreover, it's hearsay and I take it it's being  
19 offered for the truth of the matter asserted  
20 contained therein.

21 THE COURT: I don't know. What's in it?

22 MR. HOLT: Let me make a proffer, Your Honor.

23 One of our concerns in this case is the Yusuf  
24 family will abscond with the funds, this is one of  
25 the ventures they used from profits from the

1 business, they bought the Doroithia Project in  
2 St. Thomas together, Hamed owns half Yusuf's own half.

3 And just the year of this document, recently  
4 they sold their interest. So document number one, is  
5 the document number 17 is one of the notices that  
6 they are authorizing the sale of their stocks so it  
7 can be sold.

8 And then the second document is Mr. Yusuf's  
9 handwritten notes showing the disbursement of funds  
10 showing that the Hamad family is owed the amount of  
11 \$800,000 plus to be transferred, but that money has  
12 never been paid. And part of this TRO is the concern  
13 about if we don't get an order freezing the assets  
14 they'll just take all the assets and we won't be  
15 fighting over anything.

16 MR. DiRUZZO: Your Honor, hearsay. It's  
17 unexecuted. All you have is one signature, nothing  
18 with the buyers, nothing with the sellers.

19 THE COURT: How is it that that's in his  
20 possession?

21 BY MR. HOLT:

22 Q How did you get possession of Exhibit Number 17?

23 A This was sent over for my brother Hisham Hamed  
24 to sign.

25 Q And did you deal with that?

1           A     I gave it to Hisham and he eventually signed it.

2                   MR. DiRUZZO:  Objection if it was given to  
3           Hisham Hamed.

4  BY MR. HOLT:

5           Q     Was it given to you or Hisham?

6           A     It was given to me.

7           Q     And why did he give it to you?

8                   MR. DiRUZZO:  Objection, speculation.

9                   THE COURT:  Okay.  All right.  I'm going to  
10           sustain that objection.

11  BY MR. HOLT:

12           Q     Okay.  The document, you have personal knowledge  
13           of that document?

14           A     Yes, sir.

15           Q     And it needed your brother's signature.

16                   MR. DiRUZZO:  I'm sorry, Your Honor, there is no  
17           signature on it.  He can testify that his brother is  
18           on it, if he knows it.

19                   THE COURT:  Let them establish what he can  
20           establish, then we can object.

21  BY MR. HOLT:

22           Q     Did you have your brother sign this document?

23           A     Yes.

24           Q     And did you then have the document returned to  
25           Attorney King?



1 A Yes.

2 Q And why did you do that?

3 A Because there was a sale of the property and we  
4 expected that we're going to get paid for our money.

5 Q And then looking at Exhibit Number 18.

6 MR. DiRUZZO: Your Honor, at this point we're  
7 rejecting on -- going on Exhibit 17. He has no  
8 personal knowledge as to why it's sent over. It  
9 wasn't signed. It doesn't even involve this witness,  
10 it involves his brother, and it's unexecuted.

11 THE COURT: He just -- go head.

12 MR. HOLT: I think I can put the foundation in  
13 place.

14 THE COURT: He said this is of his personal  
15 knowledge and he personally sent it over to Attorney  
16 King or wherever.

17 BY MR. HOLT:

18 Q Looking at Exhibit Number 18, what is that  
19 document?

20 A That document is a breakdown that Yusuf did,  
21 Fathi Yusuf.

22 Q Is this in handwriting?

23 A Yes, it is.

24 Q And who's handwriting is this?

25 A Fathi Yusuf.

1 Q And what does this handwriting purport to do?

2 MR. DiRUZZO: Objection, Your Honor. He hasn't  
3 laid the foundation to personal knowledge of Fathi  
4 Yusuf's handwriting, and there's no signature on this  
5 document.

6 THE COURT: Lay a foundation, please, counsel.

7 BY MR. HOLT:

8 Q Do you know Fathi Yusuf's handwriting?

9 A Yes, I do.

10 Q And is this his handwriting?

11 A Yes, it is.

12 Q And this was his handwriting in conjunction with  
13 what? What was he doing?

14 A He's breaking down the Dorothea sale, how much  
15 money it was sold for, what funds he received in hand.  
16 And the total amount was 1605, then it's split 50/50  
17 because it's owned by the Yusuf and the Hamed, and the  
18 Hameds are due 802,966.

19 Q This shows the sale of the Dorothea property in  
20 St. Thomas was how much?

21 A One million five hundred.

22 Q And how much was the Hamed family supposed to  
23 get from that sale?

24 MR. DiRUZZO: Objection, asked and answered.  
25 Document speaks for itself.

1 THE COURT: Overruled.

2 BY MR. HOLT:

3 Q The second one is called the Jordan fund, it  
4 says 75,000 Dinar, can you explain that?

5 A 75,000 Dinar was my father gave it as instructed  
6 by Fathi.

7 MR. DiRUZZO: Objection as to personal  
8 knowledge. Hearsay.

9 BY MR. HOLT:

10 Q Do you have personal knowledge --

11 MR. DiRUZZO: Objection, leading.

12 BY MR. HOLT:

13 Q -- of the document?

14 A Yes.

15 Q What is that knowledge?

16 A He gave 75,000 not to Fathi but an individual  
17 that Fathi asked my father to give to of 75,000 Dinars  
18 which equals to 105,932.

19 MR. DiRUZZO: Objection lacks personal knowledge  
20 as to how much 75,000 Dinars equates in U.S. dollars.  
21 Objection, hearsay as to what Fathi Yusuf said to  
22 this unidentified third person.

23 MR. HOLT: I'll withdraw.

24 THE COURT: Thank you.

25 BY MR. HOLT:

1 Q Does this show an amount due to the Hamed  
2 family?

3 A Yes, it does.

4 Q And that's from the transaction that's described  
5 on this paper?

6 A Yes.

7 Q And what is the amount due the Hamed family?

8 A \$802,966.00.

9 Q Is that the number that you were referring back  
10 on August 24 when you sent the e-mail to Mr. Yusuf talking  
11 about the accounting between the parties?

12 A Yes, sir.

13 Q Okay. And has the Hamed family ever received  
14 these funds?

15 A No, we haven't.

16 Q And do you know where these funds are?

17 A I have no idea where.

18 MR. HOLT: Okay. We move into evidence Exhibit  
19 Number 17 and 18.

20 MR. DiRUZZO: Same objection, Your Honor.

21 THE COURT: All right. We'll admit it.

22 (People's Exhibit 17 and 18 received into  
23 evidence.)

24 MR. HOLT: If I could have a break for one  
25 second.

1 THE COURT: Go ahead.

2 BY MR. HOLT:

3 Q Can you tell me the list of things that the  
4 Yusuf family has done which caused you to file a lawsuit  
5 and seek this injunction, other than the items that we've  
6 already spoken?

7 A They have threatened to fire the Hamed partners,  
8 physically remove us from the store, bad mouthing us or  
9 talking about us in bad terms to suppliers, to employees  
10 and certain customers.

11 His ranting and raving in the office, in front  
12 of employees, in front of suppliers. His sort of what he  
13 would -- what he did was he cancelled orders. He limited  
14 to how we conduct business as far as the ordering, pricing  
15 or whatever. All of a sudden it has to be approved by him  
16 after 25 years of running the business.

17 Threatening us with harm, physical harm.  
18 Intimidating us into leaving the store. Threatening to  
19 take us off of the authorization to sign the checks.  
20 Threatening to close down the east store at one time, the  
21 St. Thomas store another, the west store at another and  
22 sometimes all the stores all at one time. And most  
23 recently, the firing of one of our key people, Ms. Wadda.

24 Q Directing your attention to January 9th of this  
25 year; do you recall the event that happened on that day?

1           A     Yes.

2           Q     Can you tell the Court of your own personal  
3 knowledge what happened that you observed and were witness  
4 to.

5           A     I received a call the night before from Wadda  
6 that Mr. Yusuf had fired her.

7                     MR. DiRUZZO:  Objection.  Hearsay.

8                     THE COURT:  Sustained.

9  BY MR. HOLT:

10          Q     Who is Wadda?

11          A     Wadda is the office manager who has been  
12 employed in Plaza for the past 15 years.

13          Q     She works under your --

14                     MR. DiRUZZO:  Objection, leading.

15                     THE COURT:  I'll allow it.

16  BY MR. HOLT:

17          Q     Tell me whether or not she works on your  
18 direction?

19          A     Yes.

20          Q     Does she?

21          A     Yes.

22          Q     And is it your understanding that she was  
23 terminated?

24          A     Yes.

25          Q     By whom?

1           A     Mr. Yusuf.

2           Q     And what, if anything, did you do in response to  
3 that?

4           A     I hired her back.

5           Q     And did she come in the store the next day?

6           A     Yes, she did.

7           Q     And why did you hire her back?

8           A     Mr. Yusuf never gave me any indication why he  
9 fired her. The normal course of management, or the normal  
10 course of dialogue that we have is if we have a situation  
11 of an employee who did something, or presumably did  
12 something, or whatever it is, we always as managers,  
13 discuss, or as owners, we discuss the issues at hand.

14                     We find out what that employee did. We rarely  
15 just go ahead and fire an individual, especially -- By  
16 Yusuf coming over to the Plaza Extra east store and just  
17 firing Wadda out of the east store saying that she did  
18 something.

19                     And at the same --

20                     MR. DIRUZZO: Objection, Your Honor, narrative.

21                     THE COURT: Just answer the question you're  
22 asked.

23 BY MR. HOLT:

24           Q     So she came back to work the next day?

25           A     Yes.

1 Q And what happened?

2 A Mr. Yusuf came in and he told her that, didn't I  
3 fire you? She said, I hired you. He says, well, I fired  
4 you, you have to leave the store.

5 Q Were the police called?

6 A Yes, he called the police on her.

7 Q And were you there when the police were there?

8 A Yes, sir.

9 Q Tell me what you observed while the police were  
10 there?

11 A Mr. Yusuf said they have to leave my store, this  
12 is my store, they have no right here, I fired her. Even  
13 he said he fired my brother Mufeed.

14 He directed the police to remove us and Wadda  
15 from there. The police then said they would take it under  
16 advisement, and they left. Me and my attorney left and we  
17 went to court and we submitted the motion.

18 Q Now, did Mr. Yusuf say what he would do if  
19 anything if the police didn't remove everybody?

20 MR. DiRUZZO: Objection, Your Honor, leading.

21 MR. HOLT: I said --

22 THE COURT: I don't think that's leading.

23 Allowed.

24 You can answer.

25 THE WITNESS: He would close down the store.



1 BY MR. YUSUF:

2 Q And he said that in your presence?

3 A Yes, sir.

4 Q And at that juncture I take it you left to go to  
5 court?

6 A Yes.

7 Q Did there come a time that you returned back to  
8 the store that morning?

9 A Yes.

10 Q And did a discussion take place with all the  
11 parties present as to what would be done regarding the  
12 stores?

13 MR. DiRUZZO: Objection. Settlement discussion,  
14 lack of foundation as to whether all of the parties  
15 were there and know who's there.

16 BY MR. HOLT:

17 Q Who was present in the office?

18 MR. DiRUZZO: Objection.

19 THE COURT: Okay.

20 THE WITNESS: Attorney DeWood, Attorney Glenda.

21 MR. DiRUZZO: Your Honor, that was without a  
22 doubt after the parties met in mediation, that has to  
23 be 408.

24 THE COURT: Okay.

25 MR. HOLT: And after that case was filed.

1 THE COURT: I'm going to ask you to start over  
2 with that. How much longer do you have this witness?

3 MR. HOLT: I'm pretty close to being finished.  
4 You want to take a break?

5 THE COURT: Well, I want to make sure that the  
6 staff is taken care of, and obviously we're going to  
7 have a substantial cross-examination. Is this a good  
8 time for a break?

9 MR. HOLT: Yes.

10 THE COURT: Okay.

11 MR. DiRUZZO: Perfect.

12 THE COURT: Let's -- I don't know if we want to  
13 talk a lunch break at this point.

14 MR. DiRUZZO: I just ask that the witness be  
15 reminded of his obligations until he's done  
16 testifying.

17 THE COURT: Yes, sir. And Attorney Holt will  
18 advise him, please.

19 **(Recess at 12:00 p.m. until 1:50 p.m.)**

20 THE COURT: We'll pick it up where we left off.  
21 I think everybody -- I assume state side counsel  
22 would prefer not to come back next week to finish  
23 this, and so let's do our best to make sure we'll  
24 finish today. We'll just go straight through as long  
25 as we need to. That will be the plan.

1 MR. DiRUZZO: Your Honor, there's a distinct  
2 possibility that we might not get done with all the  
3 witnesses today, especially our witnesses, and if we  
4 have to come back next week, I'll come back next  
5 week.

6 THE COURT: We'll do our best to get through  
7 today.

8 MR. HOLT: In other words, to expedite things, I  
9 have no more questions.

10 THE COURT: Thank you.

11 CROSS-EXAMINATION

12 BY MR. DiRUZZO:

13 Q Good afternoon, Mr. Hamed.

14 A Good afternoon.

15 Q I'm going to ask you a series of questions, if  
16 you don't understand the question, I speak too fast, not  
17 loud enough, let me know and I'll either repeat or  
18 rephrase the question, okay?

19 A Okay.

20 Q Now, sir, you've testified that this partnership  
21 agreement that you just talked about is between your  
22 father Mohammad Hamed and Fathi Yusuf; is that correct?

23 A Yes, sir.

24 Q Please tell us what were the exact terms of that  
25 agreement?

1           A     It's a 50/50 partnership to the supermarket.

2           Q     Be specific, when you say the supermarket what  
3 are you referring to?

4           A     When they got together to form this partnership  
5 it was to open the Plaza Extra east store.

6           Q     So you're talking about -- This partnership  
7 you're talking between Fathi Yusuf and your father in  
8 respect to the Plaza Extra grocery store operations,  
9 correct?

10          A     Yes, sir.

11          Q     What were the terms of this agreement? You said  
12 it was 50/50?

13          A     Yes.

14          Q     What else?

15          A     That the Plaza Extra east store will pay rent to  
16 United Corporation, the United Shopping Plaza.

17          Q     Just so we're clear, what you're saying is the  
18 grocery store operations will pay rent to United  
19 Corporation as the landlord for the actual dirt, you know,  
20 of Plaza Extra Sion Farm?

21          A     For the Plaza Extra east store.

22          Q     What else were the terms?

23          A     It's -- really those are the terms as I  
24 understand.

25          Q     Just so we're perfectly clear, you're testimony

1 today is that the terms of the agreement between your  
2 father and Fathi Yusuf were it was 50/50 to run the Plaza  
3 Extra grocery store and nothing else?

4 A Well, they are responsible -- they are  
5 responsible to share the profits, they are responsible for  
6 the receivables, the payables, the risk that they are  
7 taking together. If they lose both parties lose not just  
8 one. They make money both parties make money.

9 Q And these are the terms, are you sure?

10 A Yes.

11 Q Okay. When you testified that Mohammed Hamed  
12 actually worked at the grocery store in Sion Farm?

13 A Yes, sir.

14 Q And, correct me if I'm wrong -- Well, he  
15 actually stopped working at the grocery store in Sion Farm  
16 at some point in time, I want to say 1996; is that  
17 correct?

18 A Yes.

19 Q Okay. From the time that this partnership  
20 began, which You say was in the middle '80s until 1996,  
21 Mohammed Hamed never had signatory authority over any bank  
22 accounts of Plaza Extra, correct?

23 A That's correct.

24 Q And because he never had signatory authority, he  
25 never wrote a single check on behalf of Plaza Extra

1 during -- between 1986 and 1996?

2 A That was the duty of Fathi Yusuf, he was  
3 responsible for the office.

4 Q Because Fathi Yusuf was in charge, correct?

5 A No, he was responsible for the office.

6 Q Now, in respect to this partnership agreement  
7 between your father and Fathi Yusuf, how long was this  
8 partnership agreement supposed to last?

9 A There was no definite terms. As far as we know  
10 it's forever.

11 Q Now, your testimony on your direct examination  
12 was that the checks that were written in respect to the  
13 Plaza Extra grocery stores, that those always required two  
14 signatures, correct, that was your testimony?

15 A We started doing that in either late 2009 or  
16 2010 that we came to an agreement.

17 Q So your testimony on direct that you always  
18 needed two signatures, that was incorrect?

19 MR. HOLT: Objection. He didn't say that.

20 THE COURT: Just ask the questions. Don't  
21 characterize his testimony.

22 BY MR. DiRUZZO:

23 Q Well, sir, the reason that two signatures were  
24 needed, or are currently needed, is because Fathi Yusuf  
25 wanted it that way, correct?

1           A     Yes.  He came to us and we both agreed on it,  
2  yes.

3           Q     "He came to us," that means Fathi Yusuf came  
4  to -- Who did he come to?

5           A     He came to me.

6           Q     And it was his idea?  He came to you, it was his  
7  idea, right?

8           A     So what.  It's his idea.  There's a lot of other  
9  stuff it was my idea.

10          Q     Sir, that wasn't the question.  The question  
11  was, it was his idea, correct?

12          A     He came to me with it.

13          Q     Now, Fathi Yusuf had written a check to himself,  
14  unilaterally just wrote himself a check.  You're testimony  
15  was that would be -- somehow that would be improper or  
16  wrong, that he just can't write himself a check.

17          A     I'm sorry, I -- what do you mean by that?

18          Q     Let me break it down for you, sir.  Your  
19  testimony on direct was you're complaining that there were  
20  checks written on Plaza Extra grocery stores that had  
21  signatures of just the Yusuf family, you were complaining  
22  about those checks, for example?

23          A     Yes, sir.

24          Q     Right?

25          A     Uh-hum.

1 Q And now -- But you also testified just now that  
2 in 2009/2010, whenever it was, up until that time only one  
3 signature was needed on an account?

4 A Yes, sir.

5 Q Okay. Now, if Fathi Yusuf had written a check  
6 unilaterally by himself, it was his idea, he didn't ask  
7 anyone? If he wrote himself a check to himself, that  
8 would have been improper, that would have breached this  
9 partnership agreement that you're talking about, that you  
10 talk about on direct examination, correct?

11 A Could you --

12 Q Let me --

13 A -- repeat the question.

14 Q If Fathi Yusuf cut himself a check right now, he  
15 signs it, made payable to Fathi Yusuf, he signs it, he  
16 goes to the bank, he cashes it, he takes money out, your  
17 testimony is this is not allowed, this is improper, this  
18 breaches this alleged partnership agreement?

19 A Based on the agreement that we have together  
20 right now it has to have two family, one member of each  
21 family.

22 Q Let's talk about before you needed two family  
23 signatures back in, I don't know, 2007.

24 In 2007, if Fathi Yusuf had written a check to  
25 himself without asking anyone else, made payable to Fathi



1 Yusuf, signed to Fathi Yusuf, that would have breached the  
2 partnership agreement.

3 A No.

4 Q So what you're saying is Fathi Yusuf could have  
5 unilaterally taken money out of Plaza Extra and that would  
6 not have breached the partnership agreement?

7 A He would have to let us know about it.

8 Q Sir, that's not what I'm asking.

9 A He would have to let us know about it.

10 Q Sir, I understand. Answer my question, if Fathi  
11 Yusuf, without letting anyone else know, wrote himself a  
12 check, would that have breached the partnership agreement?

13 A If he wouldn't let nobody else know, yes.

14 Q Okay.

15 MR. DiRUZZO: Your Honor, may I approach.

16 THE COURT: Yes, sir.

17 **(Defendants' Exhibit 1 marked for**  
18 **identification.)**

19 BY MR. DiRUZZO:

20 Q I'm showing you a document that's been marked as  
21 Defense Exhibit 1. Please take a moment and review that  
22 document, that composite document and let me know when  
23 you're done reviewing.

24 A I'm through.

25 Q You're done, sir?

1           A     Yes.

2           Q     Sir, this composite exhibit, Defense Exhibit 1,  
3 these are a series of checks, correct?

4           A     Yes.

5           Q     And these checks were written on the Plaza Extra  
6 accounts, to be specific the United Corporation, d/b/a  
7 Plaza Extra account at Scotia Bank?

8           A     Correct.

9           Q     And these checks are all written made payable to  
10 Wally Hamed?

11          A     That's correct.

12          Q     And all these checks have your signature on it,  
13 correct?

14          A     Correct.

15          Q     And on the back of these checks these -- they  
16 have an endorsement and that endorsement reflects your  
17 signature on it?

18          A     Correct.

19          Q     Okay.

20               MR. DiRUZZO: Now, Your Honor, the witness  
21 doesn't need to see the exhibit anymore, can we move  
22 it into evidence, Defense Exhibit 1?

23               THE COURT: Objections?

24               MR. HOLT: No. No objection.

25               THE COURT: Admitted.

1                   (Defendants' Exhibit 1 received into evidence.)

2 BY MR. DiRUZZO:

3           Q     Sir, in the event that there is a dispute over  
4 the management of a Plaza Extra store between a Hamed  
5 brother and a Yusuf brother, I'm sure that that would have  
6 happened over the course of many years of Plaza Extra has  
7 been operating, correct?

8           A     Yes. Not very often.

9           Q     But there was some times that has happened over  
10 a management decision?

11          A     Yes.

12          Q     And when this occurred, if the two brothers  
13 couldn't agree, Fathi Yusuf he is the one that made the  
14 ultimate call, correct?

15          A     I would say, yes.

16          Q     Now, sir, I'm going to turn your attention to  
17 the deposition transcript that's been admitted into  
18 evidence by the plaintiffs, Plaintiffs' Exhibit 1.

19                   Your Honor, can the witness be shown Plaintiffs'  
20 Exhibit 1.

21                   MR. HOLT: Your Honor, while he's at it 1, 1A,  
22 2, 3 and 4 were admitted.

23                   THE COURT: Thank you.

24 BY MR. DiRUZZO:

25          Q     Sir, before you have an opportunity to take a

1 look at that document, on direct examination you referred  
2 to the Plaza Extra Tutu Park, or the St. Thomas location;  
3 correct, you talked about that?

4 A Yes.

5 Q And you also talked about how you had -- there  
6 was this partnership between your father Fathi Yusuf and  
7 an individual by the name of Ahamad -- could you help me  
8 out with his last name?

9 A Idhelleh.

10 Q Idhelleh. And you referred to Mr. Ahamad as the  
11 partner in St. Thomas, correct?

12 A Yes.

13 Q And ultimately, Mr. Ahamad, he was bought out,  
14 he is no longer the partner in St. Thomas, correct?

15 A That's correct.

16 THE COURT: You mean Mr. --

17 THE WITNESS: Idhelleh.

18 MR. DiRUZZO: Idhelleh.

19 THE COURT: Thank you.

20 BY MR. DiRUZZO:

21 Q He's no longer the partner in St. Thomas?

22 A That's correct.

23 Q Now, sir, I want to turn your attention to this  
24 exhibit that's already been admitted into evidence, I want  
25 you to turn your attention to the third page. Let me know

1 when you get there.

2 And I don't -- Let me be specific, the third  
3 page of the document, not the third page of the actual  
4 deposition transcript.

5 A The third page of the document?

6 Q Third page of the document. One, two, three.

7 A Yes.

8 Q And that page reflects exhibits, correct?

9 A Yes.

10 Q And Exhibit Number 7, that refers to a joint  
11 venture agreement, correct?

12 A Yes.

13 Q Okay. Well, the fact -- and sir, you would  
14 agree that that joint venture agreement, that's not part  
15 of that deposition transcript that's in front of you,  
16 correct?

17 A Can I go through?

18 Q Sure.

19 A No, I don't see it.

20 Q Now, sir, you don't see that joint venture  
21 agreement in front of you? The fact of the matter is,  
22 Mr. Idhelleh he wasn't a partner in Plaza Extra Tutu, he  
23 was a joint venturer in Plaza Extra in Tutu, correct; as  
24 the document, Exhibit 7 Joint Venture Agreement that  
25 should have been attached to this exhibit reflects.

1           A       Whether it's a joint venture it's a partner,  
2 that's the way I understand it.

3           Q       Sir, actually why don't we discuss that. What's  
4 your understanding of the difference between a joint  
5 venture and a partner?

6           A       It's the same. It just means the same to me.

7           Q       Okay. Sir, in respect to Plaza Extra, Tutu  
8 Park, have you seen the lease agreement between Plaza  
9 Extra and the landlord?

10          A       At one time or another, yes.

11          Q       Well, you never -- you personally, you didn't  
12 sign that lease agreement, did you?

13          A       No, sir.

14          Q       Your father, he didn't sign that lease  
15 agreement, did he?

16          A       No, sir.

17          Q       Fathi Yusuf, he signed that lease agreement,  
18 correct?

19          A       If I can see that I can tell you that.

20          Q       Sure. I'll get it to you in a little bit.

21                 Sir, the fact of the matter is that your father  
22 has never given a personal guarantee as to a Plaza Extra  
23 or United Corporation debt, correct?

24          A       I don't understand.

25          Q       Do you understand what a personal guarantee is,

1 sir?

2 A Yes, sir.

3 Q Has your father -- The fact is that your father  
4 has never executed a personal document guaranteeing the  
5 debt of either United Corporation or Plaza Extra?

6 A Never executed a document. But he is fully a  
7 partnership who's liable for payments and everything else.

8 Q Sir, that wasn't the question. The question is,  
9 your father never executed a personal guarantee in respect  
10 to the operation of Plaza Extra, correct; that's a fact?

11 A No, he's not.

12 Q And just so the record's clear, you're agreeing  
13 with me he never did?

14 A That's correct. But he is responsible for it.

15 Q Now, sir, I'm going to turn your attention to  
16 the ongoing criminal case; you're familiar with that case?

17 A Yes, sir.

18 Q And you were named a defendant in that case?

19 A Yes.

20 Q And United Corporation was a named defendant in  
21 that case?

22 A Yes.

23 Q Along with Fathi Yusuf and Mahar Yusuf among  
24 others?

25 A Yes.

1 Q And that case is ongoing, correct?

2 A Yes.

3 Q And in that case your father he was never  
4 charged was he?

5 A No, sir.

6 Q And he was never taken into custody was he?

7 A No, sir.

8 Q You were taken into custody?

9 A Yes, sir.

10 Q Fathi Yusuf was taken into custody?

11 A Yes, sir.

12 Q Mahar Yusuf was taken into custody?

13 A Yes.

14 Q Now, at some point in time during the criminal  
15 case there became an issue as to who actually owns Plaza  
16 Extra?

17 A No, it wasn't who owns Plaza Extra, who owns  
18 United.

19 Q Well, sir, you along with the other named  
20 criminal defendants were indicted for what happened at  
21 Plaza Extra, correct?

22 A What happened at United d/b/a Plaza Extra.

23 Q Sir, were -- in respect to the ongoing federal  
24 criminal case, there was a plea agreement that was entered  
25 into, correct?



1 A Yes, sir.

2 Q And the plea agreement --

3 May I approach, Your Honor?

4 THE COURT: Yes, to the marshal, please.

5 (Defendants' Exhibit 2 marked for  
6 identification.)

7 BY MR. DiRUZZO:

8 Q Sir, I'm showing you what's been marked as  
9 Defense Exhibit Number 2, take a moment to peruse that  
10 document and let me know when you're done reviewing it.

11 A Yes, sir.

12 Q Okay. Sir, in the ongoing federal criminal case  
13 you're represented by two attorneys by the names of Gordon  
14 Rhea and RandallAndreozzi, correct?

15 A Correct.

16 Q And, sir, they executed this document on your  
17 behalf, specifically on page 14, correct?

18 A Yes.

19 Q And page 20?

20 A Correct.

21 Q Now sir --

22 A I'm sorry, page 20?

23 Q Page 20.

24 A Yes.

25 Q Now, sir, on page one of this plea agreement,

1 here in this plea agreement it talks about the defendant  
2 United Corporation d/b/a Plaza Extra?

3 A Yes, sir.

4 Q And the nature of this plea agreement involves  
5 the federal government's allegation in respect to Plaza  
6 Extra, correct?

7 A Yes.

8 Q Now, in this plea agreement it reflects certain  
9 ownership percentages of United Corporation d/b/a Plaza  
10 Extra, correct.

11 And I'll turn your attention to, specifically,  
12 page 11.

13 A Page 11.

14 MR. HOLT: Your Honor, to move things along  
15 we'll stipulated that United Corporation is owned by  
16 the Yusufs not --

17 THE COURT: I think the question is United d/b/a  
18 Plaza.

19 MR. DiRUZZO: That is --

20 THE COURT: But perhaps Attorney Holt will  
21 stipulate to what the document says.

22 MR. HOLT: I will. I don't want to interrupt  
23 his questioning, I was trying to move things along.

24 BY MR. DiRUZZO:

25 Q The ownership percentages are listed on page 11?

1           A     Yes, sir.

2           Q     And this document was executed by your attorneys  
3 acting in your place as your legal representatives in the  
4 ongoing federal criminal case, correct?

5           A     Yes, sir.

6           Q     Now, sir, and the reason that they executed this  
7 document -- Well, actually let me be specific there's  
8 signatures on page 14 and page 20, you recognize their  
9 signatures, correct?

10          A     Yes.

11          Q     These are their signatures and you don't dispute  
12 the accuracy and authenticity of that document do you?

13          A     As far as I know, yes.

14          Q     And, of course, you won't enter into a plea  
15 agreement without reading it; but have you read this  
16 document, your attorney acting on your behalf executing  
17 it?

18          A     I don't remember if I read it or not.

19                MR. DiRUZZO: Okay. Now, Your Honor, the  
20 defense would move Exhibit Number 2 into evidence.

21                MR. HOLT: No objection.

22                THE COURT: Admitted.

23                **(Defendants' Exhibit 2 received into evidence.)**

24                **(Defendants' Exhibit 3 marked for**  
25 **identification.)**

1 BY MR. DiRUZZO:

2 Q Now sir, I'm showing you another document that's  
3 Exhibit 3. Take a moment and take a look at that  
4 document, peruse it and let me know when you've finished  
5 reviewing that document.

6 A Yes.

7 Q And sir, on page five, Gordon Rhea executed this  
8 document on your behalf?

9 A Yes.

10 Q And on the next page, page six, RandallAndreozzi  
11 executed this document on your behalf?

12 A Yes.

13 Q And, sir, this document reflects that United  
14 Corporation, d/b/a Plaza Extra was to pay \$10 million to  
15 the Virgin Islands Bureau of Internal Revenue, correct?

16 Take a look at page one.

17 A Yes, sir.

18 Q Ask to move Exhibit Number 3 into evidence.

19 MR. HOLT: No objection.

20 THE COURT: Admitted.

21 **(Defendants' Exhibit 3 received into evidence.)**

22 **(Defendants' Exhibit 4 marked for**  
23 **identification.)**

24 BY MR. DiRUZZO:

25 Q Sir, take a moment to take a look at defense

1 Exhibit Number 4?

2 A Yes, sir.

3 Q All right, sir, I'm going to turn your attention  
4 to page six of the document?

5 A Yes.

6 Q And that's a letter between an attorney by the  
7 name of Henry Smock and Tamarah Parson-Smallis at the  
8 Virgin Islands Bureau of Internal Revenue, you agree with  
9 me?

10 A Yes.

11 Q And down at the bottom there's a carbon copy to  
12 Gordon Rhea and Randall Andreozzi?

13 A Yes.

14 Q Who's your attorney in the ongoing criminal  
15 case?

16 A Yes.

17 Q Sir, on the very next page there's a \$10 million  
18 check made payable to the Virgin Islands Bureau of  
19 Internal Revenue?

20 A Yes, sir.

21 Q And, sir, on the very last page, page 9, there  
22 are signatures of shareholders of United Corporation,  
23 including Fathi Yusuf and other family members, you would  
24 agree with that?

25 A Yes.

1 Q Sir, have you seen this document before?

2 A I don't recall.

3 Q Sir, in respect to the ongoing federal criminal  
4 case, have either of your attorneys ever lodged an  
5 objection with the prosecutors -- let me be real specific.

6 You would agree with me none of your attorneys  
7 filed a document with the District Court of the Virgin  
8 Islands Clerk's office disputing the ownership percentages  
9 in United Corporation d/b/a Plaza Extra.

10 A No, they haven't.

11 Q Sir, when the federal criminal case was ongoing,  
12 at no point in time did you ever stand up and say hold on,  
13 my father's a partner in Plaza Extra; you never made that  
14 representation to the court, did you?

15 A No, I never had no reason to. My father was not  
16 an indicted individual.

17 Q Sir, I'll take that as a never. You never made  
18 that representation?

19 A That's what I said, I never did.

20 Q And when it became an issue as to who actually  
21 owns Plaza Extra, at that point in time neither you nor  
22 your attorneys stood up and said wait a minute, my father  
23 Mohammed Hamed he actually owns 50 percent of Plaza Extra;  
24 you never made that representation did you?

25 A No, sir.

1           Q     But now -- Sir, I'm going to turn your attention  
2 to July 9 of 2009, on that day there is a hearing in the  
3 ongoing federal criminal case, and at that hearing the  
4 federal government brought up that there is a potential  
5 issue as to who actually owned Plaza. Let me be specific,  
6 United Corporation d/b/a Plaza Extra, do you remember that  
7 day?

8                     You remember going in front of Judge Finch and  
9 what was said in front of the federal prosecutors and the  
10 attorneys that day?

11           A     I remember there was an issue but I don't  
12 remember exactly what happened.

13           Q     You don't remember exactly what was said?

14           A     Sir, no.

15           Q     Sir, if I show you a transcript of that hearing  
16 will that refresh your recollection?

17           A     It might.

18                     MR. DiRUZZO: Then, Your Honor, I'll table this  
19 train of discussion until a further point in time.  
20 Defense would move Exhibit Number 4 into evidence.

21                     THE COURT: Objection to number 4?

22                     MR. HOLT: No objection to number 4. Sorry  
23 about that, Your Honor.

24                     THE COURT: Admitted.

25                     **(Defendants' Exhibit 4 received into evidence.)**

1 THE COURT: Is that document, that transcript,  
2 is that marked as an exhibit?

3 MR. DiRUZZO: Not yet.

4 THE COURT: Okay.

5 (People's Exhibit 5 marked for identification.)

6 BY MR. DiRUZZO:

7 Q Sir, before you get an opportunity to read  
8 that -- before sitting here today, before you had an  
9 opportunity to read that transcript, you do remember that  
10 the federal government, the prosecutors were making an  
11 issue about whether your father was actually a partner in  
12 Plaza Extra?

13 A I don't remember if it was my father or if it  
14 was us. I don't recall exactly.

15 Q But do you recall there was something that was  
16 discussed?

17 A Yes.

18 Q Now, sir, I'm going to turn your attention to  
19 the amount of money, or the Banco Popular securities  
20 accounts, you're familiar with those accounts?

21 A Yes.

22 Q And as you're sitting here today you would agree  
23 there's in excess of \$40 million into those accounts?

24 A That's correct.

25 Q And those -- those accounts at Banco Popular,



1 and also I want to say there's also a Merrill Lynch  
2 account, correct?

3 A Yes.

4 Q And those accounts are subject to the  
5 restraining order in the ongoing federal criminal case?

6 A Yes.

7 Q And those funds haven't gone anywhere over the  
8 last -- during the duration of the federal criminal case?  
9 They've been at Banco Popular securities, they haven't  
10 gone anywhere? They haven't gone to Jordan, they haven't  
11 gone anywhere else, correct?

12 A That's correct.

13 MR. DiRUZZO: This will be Defense Exhibit 6.

14 **(Defendants' Exhibit 6 marked for**  
15 **identification.)**

16 BY MR. DiRUZZO:

17 Sir, I'm showing you a composite exhibit  
18 marked as Defense Exhibit 6, can you take a moment to  
19 peruse that document.

20 A Yes, sir.

21 Q Sir, Defense Exhibit 6, these are a bunch of  
22 images or photographs, pictures, correct?

23 A Yes.

24 Q Of Plaza Extra Sion Farm?

25 A Correct.

1 Q And, sir, these pictures depict, starting on the  
2 first page, the inside of Plaza Extra Sion Farm where the  
3 customers would shop, agreed?

4 A Yes, they are. The aisles.

5 Q And on the seventh page of that document,  
6 starting on the seventh page, it depicts the warehouse,  
7 the receiving area, the back of the building that's not  
8 accessible to the public, correct?

9 A That's correct.

10 Q Now, sir, these pictures accurately depict the  
11 inside of Plaza Extra Sion Farm, correct?

12 A On that given day, yes, whatever day it was.

13 Q And, sir, do you have any reason to believe that  
14 this picture wasn't taken in the next -- wasn't taken  
15 recently? Does this look like a recent picture to you?

16 A Yes.

17 Q Now, sir, these pictures depict a grocery store  
18 full of inventory? That looks pretty well stocked to me.  
19 Sir, you would agree there's plenty of inventory in Sion  
20 Farm as we sit here today?

21 A There is inventory.

22 Q And not only is there inventory available to the  
23 public, there's also inventory in the back so the -- in  
24 the event that the front floor needs to be restocked it  
25 can be, correct?

1           A     Not everything, but there's a significant space  
2 on the shelf that are not full.

3           Q     Sir, the truth of the matter is that payments to  
4 suppliers, they haven't been blocked, and Plaza Extra, the  
5 grocery stores, there's plenty of inventory there for the  
6 public of St. Croix to buy, that's the truth of the  
7 matter?

8           A     That's your opinion, sir.

9           Q     Well, I'm asking you, sir, answer my question  
10 request.

11          A     Repeat the question.

12          Q     The question is, payments to suppliers have not  
13 been blocked?

14                Let me make it real easy, these pictures depict  
15 a grocery store full of inventory that is not about to  
16 close any time soon, correct?

17          A     I could say, yes.

18                MR. DiRUZZO: Defense would move Exhibit 6 into  
19 evidence.

20                MR. HOLT: No objection, but is there a time to  
21 the photos?

22                MR. DiRUZZO: I would be able to represent taken  
23 last night.

24                MR. HOLT: When?

25                MR. DiRUZZO: Last night.

1 MR. HOLT: No objection.

2 MR. DiRUZZO: Although I'll tie up that  
3 foundation on predicate with some of our witnesses.

4 MR. HOLT: I'll stipulate to it.

5 MR. DiRUZZO: Okay.

6 THE COURT: Group Exhibit 6 is admitted.

7 **(Defendants' Exhibit 6 received into evidence.)**

8 BY MR. DiRUZZO:

9 Q Sir, I want to turn your attention to the name  
10 of Wadda Charriez.

11 THE COURT: How do you pronounce her last name?

12 THE WITNESS: Charriez.

13 BY MR. DiRUZZO:

14 Q Charriez. Sir, you would agree with me that  
15 having employees file false time records to reflect hours  
16 that they worked when they didn't actually work, that's  
17 against company policy? Plaza Extra doesn't pay people  
18 for hours that they did not work?

19 A That's correct.

20 Q And when people falsify their time sheets there  
21 is a problem because Plaza Extra pays money -- pays wages  
22 to employees that don't deserve it?

23 A Are you referring to Wadda or --

24 Q I'm just saying in general.

25 A General, yes.

1           Q     Now, sir, you would also agree with me that when  
2 that -- You'll also agree with me when an employee of  
3 Plaza Extra falsifies his or her time records a manager of  
4 Plaza Extra would have good cause to fire that employee  
5 for stealing from Plaza Extra, agreed?

6           A     No, disagree.

7           Q     You're saying to this judge that if someone  
8 steals from Plaza Extra that manager won't have good cause  
9 to fire them?

10          A     There are procedures in place.

11          Q     The question is not about procedure, the  
12 question is simply about good cause.

13          A     There are procedures in place.

14          Q     Sir, I understand that. I understand.  
15                Objection, nonresponsive.

16                THE COURT: You asked the question and he  
17 answered it. I'm sure he'll get to the specific  
18 answer. He can answer the question. Ask it again  
19 and let him answer.

20 BY MR. DiRUZZO:

21          Q     Sir, you would agree with me if an employee  
22 steals from Plaza Extra a manager of Plaza Extra would  
23 have good cause to fire that employee?

24          A     They do, but they can't do it unilaterally.

25          Q     Okay. Now, sir, you've been provided Defense

1 Exhibit 5. If you take a moment to take a look at that  
2 document, specifically starting on page 9, and page 9  
3 through page 13.

4 MR. HOLT: Page what?

5 MR. DiRUZZO: Page 9 through 13.

6 THE WITNESS: Yes, sir.

7 BY MR. DiRUZZO:

8 Q And, sir, starting on page 9, the prosecutor in  
9 the criminal case where you're a named defendant brought  
10 to the court's attention, and to all the parties to that  
11 criminal case that, quote.

12 "One of the issues that has arisen is who, in  
13 fact, owns the share of United. On paper, it is  
14 entirely owned by the Yusuf family, and it is  
15 distributed amongst various families.

16 "However, I believe in civil litigation there  
17 was deposition testimony in which it indicated that  
18 setting aside the formalities of share certificates,  
19 that, in fact, the shares were owned 50 percent by  
20 the Yusuf family and 50 percent by the Hamed family,  
21 and no indication as to how it broke down or even if  
22 it broke down between individual family members."

23 That's what the prosecutor said in the ongoing  
24 criminal case where you're a defendant, correct?

25 A That's what I'm reading, yes.

1 Q And, sir, at no point in time did Gordon Rhea  
2 stand up and object on July 9, 2009? He didn't say  
3 anything on your behalf? He didn't tell the government  
4 that, you know what, Mohammed Hamed he really owns 50  
5 percent of Plaza Extra, he never said that?

6 A Because Mohammed Hamed is not part of the  
7 criminal case.

8 Q So -- But you didn't -- but according to your  
9 direct testimony you knew that your father was a partner  
10 in Plaza Extra since the mid 1908s, well before this  
11 federal criminal case you knew that, and that's what your  
12 testimony on direct was?

13 A Yes.

14 Q And in July 2009 when the federal government  
15 showed up and said, there is an issue here as to who  
16 actually owns Plaza Extra, you never said anything in  
17 respect to your father's ownership in Plaza Extra?

18 A My father wasn't a party to the -- he wasn't a  
19 party to the criminal case so I don't see where he has to  
20 come in at that point.

21 Q I'm not talking about what your father has to  
22 say, I'm asking whether you did anything in the criminal  
23 case, the answer is, no?

24 A But I am not the shareholder.

25 Q Just to be perfectly clear --

1           A     My father -- I never said I was a shareholder or  
2 a partner, my father is.

3           Q     Just so we're perfectly clear, your testimony,  
4 this partnership between Fathi Yusuf and your father is  
5 not between Fathi Yusuf and you, it's not between Fathi  
6 Yusuf and Waheed, it's not between Fathi Yusuf and anyone  
7 else, it's between Fathi Yusuf and Mohammed Hamed, that's  
8 what your testimony is?

9           A     Yes.

10          Q     Also on July 9, 2009, when all this was going on  
11 in the federal criminal case, your brother Waheed never  
12 stood up and said anything about what happened? He never  
13 stood up and said my father owns 50 percent of Plaza Extra  
14 did he?

15          A     No, he didn't.

16          Q     Defense would move Exhibit 5 into evidence?

17               MR. HOLT: Your Honor, we object. Exhibit 5 is  
18 about 60, 70 pages. I saw it for the first time  
19 and I don't know what else is in it.

20               THE COURT: How about the first page and the  
21 pages that were referenced.

22               MR. DiRUZZO: I have no problems with that, Your  
23 Honor.

24               THE COURT: Page 9 to 13, just the front page  
25 that identifies the hearing, and then the pages 9 to



1 13 will be admitted.

2 MR. DiRUZZO: Your Honor, I would just ask that  
3 the first page through 13 because it also includes  
4 the attorneys that were present at the time.

5 MR. HOLT: No problem.

6 THE COURT: Pages 1 through 13?

7 MR. DiRUZZO: Correct.

8 THE COURT: Pages 1 through 13, Exhibit 5 are  
9 admitted.

10 MR. HOLT: I mean I just don't know if it's  
11 complete, that's the only problem I have. I haven't  
12 seen it before. It looks like that's the initial  
13 response and then the government comes back on page  
14 14 and --

15 MR. DiRUZZO: Your Honor, I represent that all  
16 the pages that are on the paper are part of the  
17 document. It's also part of our request for  
18 additional notice.

19 MR. HOLT: You know what, to be honest with you,  
20 it can all come in. I don't know what's in it. I  
21 don't know if they expect you to read it.

22 THE COURT: Let's -- there's an indication they  
23 only need pages 1 to 13, so without objection 1 to  
24 13.

25 MR. DiRUZZO: 1 through 13.

1 THE COURT: 1 through 13.

2 (Defendants' Exhibit 5 received into evidence.)

3 BY MR. DiRUZZO:

4 Q And finally, Mr. Hamed, in respect to that  
5 hearing, both you, your brother, Fathi Yusuf, Mike Yusuf,  
6 all the criminal defendants, the individuals, the people  
7 that would show up, they were there with their attorneys?

8 A Yes, sir.

9 Q Sir, have you ever heard of an entity known as  
10 5H Holdings?

11 A Yes.

12 MR. HOLT: Excuse me, I couldn't --

13 BY MR. DiRUZZO:

14 Q I will repeat. Sir, have you ever heard of an  
15 entity called 5H Holdings Incorporated?

16 A Yes.

17 Q Sir, please describe to the Court what is that  
18 entity?

19 A It's a company that I created between me and my  
20 brother that -- Waheed Hamed and me.

21 Q Okay. And this is a Virgin Islands entity,  
22 correct?

23 A That's correct.

24 Q And with documents filed with the Office of the  
25 Lieutenant Governor?

1 A Correct.

2 Q And those documents, the Articles of  
3 Incorporation, those were filed in April of 2012?

4 A I assume, yes.

5 Q It was filed last year? You would agree it was  
6 filed 2012?

7 A Yes.

8 Q And the purpose of this entity 5H Holdings, is  
9 to go into business, correct? It's designed to make  
10 money?

11 A Yes.

12 Q And one of the -- are you an officer of 5H  
13 Holdings?

14 A Yes, I am.

15 Q And what is your title or position?

16 A President.

17 Q And who else are the officers of 5H Holdings?

18 A My brother, Waheed Hamed.

19 Q Who are the 5H -- is 5H Holdings?

20 A There's no individuals, it's 5H.

21 Q So the 5H doesn't stand for Waleed Hamed, Waheed  
22 Hamed, Mufeed Hamed?

23 A If you assume, but, no. It's 5H, just like any  
24 other name.

25 Q Who decided to name it 5H?

1 A I came up with the name.

2 Q And why did you come up with that name? Does it  
3 have any significance at all?

4 A It's 5H.

5 Q Okay. And, sir, 5H Holdings, through you acting  
6 as the authorized representative of 5H Holdings, 5H  
7 Holdings has been actively looking into business  
8 opportunities on St. Thomas, correct?

9 A Yes.

10 Q Including the potential acquisition of Marina  
11 Market?

12 A No.

13 Q What exactly has the business opportunities of  
14 5H Holdings been looking into on St. Thomas? Please tell  
15 the Court what are those business opportunities?

16 A The only business opportunity there is there's a  
17 contract to purchase.

18 Q Tell us about this contract to purchase.  
19 Contract to purchase what?

20 A There's a contract to purchase the property in  
21 Red Hook.

22 Q Let's be specific about the property, what  
23 property are you referring to?

24 A East end. I think it's called East End Gallery  
25 or something like that.

1           Q     I'm sure that the Court has been to Red Hook,  
2 but let's be specific for the record. As you're driving  
3 into Red Hook and East End Cafe is on your right and  
4 you're going up and Chelsea Drugstore is on your left and  
5 you keep going and you pass where the Marina is, and you  
6 pass Marley Malone up into the left there, that is where  
7 Marina Market is, are you referring to that property where  
8 you pull into your left and Marina Market's on your right  
9 and there's a bunch of stores to your right, is it that  
10 property right there?

11           A     Yes, sir.

12           Q     Okay. And sir, this contract to purchase, is  
13 the contract to purchase just the property or is it a  
14 contract to purchase -- I'll be real specific. Is it a  
15 contract to purchase just the land itself or is it a  
16 contract to purchase everything on it including the  
17 building?

18           MR. HOLT: Your Honor, we maybe here longer than  
19 I thought, but what's the relevance?

20           THE COURT: Why is it relevant?

21           MR. DiRUZZO: Your Honor, if there is a  
22 partnership this goes toward irreparable injury.  
23 Because if there is this partnership, it's our  
24 position that Mohammad family is taking a position  
25 that there's no adverse harm to the partnership and

1           that they've already targeted an additional  
2           acquisition, so this case is nothing more than a  
3           money damages case where preliminary injunctive  
4           relief is inappropriate under the circumstances.

5           MR. HOLT: Your Honor, I'll let him go through  
6           with it, but I don't see the relevance. In the  
7           interest of time I'd like to speed it up, but I don't  
8           want to interfere if he thinks it's relevant.

9           THE COURT: Make your point. The other business  
10          opportunity that are being explored, and let's move  
11          on.

12 BY MR. DiRUZZO:

13          Q       Sir, was this contract to purchase -- is it to  
14          purchase not only the dirt but also the building on the  
15          dirt?

16          A       Yes.

17          Q       And then when -- if this transaction were to  
18          actually come to pass, would the current tenants, would  
19          they be kicked out?

20                 Would the people or entity that's currently  
21          operating the Marina Market, would either 5H Holdings or  
22          another corporation that you own, your family owns, would  
23          you take over running Marina Market?

24          A       I have no interest in that. Once somebody's  
25          paying, the tenants are paying, why should I kick them

1 out? That's the intention of it.

2 Q Sir, since you've been working at the Plaza  
3 Extra Sion Farm, since the mid 1980s, as part of your  
4 duties, part of your duties as the manager have to do,  
5 obviously, with the reporting obligations to the federal  
6 government, the local government; for example, you had to  
7 do gross receipt tax, you had to make sure gross receipt  
8 taxes were filed and paid?

9 A I'm sorry, I don't understand.

10 Q I'll clarify. During the course of your  
11 employment at Plaza Extra, one of your jobs as a manager  
12 is to make sure that, among other things, that taxes get  
13 paid, you know, you don't have problems with filings get  
14 filed, Franchise tax gets paid, stuff like that, you have  
15 to make sure that is done?

16 A That obligation was left to Fathi Yusuf.

17 Q And, sir, during the course of your employment  
18 did you ever have an opportunity to review any of the tax  
19 filings? Did you ever have that opportunity to review any  
20 of the tax filings?

21 A Not that I recall, no.

22 Q Sir, do you recall in the late 1990s Pablo  
23 O'Neill suggested to Plaza Extra to convert from a C  
24 Corporation to an S Corporation?

25 A Yes.

1 Q And in respect to that, well, tax transaction,  
2 that conversion from a C Corporation to an S Corporation,  
3 some of the shares of United Corporation they were  
4 transferred from Mr. -- I'll be specific, Fathi Yusuf and  
5 his wife to their children, you were aware of that?

6 A Yes.

7 Q This was late 1999 Early 2000?

8 A Yes.

9 Q Okay. Sir.

10 Your Honor, I have nothing further at this time.

11 Yield the witness.

12 THE COURT: Okay. Redirect.

13 REDIRECT EXAMINATION

14 BY MR. HOLT:

15 Q Going to the criminal case. I think you said --  
16 let me make it clear, I think you said it -- was your  
17 father a defendant in that case?

18 A No.

19 Q Did he have a lawyer representing him in that  
20 case?

21 A No, sir.

22 Q And in that case, it's still pending, isn't it?

23 A Yes, sir.

24 Q And one of the things that needs to be done is  
25 filing -- tax returns have to be filed don't they?



1 A Yes.

2 Q And those tax returns haven't been filed?

3 MR. DiRUZZO: Objection, leading.

4 BY MR. HOLT:

5 Q And have those tax returns been filed?

6 A No.

7 Q And why not?

8 MR. DiRUZZO: Objection.

9 THE COURT: What's the nature of your objection.

10 MR. DiRUZZO: First of all, lack of foundation  
11 to whose tax returns, and then lack of personal  
12 knowledge as to -- he hasn't testified about any of  
13 the preparation of the tax returns. And I believe he  
14 just testified that he doesn't have anything to do  
15 with tax reporting.

16 THE COURT: Ask the question again, please.

17 BY MR. HOLT:

18 Q Which tax returns have to be filed?

19 A United Corporation, Plaza Extra.

20 Q And those tax returns have not been filed?

21 A No, sir.

22 Q And your lawyers are representing you with  
23 regard to all of those issues?

24 A Yes, sir.

25 Q And until that case is dismissed these assets

1 are all frozen and the security accounts?

2 A Yes, sir.

3 Q So you have an interest in following that  
4 litigation?

5 A Yes.

6 Q And do you know why the tax returns have not  
7 been filed?

8 MR. DiRUZZO: Objection.

9 THE COURT: That's a yes or no answer.

10 MR. DiRUZZO: Well then, leading.

11 THE COURT: It's not leading.

12 BY MR. HOLT:

13 Q Isn't it true that the reason why your tax  
14 returns haven't been filed is because of this partnership  
15 interest, whether it be a partnership?

16 MR. DiRUZZO: That's leading.

17 THE COURT: Okay. Ask him if he knows why.

18 BY MR. HOLT:

19 Q Do you know why the tax returns haven't been  
20 filed?

21 A Because there's an objection about the  
22 partnership issues at hand.

23 Q Now, going back to the checks, Exhibit Number 1,  
24 they gave you a series of checks, I see they are dated  
25 between 2002, 2003, 2000 -- I can't read all the dates,

1 but if these checks were dated before the criminal  
2 investigation, okay, 'cause I don't know if they were or  
3 not, I can't read the exact date, if these were dated  
4 before the criminal investigation, could you write a check  
5 without the Yusufs knowing about it?

6 MR. DiRUZZO: Objection, leading. And these  
7 documents were written in 2002 and, I want to -- and  
8 2003, and I believe the testimony was that the feds  
9 raided Plaza Extra in October of 2001.

10 MR. HOLT: Then --

11 THE COURT: Rephrase the question.

12 BY MR. HOLT:

13 Q If these checks were written after the feds  
14 raided, did the feds put anyone in place to oversee the  
15 management of the place?

16 A They put somebody in place in 2003 I believe.

17 Q Okay. And after that person came in, could you  
18 write checks without their approval?

19 A No, sir.

20 Q They approved every single check?

21 A Yes, sir.

22 Q And would you ever written a check to yourself  
23 without the Yusuf family knowing about it and being able  
24 to write a corresponding check equal to that?

25 MR. DiRUZZO: Objection, calls for speculation.

1 THE COURT: Stop. It doesn't call for  
2 speculation.

3 But when are you talking about?

4 MR. HOLT: Prior to the receiver being put in  
5 place.

6 MR. DiRUZZO: Objection, I need foundation as to  
7 when the receiver was put in place.

8 THE COURT: According to what you just said, it  
9 was in April of '03.

10 MR. DiRUZZO: I didn't say that.

11 THE COURT: I'm sorry, not the receiver.

12 MR. HOLT: Well, let me just ask the question  
13 again.

14 THE COURT: Hold on a second. Go ahead, ask  
15 your question.

16 BY MR. HOLT:

17 Q After the receiver was in place, could anyone  
18 write the checks without the receiver's approval?

19 A No.

20 Q And before the receiver was in place, would you  
21 write checks yourself without the Yusuf -- someone from  
22 the Yusuf family having knowledge of that check in the  
23 business?

24 A They would have to have knowledge of it.

25 Q And if it was a check for you to withdraw for

1 personal use, would that go into a record somewhere where  
2 they could then withdraw a similar amount?

3 A Yes.

4 Q And all of these checks are checks written on  
5 Scotia Bank accounts, I believe.

6 Would somebody from the Yusuf family see all of  
7 these checks when it came back from the bank?

8 A Yes.

9 MR. DiRUZZO: Objection, calls for speculation.

10 THE COURT: I'm going to try to respond to the  
11 objections when they are made, not let the lawyers  
12 keep talking. So I'll overrule that objection.

13 Go ahead.

14 THE WITNESS: Yes, sir, could you repeat.

15 BY MR. HOLT:

16 Q Would someone from the Yusuf family see these  
17 checks?

18 MR. DiRUZZO: Objection.

19 THE COURT: Overruled.

20 THE WITNESS: Yes.

21 BY MR. HOLT:

22 Q And you were asked about the C Corporation in  
23 1999. Did the United S Corporation switch to a C  
24 Corporation?

25 A Yes. I'm sorry, switch?

1 Q You were asked about Pablo O'Neill recommending  
2 it become a C corporation some point in the --

3 A No, I think it's from a C to an S.

4 Q And when that change took place, did that have  
5 any effect on how the profits from the three supermarkets  
6 were disbursed?

7 A Absolutely not.

8 Q And you were asked about the money in the Banco  
9 Popular Security account, and right now that that's frozen  
10 by the TRO, as you understand it, in place from the  
11 federal court.

12 MR. DiRUZZO: Objection, that's not a pending  
13 question, that's a statement.

14 BY MR. HOLT:

15 Q Can you tell me whether or not money can be  
16 withdrawn from the Banco Popular accounts with -- where  
17 all of these millions of dollars are being held?

18 A Right now, no.

19 Q And if the federal cases are dismissed then what  
20 would happen?

21 MR. DiRUZZO: Objection, calls for speculation.

22 MR. HOLT: He certainly knows. He's the manager  
23 of the business.

24 THE COURT: If you know.

25 THE WITNESS: Yes.

1 BY MR. HOLT:

2 Q Would there be anything to keep Mr. Yusuf or  
3 anyone else from just taking these monies and leaving?

4 A Absolutely not because he did it with the 2.7.

5 MR. HOLT: No other questions.

6 MR. DIRUZZO: Nothing further.

7 THE COURT: Okay. Next witness.

8 MR. HOLT: We call William.

9 Thereupon,

10 WAHEED HAMED,

11 having been first duly sworn, was examined and testified  
12 as follows:

13 DIRECT EXAMINATION

14 BY MR. HOLT:

15 Q State your name for the record.

16 A Waheed Hamed.

17 Q Where do you reside?

18 A 4-15-4 St. Thomas, Virgin Islands.

19 Q And where do you work?

20 A At Plaza Extra, St. Thomas.

21 Q And what is your job?

22 A I run the store.

23 Q And how long have you been running that store?

24 A For 19 years.

25 Q And can you tell, Your Honor, how that store

1 operates?

2 A It's run by me and my partner which is one Yusuf  
3 one Hamed in each store. We make decisions together and  
4 deal with vendors, buy, sell, negotiate on behalf of Plaza  
5 Extra.

6 Q And can you tell me whether or not the operation  
7 of that store has changed in any way since this litigation  
8 has been filed?

9 A Yes, it has.

10 Q And how so?

11 A We're not communicating at all, which is hurting  
12 the flow of the business. We're not -- You know, there's  
13 certain decisions that have to be made, we always  
14 contacted each other before, now we're not and that's on  
15 the Yusuf side.

16 You know, we try to be prompt and try to be  
17 courteous to one another, but since this incident happened  
18 nobody is really seeing face to face.

19 Q And how has it affected the business?

20 A Well, for one -- at one given time, or a few  
21 times, the Yusufs told the vendors that they are not --

22 MR. DAVID: Objection, hearsay.

23 THE COURT: I want to hear what they told the  
24 vendors.

25 BY MR. HOLT:



1 Q Did you have problems with the vendors?

2 A Vendors would call me --

3 MR. DAVID: Objection, hearsay.

4 THE COURT: The vendors called to ask a question  
5 that's -- he can answer that.

6 THE WITNESS: They told me why --

7 MR. DAVID: Objection, hearsay.

8 THE COURT: You said they called you?

9 THE WITNESS: Yes.

10 BY MR. HOLT:

11 Q What were they calling you about?

12 A They were calling me telling me about Najeh told  
13 them not --

14 MR. DAVID: Objection, hearsay. Double hearsay.

15 THE COURT: That's sustained.

16 BY MR. HOLT:

17 Q Let me ask you, have there been problems paying  
18 the vendors?

19 A Yes.

20 Q Have there been problems doing orders with the  
21 vendors?

22 A Yes.

23 Q And what are those problems?

24 A The problem is the Yusuf ordered not to accept  
25 any merchandise in the store.

1 MR. DAVID: Objection, Your Honor, hearsay.

2 THE COURT: Stop. Don't talk about what anybody  
3 told you or whatever anybody told anyone else. Just  
4 answer your attorney's questions.

5 THE WITNESS: Sure.

6 BY MR. HOLT:

7 Q Just explain the problems as the manager that  
8 you've encountered in trying to operate the store since  
9 this litigation was started.

10 A Inventory problems.

11 Q What are inventory problems?

12 A Vendors not delivering.

13 Q Why are they not delivering?

14 A Because they were instructed not to deliver.

15 MR. DAVID: Objection, hearsay.

16 THE COURT: If he knows. If the vendors have  
17 come to him and said we're not able to deliver  
18 because we have standing instructions not to deliver  
19 --

20 MR. DAVID: That's classic hearsay, Your Honor.  
21 What a third party offered for the truth of the  
22 matter asserted out of court, that's classic.

23 MR. HOLT: It's an admission against interest of  
24 the Yusufs if everyone's telling them not to do it.

25 THE COURT: All right. Let's just ask the next

1 question, please.

2 BY MR. HOLT:

3 Q Why aren't the vendors -- why aren't they  
4 selling the items to the store that have been ordered?

5 A They were not instructed to deliver.

6 Q And did you make the orders?

7 A Yes.

8 Q Did you cancel the orders?

9 A No.

10 Q Who cancelled the orders?

11 A The Yusufs.

12 MR. DAVID: Objection, lack of predicate.

13 Hearsay. He can only understand it from what the  
14 vendors told him.

15 THE COURT: Let's -- If he can only understand  
16 from what vendors told him, then how does it get in?

17 MR. HOLT: The vendors have told him the Yusufs  
18 have said, don't deliver, then that's admission  
19 against their agreement.

20 THE COURT: It's not an admission if it's coming  
21 from the vendor. Let's sustain the objection.

22 MR. DAVID: Thank you, Your Honor.

23 BY MR. HOLT:

24 Q Have there been other problems in paying the  
25 vendors?

1           A     Yes.  We cannot pay vendors because we have no  
2 money to pay vendors.

3           Q     And does the store generate enough business to  
4 pay vendors?

5           A     Yes.

6           Q     And why aren't the vendors being paid?

7           A     Because the Yusufs are paying --

8           MR. DAVID:  Objection, Your Honor, hearsay.

9           MR. HOLT:  He's the manager.

10          THE COURT:  Overruled.

11          Go ahead.

12          THE WITNESS:  Because the Yusufs are using the  
13 money to pay accountants that we've never had before,  
14 one of them is his nephew that's making over  
15 \$100,000.  They pulled out approximately \$3 million  
16 out of the company.  I could have just used one third  
17 of that 3 million and paid my vendors up to date and  
18 I won't have any problems with any delivery or  
19 anything like that.

20 BY MR. HOLT:

21          Q     Okay.  And can I have the witness shown exhibit  
22 14?

23          THE COURT:  Yes.

24          MR. HOLT:  I'm not sure if the original got over  
25 here.

1 BY MR. HOLT:

2 Q Looking at Exhibit Number 14, do you recognize  
3 this document?

4 A Yes, I do.

5 Q And what's the date of this document?

6 A The date in November 2, 2012.

7 Q And this is a document written by who?

8 A By myself.

9 Q And you wrote it? On which stationery?

10 A The United -- the Plaza Extra.

11 Q And that's to who?

12 A Najeh Yusuf.

13 Q And who is Najeh?

14 A Najeh Yusuf is Mr. Yusuf's son.

15 Q And what is his involvement in the supermarket?

16 A One of them, one of us. We both work together,  
17 we make decisions together. I mean, one Hamed one Yusuf,  
18 that's how it's been operated from the time we originated.

19 Q And he's in your store?

20 A Yes, sir.

21 Q And in this letter to him, what did you tell  
22 him?

23 A I told him that -- I mean, I could read it or  
24 give you a summary.

25 Q Give me a summary?

1           A     First of all that we've never had an accountant  
2 that we've had for the 19 years in St. Thomas, that we've  
3 never paid an accountant more than \$50,000 a year, and now  
4 all of a sudden I have an accountant in St. Thomas, two in  
5 St. Croix and each one of them is making over \$100,000.

6                     And I objected to it because they never, you  
7 know, we never discussed this. They took it upon  
8 themselves to do what they want. They never shared any  
9 information with us and, you know, that's at least  
10 \$200,000 out of the fund, which is our fund that we could  
11 have paid the vendors with.

12           Q     And at the end of this letter what did you tell  
13 him?

14           A     I said that, you know, we will not approve any  
15 more of these payments to these guys.

16           Q     And what are the names of the guys?

17           A     One in St. Thomas her name is Margie, I don't  
18 remember her last name, but I think it's Soeffing or  
19 something like that. The second one, which is Mr. Yusuf's  
20 nephew which is Ayman Al-Khaled, and the third one is  
21 Mr. John Gaffney.

22           Q     So all three of them are mentioned in this  
23 letter?

24           A     Yes, sir.

25           Q     Now, would you normally sit down and write a

1 letter to Najeh Yusuf when you had a problem?

2 A No, sir, I would not.

3 Q And why did you write this one?

4 A Because there's no communication. I mean, we're  
5 asking what's going on with these guys and there's no  
6 communication to who are they or what they are doing.  
7 They are hiring people without telling us. You know, it's  
8 just frustrating. For me to get to him I have to write  
9 him a letter and hand deliver it to him.

10 Q And, as a result of this letter, were these  
11 people terminated?

12 A No.

13 Q And have you ever had access to any of the  
14 records that they generate?

15 A No.

16 Q And they are being paid from which account?

17 A Plaza Extra account.

18 Q Supermarket?

19 A Plaza Extra supermarket, yes, sir.

20 Q Do you see Mr. Yusuf on a regular basis?

21 A The last time I saw him was in December.

22 Q Do you ever see him, or did you see him in the  
23 St. Thomas store?

24 A Yes, all the time.

25 Q And did he ever make any statements to you

1 regarding your working at the store?

2 A No.

3 Q Did he ever tell you that you should stop  
4 working at the store?

5 A Yes. He came out furiously yelling in front of  
6 all my staff that he is going to close the store down,  
7 that he is firing me and he's firing my brothers and he  
8 is, you know, closing the store immediately.

9 And the employees would come to me, some crying,  
10 some holding their heads, manager like, what's going on?  
11 Whatever, I try to calm them down because now the ethics  
12 or the stability of the store, it has gone. Like somebody  
13 shattered it. And here they are like, do we have a job  
14 tomorrow? We don't have a job tomorrow? Can he really  
15 close the store down?

16 Q So employees have come to you with these  
17 problems?

18 A Yes, sir, many.

19 Q And what would be the time frame of these  
20 problems?

21 A Some time last year. I mean around October,  
22 December. In the summer.

23 MR. HOLT: Okay. No other questions. I move  
24 Exhibit 14 into evidence.

25 THE COURT: Any objection?



1 MR. DAVID: No, Your Honor.

2 THE COURT: 14 is admitted.

3 (Plaintiffs' Exhibit 14 received into evidence.)

4 CROSS-EXAMINATION

5 BY MR. DAVID:

6 Q Is your store still operating?

7 A Sir, excuse me?

8 Q Is your store still operating?

9 A Yes.

10 Q Are the shelves stocked?

11 A Not one hundred percent.

12 Q Are they stocked 90 percent?

13 A I would say about 75.

14 Q Are the -- is the stockroom stocked 75 percent?

15 A Maybe a little less.

16 Q Do you have a full complement of employee?

17 A A full what?

18 Q A full complement of employees.

19 A Yes.

20 Q Is this -- are all the employees being paid?

21 A Yes.

22 Q Okay. Mr. Yusuf hasn't shut the store down,

23 right?

24 A He has threatened many times.

25 Q He hasn't shut it down?

1 A He has threatened many times.

2 Q Please answer my question.

3 A He hasn't. I'm telling you what he said.

4 Q He hasn't shut the store down, correct?

5 A Apparently not.

6 Q Sir, does it surprise you that when your father  
7 filed a lawsuit against the Yusuf brothers, father, that  
8 there's some friction in your relationship as a result of  
9 that?

10 A I don't understand your question.

11 Q Sir, you said that everything has changed  
12 there's dysfunction in the relationship between you and  
13 the Yusuf family counterpart.

14 A Yes.

15 Q And you called them -- Who's your counterpart in  
16 the Yusuf family?

17 A Najeh.

18 Q He's your partner?

19 A Yes.

20 Q What's the terms of your partnership agreement?

21 A Excuse me?

22 Q What's the terms of your partnership agreement?

23 A My father owns the store.

24 Q I'm asking you a different question. You said  
25 Najeh is your partner?

1           A     Because he -- his father said that's your  
2 partner, okay. Mr. Yusuf said Najeh is your partner and  
3 you are his partner.

4           Q     What are the terms of your partnership agreement  
5 between you Waheed Hamed and Najeh Yusuf?

6           A     We own 50 percent, they own 50 percent, that's  
7 all that I know.

8           Q     Well, there's a difference, because you just  
9 told us that you and Najeh, you Waheed Hamed and Najeh  
10 Yusuf are partners?

11          A     Yes.

12          Q     What are the terms of the partnership between  
13 you Waheed Hamed and Najeh Yusuf? I'm not asking you what  
14 you think the terms of this partnership between Mr. Fathi  
15 Yusuf and your father is.

16          A     I don't know at this moment.

17          Q     Margie, she ever quit?

18          A     No.

19          Q     She didn't quit?

20          A     No.

21          Q     Are you aware that -- Were you indicted in the  
22 criminal proceeding?

23          A     Yes.

24          Q     You're familiar with the obligations that are  
25 imposed on the criminal defendants as a result of the plea

1 agreement, right?

2 A I don't know what you're talking about.

3 Q Well, let's try it this way, do you know that  
4 the plea agreement that was entered into between United  
5 Corporation d/b/a Plaza Extra requires that United  
6 implements accounting controls and procedures?

7 A I am not aware. I mean I don't recall at this  
8 moment. My attorney at the time told me that your case is  
9 dismissed.

10 Q Okay. So you don't know of any continuing  
11 obligation of United Corporation vis-a-vis the federal  
12 government, consisting with the plea agreement, correct?

13 A Not to my knowledge.

14 Q And you don't know that they have to employ,  
15 develop and implement for accounting control and  
16 procedures, right?

17 A If --

18 Q Let me try it this way. Do you know what  
19 accounting controls are?

20 A No, sir.

21 Q Do you have any accounting experience?

22 A No, sir.

23 Q Okay. Do you know what GAAP means? G-A-A-P,  
24 what that acronym means?

25 A No.

1 Q You don't know what Mr. Gaffney does, correct?

2 A Gaffney, John Gaffney?

3 Q You don't know what he does do you?

4 A No, sir. I spoke to him. He came to my store  
5 and I asked him what he's doing. He said he's setting up  
6 some accounting, Peachtree, that we've used to pay our  
7 vendors and do our accounting.

8 And he said any time -- I told him, please -- he  
9 said, I'm here, I'm a neutral guy. I said if you're a  
10 neutral guy I need to know what you're doing. He said, no  
11 problem, I will give you all the information that I'm  
12 doing up to today.

13 Up to today I have not gotten an e-mail from him  
14 or phone call from him as what his status is. He promised  
15 that he would do that and he has not done that.

16 MR. DAVID: Objection, Your Honor. Move to  
17 strike the hearsay statement. He was not responsive  
18 to the question. His answer was what Mr. Gaffney  
19 told him. I asked him what Mr. Gaffney does, he went  
20 on with a diatribe, that clearly was hearsay.

21 THE COURT: What he said was hearsay. I'm  
22 surprised you waited until he finished his answer.

23 MR. DAVID: Your Honor, I can't interrupt the  
24 witness in the middle of an answer.

25 THE COURT: Okay.

1 MR. DAVID: All right.

2 THE COURT: All right. Go ahead. I will go  
3 ahead and exclude that portion of the answer that was  
4 hearsay.

5 MR. DAVID: Thank you, Your Honor.

6 BY MR. DAVID:

7 Q Do you know what Ayman Al-Khaled does?

8 A No.

9 Q Sir, are you familiar with the lease between  
10 Tutu Park Limited and the landlord as the landlord doing  
11 business -- and United Corporation d/b/a Plaza?

12 A I'm aware there's a lease, I never read the  
13 lease.

14 Q Have you ever seen it?

15 A No, sir.

16 Q Okay. Did you ever talk to your father about  
17 the lease?

18 A I don't recall at this moment.

19 Q Did you ever talk to any of your brothers about  
20 the lease?

21 A I've -- I don't recall at this moment.

22 Q Would there be anything that would refresh your  
23 recollection?

24 A I don't know.

25 Q Okay. Do you know if there are any guarantors?

1 Strike that.

2 Do you know what a lease guarantor is?

3 A No.

4 MR. DAVID: Okay. No further questions.

5 THE COURT: Redirect.

6 REDIRECT EXAMINATION

7 BY MR. HOLT:

8 Q How many employees do you have?

9 A We have approximately 180 employees.

10 Q Who's Kareema Dorsette?

11 A Kareema Dorsette is the accounts payable clerk.

12 MR. DiRUZZO: Objection, Your Honor, beyond the  
13 scope of the cross.

14 MR. HOLT: I have no more questions. And my  
15 next witness will be Kareema Dorsette.

16 THE COURT: Just in terms of the rule on  
17 witnesses, the witnesses who are not going to be  
18 called again are welcome to be in the courtroom.

19 Thereupon,

20 KAREEMA DORSETTE,  
21 having been first duly sworn, was examined and testified  
22 as follows:

23 DIRECT EXAMINATION

24 BY MR. HOLT:

25 Q State your name for the record.

1 A Kareema Dorsette.

2 Q And where are you employed?

3 A At Plaza Extra, St. Thomas.

4 Q St. Thomas?

5 A Uh-hum.

6 Q And were you subpoenaed to be here today?

7 A Yes, sir.

8 Q And what -- have you ever met me before today?

9 A No.

10 Q And what is your job title?

11 A Accounts payable.

12 Q And can you tell me what that entails?

13 A I pay all the vendors, basically it.

14 Q And who do you report to?

15 A Willy Hamed and Najeh Yusuf.

16 Q Do you ever have any dealing with Fathi Yusuf?

17 A Rarely, but --

18 Q In the last few months has Fathi Yusuf ever  
19 spoken to you about closing the store in St. Thomas?

20 A I went to him to sign a check, and when I went  
21 to him to sign the check he was looking at the  
22 spreadsheet, and apparently the funds was very low and he  
23 said the funds are low, the store is not making any money  
24 and it's cheaper for us to have the store closed.

25 Q And did you report that conversation to anyone?



1 A Willy.

2 Q And why did you report that to Willy?

3 A Because I have four kids first of all, my last  
4 son is sick, he's very sick.

5 MR. DiRUZZO: Objection, relevance to how the  
6 number of kids relate to the relief under --

7 THE COURT: Let's get to the answer. Let's get  
8 her to answer the question.

9 BY MR. HOLT:

10 Q Without going into detail about your kids, why  
11 did you report that conversation?

12 A Because I was worried about losing my job.

13 Q No more questions. Thank you.

14 CROSS-EXAMINATION

15 BY MR. DiRUZZO:

16 Q Good afternoon, ma'am. I'm going to be brief.  
17 The store is still open, correct?

18 A Yes, sir.

19 Q And you haven't lost your job, correct?

20 A As ever today, no.

21 Q Thank you. No further questions.

22 THE COURT: Thank you.

23 MR. HOLT: Thank you. You're excused.

24 We call Mufeed Hamed.

25 Thereupon,

1 MUFEED HAMED,  
2 having been first duly sworn, was examined and testified  
3 as follows:

4 DIRECT EXAMINATION  
5 BY MR. HOLT:

6 Q Can you state your name for the record.

7 A Mufeed Hamed.

8 Q And where do you work?

9 A Plaza Extra east, Sion Farm.

10 Q And what is your job there?

11 A Store manager.

12 Q And how long have you been a store manager?

13 A Almost 18 years.

14 Q And can you tell me how the Plaza east store  
15 operates as far as your being a manager in that store?

16 A Yes. It's managed by -- jointly by the two  
17 families, I represent my father, and the Yusufs is Yusuf  
18 Yusuf represents his half.

19 Q And your father is who?

20 A Mohammad Hamed.

21 Q And who is his father?

22 A Fathi Yusuf.

23 Q What is your understanding of the relationship  
24 between Mohammad Hamed, your father and Fathi Yusuf.

25 MR. DAVID: Objection, Your Honor, predicate.

1 BY MR. HOLT:

2 Q I'll predicate the question. Has Fathi Yusuf  
3 ever told you what the relationship is between him and  
4 Mohammed Hamed?

5 A Yes.

6 Q What has he told you?

7 A 50/50 partners in the supermarket business.

8 Q Okay. Now, how many employees do you have at  
9 that store?

10 A About 200.

11 Q And as it relates to St. Croix and St. Thomas --  
12 St. Croix east, St. Thomas and St. Croix west, which one  
13 is the biggest store?

14 A St. Croix west, square footage.

15 Q And what about from sales?

16 A St. Croix east.

17 Q That's your store?

18 A Yes.

19 Q And in the store that you're in, is there an  
20 employee that we call Wadda?

21 A Yes.

22 Q What is Wadda's full name?

23 A Wadda Charriez.

24 Q And what does Wadda do?

25 A She's the office manager. Her job is very

1 critical to the operation of Plaza Extra.

2 Q How long has she held that job?

3 A Over 15 years.

4 Q And did there come a time where you understood  
5 she was discharged recently?

6 A Yes.

7 Q And who discharged her?

8 A Fathi Yusuf.

9 Q And what did you do when you heard about that?

10 A Brought her back in.

11 Q When?

12 A The next day.

13 Q Why did you do that?

14 A I was not told why she was fired and needed -- I  
15 needed to get to the bottom of it. You can't fire  
16 somebody that has that type of position where the store  
17 relies on her quite a bit.

18 Q And normally when you get to the bottom of it  
19 how would you do that?

20 A I get with Yusuf Yusuf and myself, and we look  
21 over the evidence, or the alleged situation, or alleged  
22 whatever she did. We look at it, once we're a hundred  
23 percent certain that we have proof, then we proceed.

24 Q Okay. And when you say you proceed, what would  
25 you do? Do you automatically discharge someone?

1           A     No, we don't. We talk to her, find out the  
2 situation, and normally we don't discharge anybody. In my  
3 history of working at Plaza Extra we've rarely fired  
4 anyone for doing something.

5           Q     If an employer of her level had been  
6 misreporting their times and you saw documentation which  
7 supported that, what would you do?

8           A     I would have to see the evidence. And, you  
9 know, based on her time working with us that would take  
10 into my consideration and the type of work that she does.  
11 And, again, she's very critical to the operations of Plaza  
12 Extra. You can't replace her that easily.

13                     And then we make a decision from there where if  
14 she -- if we're certain that she did something or she took  
15 time, then we'd have her pay it back basically.

16           Q     And just so the Court understands, the offices  
17 for the Plaza east store, where are they?

18           A     In Plaza east?

19           Q     The first floor or second floor?

20           A     Oh, the second floor.

21           Q     And where does Wadda work?

22           A     On the second floor.

23           Q     How far from your office is Wadda sitting?

24           A     About 10, 20 feet.

25           Q     Is her desk inside a room or open area?

1 A No, open area. They are all open to each other.

2 Q When Wadda is working you know it?

3 A Yes.

4 Q How would you know it?

5 A Well, there's the owners of Plaza Extra --

6 MR. DAVID: Objection, relevance.

7 THE COURT: You can answer.

8 THE WITNESS: There's the owner of the Plaza

9 Extra, then there's Wadda then there's management.

10 BY MR. HOLT:

11 Q And is she a good employee, bad employee, hard  
12 working?

13 MR. DAVID: Objection, relevance.

14 THE COURT: I'm going to allow the question.

15 Overruled.

16 THE WITNESS: She's -- she does her job very  
17 well.

18 BY MR. HOLT:

19 Q Now, directing your attention to January 9, is  
20 that the day that she came back to work?

21 A Yes.

22 Q Tell me what happened that day?

23 A She came to work, I was in my office at my desk,  
24 then Fathi Yusuf came up and he was shocked to see her  
25 there. Started telling her why she's here? Doesn't she

1 know what fired is? She's been fired. She needs to go  
2 home.

3 So when I heard that I came from my desk, came  
4 over to Wadda's desk and I said, you're not fired, stay  
5 where you are, and that's when all hell broke lose.  
6 Mr. Yusuf raised his voice and the situation got very  
7 tense. He started saying she's fired, she needs to get  
8 out of the store.

9 He said I'm fired, I need to get out of the  
10 store. He said Waleed's fired, my other brothers are  
11 fired, he's going to shut down the store, he's going to  
12 call the police and have us arrested and removed from the  
13 store.

14 Q Did he call the police?

15 A Yes, he did.

16 Q And what did he tell the police?

17 A He told the police, if they don't do their job  
18 he's going to close the store down.

19 Q Okay. Now, did you ever have any conversations  
20 with the other -- the co-manager, Yusuf? His name is  
21 Yusuf Yusuf?

22 A Yes, I did. At the end of the day we had a  
23 discussion with the attorneys and they said we're going to  
24 get together and look at the evidence that they had.

25 Q When that happened Yusuf Yusuf wasn't there was

1 he?

2 A No.

3 Q So you had a conversation with Yusuf Yusuf when  
4 none of the attorneys were there?

5 A Yes.

6 Q Tell me about that?

7 MR. DAVID: Objection, Your Honor. Withdrawn.

8 BY MR. HOLT:

9 Q Let me ask it a little different. After the  
10 attorneys left, did you have a conversation with Yusuf  
11 Yusuf, just the two of you?

12 A Yes, I -- the next day I went up to Yusuf Yusuf  
13 and said I'd like to see the evidence.

14 Q And did he have any evidence?

15 A He never got back to me.

16 Q Did he have any evidence when you asked him?

17 A No, he never got back to me. He said he doesn't  
18 have it.

19 Q Has anybody ever got back to you with any?

20 A No.

21 Q Can you tell me, in general, since the store was  
22 closed, excuse me, since this litigation has begun, have  
23 you had difficulties in the operations?

24 A Yes, I have.

25 Q What are those?



1           A       There's been -- I mean, basically, Yusuf Yusuf  
2 and I stopped talking and there was no communication  
3 between us on the level that we had before and that  
4 created a lot of you, know, uncomfortable situations for  
5 getting -- making decisions for the store.

6                       So, basically, you know, when I have to find out  
7 about something that he did I would have to find out  
8 through the others.

9           Q       And when you were in your store, who else -- are  
10 any other Hamed members in your store with you?

11          A       Yes, Waleed, my brother.

12          Q       And what is Waleed's role as it relates to the  
13 rest of the Hamed brothers? What is his role?

14          A       He's a comanager. He's the oldest brother.  
15 He's the main representative for the Hamed family.

16                       MR. HOLT: Just a minute, Your Honor.

17                       **(Discussion off the record.)**

18                       MR. HOLT: No more questions.

19                                       CROSS-EXAMINATION

20 BY MR. DAVID:

21          Q       Good afternoon, sir.

22          A       Good afternoon.

23          Q       You work in the Plaza east store, right?

24          A       Correct.

25          Q       Plaza east store is still open?

1 A Correct.

2 Q Fully stocked?

3 A Correct.

4 Q Okay. Warehouse is fully stocked?

5 A Correct.

6 Q Vendors are getting paid?

7 A Correct.

8 Q Employees are getting paid?

9 A Correct.

10 Q Okay. You're getting paid?

11 A Correct.

12 Q Okay. Sir, you've been a manager at Plaza east  
13 store for 18 years?

14 A Approximately.

15 Q I want to give you a hypothetical question. You  
16 have an employee who regularly, and I'll define regularly  
17 as everyday, has someone punch in early for her and punch  
18 in late for her by at least an hour, in other words she  
19 claims to show up at 8 o'clock she actually shows up at 9,  
20 she leaves at 5 but someone punches her out at 6. So  
21 everyday she steals from you for two hours, okay; you  
22 understand so far?

23 A Yeah, go ahead.

24 Q This goes on for a period of weeks and months,  
25 for an entire year, okay, and based upon how much she's

1 paid she's collected over \$10,000 in money she didn't  
2 earn, is that grounds to fire that employee?

3 A Hypothetical question?

4 Q Yes, sir.

5 A I would really have to consider this further.

6 Q So someone stole \$10,000 from you, you would  
7 have to consider whether or not you'd fire that person?

8 A Of course there's a lot of factors that we have  
9 to consider.

10 Q Okay. Like what?

11 A How long she's been working there, what are the  
12 conditions, what took place.

13 Q Okay. Well, you'd agree with me if someone said  
14 it would be totally reasonable for someone in your  
15 position to come to the decision after looking at all the  
16 facts and say, you know what, you stole from me for  
17 \$10,000, you're out, that would be reasonable?

18 A I would agree with that.

19 Q And, frankly, you wouldn't even be able to fight  
20 with someone, with the manager of your position who said  
21 I'm firing this person for stealing \$10,000 from me over  
22 this year, right?

23 A Correct.

24 Q Now, the disruption that you've been talking  
25 about between you and Yusuf Yusuf, that has occurred after

1 this lawsuit was filed?

2 A Correct.

3 Q Okay. And before this lawsuit was filed there  
4 was no -- you and Yusuf Yusuf got along fine, correct?

5 A Correct.

6 Q Okay. Now, before this lawsuits was filed, was  
7 there a point in time when you and Yusuf Yusuf didn't  
8 agree on something?

9 A Yes.

10 Q Okay. What happened when you didn't agree on  
11 something?

12 A We would always come to a resolution.

13 Q Okay. Was there ever a point in time where you  
14 didn't agree on it, you couldn't come to a resolution, the  
15 problem was so thorny that he was set in his way and you  
16 were set in your way?

17 A No.

18 Q Okay. Assume that that occurred, okay, assume  
19 that Yusuf Yusuf wanted it done his way, you wanted it  
20 done your way and you guys talked and talked and talked  
21 and tried your best and you couldn't come to a resolution.

22 A I don't like answering questions with  
23 assumption.

24 Q Okay. Well, you can do it. Isn't it true that  
25 in a situation such at that you would go to Fathi Yusuf

1 and make the decision?

2 A No.

3 Q No?

4 A Absolutely not.

5 Q Okay. Early in your testimony with Mr. Holt,  
6 had you said that the terms you made reference to, the  
7 terms of this partnership was between your father and  
8 Fathi Yusuf, right?

9 A Correct.

10 Q What are the terms as you understand of this  
11 alleged agreement?

12 A My father Mohammad Hamed and Fathi Yusuf are  
13 partners in the Plaza Extra stores.

14 Q Okay. That it?

15 A Correct.

16 Q Are there any other terms?

17 A I'm sure there is but --

18 Q Do you know what they are?

19 A Well, they share profits, they share losses,  
20 they share receivables, they share payables.

21 Q Have you ever seen your father contribute  
22 further funds to the operation of the grocery stores?  
23 You, sir, have you ever seen it happen?

24 A No. I was a teenager at the time.

25 Q I understand this has been a long time. How

1 long is this partnership supposed to last, forever?

2 A That's a good question.

3 Q You don't know?

4 A I don't know.

5 Q When did your father stop working?

6 A My father took some -- he went to the Hajj in  
7 1996.

8 Q Okay. Forgive me, I'm not familiar with -- I'm  
9 ignorant and misunderstanding what the Hajj is, can you  
10 explain that to me?

11 A The Hajj is where -- it's a pilgrimage for  
12 Muslims. My father and Mr. Fathi Yusuf did it.

13 Q Did that in 1996?

14 A Yes.

15 Q Forgive the question, did he retire at that time  
16 or did he go and not come back?

17 A He's been traveling back and forth, but --

18 Q Between St. Croix and where, sir? You said he'd  
19 been traveling back and forth.

20 A Yes, between St. Croix and to the Middle East.

21 Q Let me just try to get -- I need to understand  
22 this.

23 And it will be brief, Your Honor.

24 He went to the Hajj in 1996, and since that  
25 point in time he's been traveling between St. Croix and a

1 home in the Middle East.

2 A Yes.

3 Q Where is his home in the Middle East?

4 A In Jordan.

5 Q He doesn't do any more work and doesn't go to  
6 work?

7 A He doesn't do any more work and doesn't receive  
8 a pay check from Plaza Extra.

9 Q He's retired, right?

10 A I'm not sure what that term means.

11 Q Okay. What exactly does Wadda do?

12 A She's the office manager. She does the accounts  
13 payable, she does the -- she gets all the information from  
14 the deposits, she gives us a daily balance of our bank  
15 accounts, of the income.

16 She also gets the information from the payables,  
17 she enters that into the computer and gives us a running  
18 balance. She's in charge of return checks. She's the  
19 face of Plaza Extra when she goes to court to get -- I  
20 forgot the word -- go after, you know, returned checks and  
21 anything that's owed to the store. She does that for both  
22 the east, west -- east and west stores.

23 Q Is that it?

24 A There's others but I can't recall right now.

25 Q You don't have any recollection of what else she

1 does?

2 A I can't recall, but there's more that she does.

3 Q Is there anybody in the west store that does the  
4 same job that you know?

5 A I don't think there's anybody that can be  
6 compared to her in the west store.

7 Q How many other -- Strike that.

8 Do you know if there's anybody that does a  
9 similar job to that in St. Thomas?

10 A I'm not sure how the structure is in St. Thomas.

11 Q Do you know what Peachtree is?

12 A I've heard of it.

13 Q What is it?

14 A It's an accounting software.

15 Q Do you know how to operate it?

16 A No.

17 Q Do you know if it's on the computer system in  
18 the east store?

19 A Yes.

20 Q So who operates the Peachtree software at the  
21 store?

22 A I don't know. I can guess.

23 Q I don't want you to guess.

24 A I believe it's Mary, she does it for the  
25 accounts payable.



1 Q And who else works with the computers in the  
2 Peachtree Financial Software at the east store?

3 A Wadda, I believe she does it also.

4 Q Is there another person there?

5 A There's two other girls, but I don't think they  
6 work on that.

7 Q Are there any other girls on the west store that  
8 work with the Peachtree system?

9 A I don't know about the west store.

10 Q You have no understanding how to operate the  
11 Peachtree financial software?

12 A No, I don't.

13 Q Do you know why it's on the computer system?

14 A Of course.

15 Q Why?

16 A For accounting purposes.

17 Q Is it important to be able to account for the  
18 money that comes in and out of the grocery store?

19 A Of course it's important.

20 Q But you don't utilize and have no familiarity  
21 with the operation of Peachtree financial accounting  
22 software that's used by your store, is that your  
23 testimony, sir?

24 A Yes, it is.

25 Q How do you keep track of the money coming in at

1 the store now?

2 A We have people in place that operate the  
3 software and they tell us, they report to us.

4 Q Five years ago if Fathi Yusuf came into the  
5 Plaza east store and decided that one of the employees  
6 needed to be terminated and fired, that decision would  
7 have stood, right?

8 A On it's own, no.

9 Q No?

10 A He would have to discuss it with us. We would  
11 have to know why, 'cause if that employee goes to labor,  
12 who's going to answer for it?

13 Q Okay. Sir, were you indicted by the federal  
14 government along with your brothers?

15 A No, I was not.

16 Q Okay. Do you have any knowledge of the plea  
17 agreement that was entered into?

18 A I don't recall it. But if I was to look at the  
19 documents I could probably read it out for you.

20 Q Do you know -- Well, let's try this. You are  
21 aware of the fact that the plea agreement requires that  
22 United Corporation d/b/a Plaza Extra is obligated to  
23 implement financial controls that are consistent with  
24 generally accepted accounting principals, correct?

25 A Correct.

1 Q Okay. Do you know who's responsible for  
2 implementing those controls?

3 Or let me back up, you're not responsible for  
4 implementing those controls, correct?

5 A I have oversee it. I need to know what's going  
6 on in the store.

7 Q Do you know what GAAP, G-A-A-P stands for?

8 A No.

9 Q Okay. That's all I have, sir.

10 THE COURT: Redirect?

11 MR. HOLT: Yes.

12 REDIRECT EXAMINATION

13 BY MR. HOLT:

14 Q As the manager of the store, are those  
15 accounting controls in place at the store?

16 A Yes.

17 Q And if you need that information you can ask it  
18 from one of the people that works for you?

19 A Correct.

20 Q And have you ever received any information from  
21 the other accountants that have been hired?

22 We've heard throughout this case about  
23 Mr. Gaffney or Mr. Al-Khaled, have they ever provided any  
24 information to you?

25 A No, they never have.

1           Q     Now, you were asked about employees getting  
2 paid, was there a time recently that the employees got  
3 paid late?

4           A     Yes, there was.

5           Q     And why was that?

6           A     Because Mr. Yusuf told Wadda she has to work  
7 until 5 o'clock and the direct deposit wasn't able to get  
8 processed that day since he required her to leave early.  
9 So apparently there was a few employees that didn't get  
10 their checks on their normal scheduled day.

11          Q     And that's since January 9?

12          A     Yes.

13          Q     As far as you were asked a theoretical about  
14 employees punching in, has Wadda always punched in?

15          A     She's always entered her time.

16          Q     Is that punch in a clock or in a different way?

17          A     She's always punched in, yes.

18          Q     She didn't keep her own time?

19          A     She keeps her own time.

20          Q     And she enters it?

21          A     Yes.

22          Q     It's not like she goes to a clock?

23          A     She never physically punches.

24          Q     And you were asked a question about if  
25 somebody -- if you were told, you know, that somebody

1 taking \$10,000 in time from you, remember that  
2 theoretical?

3 A Yes.

4 Q In the case with Wadda, is the reason why you  
5 had her come back because you knew or didn't know anything  
6 about what she had done?

7 A I didn't know what she did, no.

8 Q And has anybody shown you anything that she's  
9 done wrong?

10 A No.

11 Q And in order for you to discharge her you would  
12 have to agree?

13 A Yes, I would have to be one hundred percent  
14 certain that the alleged crime that she did is true.

15 Q And after you reviewed that, regardless of what  
16 it says, what happens next?

17 A Then we consider all the factors, that she's  
18 been an employee for 15 years, she has a very critical job  
19 with us, we have to look at all these different things and  
20 we'll take appropriate measures to correct her.

21 Q Would it be fair to say the reason why you told  
22 her to come back was because the process wasn't followed?

23 A Absolutely.

24 Q No other questions.

25 THE COURT. Okay. Thank you very much.

1 Next witness.

2 MR. HOLT: We call Wadda Charriez.

3 Thereupon,

4 WADDA CHARRIEZ,

5 having been first duly sworn, was examined and testified

6 as follows:

7 DIRECT EXAMINATION

8 BY MR. HOLT:

9 Q Can you state your name for the record.

10 A My name, Wadda Charriez.

11 Q And how do you spell your last name?

12 A C-h-a-r-r-i-e-z.

13 Q Okay. And I take it you were subpoenaed to be  
14 here today?

15 A Yes.

16 Q Where do you work?

17 A Plaza Extra United Corporation.

18 Q And which store?

19 A Sion Farm.

20 Q Okay. And what is your job?

21 A I'm the office manager.

22 Q And how long have you worked there?

23 A 15 year on January 5th.

24 Q And can you tell us, generally, some of the  
25 things that you do?

1           A     Well, I do payroll, I dealing with the adds, I  
2 dealing with the week, I dealing with employees, I dealing  
3 with the merchandise, I dealing with the balance, I  
4 dealing with the statement I'm dealing with the returned  
5 checks, with the interest with the company. With a bunch  
6 of stuff.

7           Q     And how are you paid, by the hour?

8           A     By hourly.

9           Q     'Cause you're not on salary?

10          A     No.

11          Q     And how do you keep your time?

12          A     I keep it manually. I come in everyday, Monday  
13 to Friday, I used to work Sunday I don't work Sunday no  
14 more. I enter Monday because I came in all the time the  
15 same time, and sometime I have to do stuff before I reach  
16 the store and sometime I carry home. I do whatever  
17 errands the company needs to be done, and I do it after.

18          Q     So some of the work you do is outside the store?

19          A     A lot of work outside the store.

20          Q     Now, did there come a time in, earlier this  
21 month in January that you were discharged?

22          A     Uh-huh.

23          Q     Can you tell the Court about what happened.

24          A     Well, I remember the Monday when I used to ready  
25 to go home Mr. Yusuf call me and tell me when I ready to

1 go home, he said, why I don't punch, I need to start  
2 punch. I said, okay, I don't have any problem, I'm going  
3 to punch in. I went downstairs and punch out. I have  
4 some stuff to do it, I leave it, I didn't do anything  
5 because he told me to punch.

6 So the next day, Tuesday, when I came to work I  
7 was dealing with my work, usually I do, and he call me to  
8 his desk and he was telling me about some situation about  
9 my time, my overtime, how I entering my time. Why I  
10 entering my time. I was explaining to him how I do it and  
11 situation like that. He was telling me that was wrong and  
12 that I should pay back the time and different stuff like  
13 that.

14 Q Did he terminate you or did he tell you you were  
15 terminated?

16 A No, in that moment. He was talking to me about  
17 that and about the situation and the office and about the  
18 overtime, it's not supposed to be the way. I told him  
19 that's how I do and Mufeed knew and because we -- I didn't  
20 have any problem with anyone in the store. That was all  
21 the time that was working like that so.

22 Q And what did he tell you in response to that?

23 A Well, he said he going to check with his sons  
24 and the situation like that about why Waleed had me that  
25 way. And it was like something is wrong or like Waleed



1 was trying to buy me another way.

2 He just started talking about my bonus, why I  
3 got more money than anybody else in the office? They have  
4 a lady named Mary, she have 25 years in there, why I get  
5 more than her? You know, what is special of me to, you  
6 know, why I get that difference in the office.

7 Q Okay. And by the way, why did you get a higher  
8 bonus? Who made that decision?

9 A The bonus?

10 Q Yes.

11 A Well, they all of them together, all of them  
12 together.

13 MR. DiRUZZO: Objection, Your Honor. I need a  
14 clarification as to "they" and "he" and "them."

15 It's --

16 THE COURT: Clarification.

17 BY MR. HOLT:

18 Q Do you have access to the, when the bonuses are  
19 given who gets bonuses and who authorizes bonus?

20 MR. DiRUZZO: Objection. Predicate foundation  
21 to bonus. What I'm hearing is overtime not bonus,  
22 Your Honor.

23 MR. HOLT: She said he complained about her  
24 bonus.

25 THE COURT: Question to the witness is about a

1           bonus.

2   BY MR. HOLT:

3           Q     And so you get a bonus at the end of the year?

4           A     Yes.

5           Q     And he thought you got more than anyone else?

6           A     Yes. He was mention the employee bonus, he  
7   mention my paycheck, my everything.

8           Q     And do you see who gets the bonuses because of  
9   your access to the financial information?

10          A     Well, I keep the list but they decide. I keep  
11   the list every year and they -- each manager, the owner  
12   decides what they give.

13          Q     Do you know which manager decided to give you  
14   more than the other people?

15          A     Well, when I give copies to the -- also I give  
16   it to Yusuf Yusuf a copy, and I give it to Mufeed too and  
17   Yusuf reviews the list and he might make some changes and  
18   give it to me to give it to Mufeed.

19          Q     Who made the changes?

20          A     Yusuf makes some changes. He puts -- in the  
21   office another young girl, Lavena and Mary he give a raise  
22   to 2 50.

23          Q     That's what Yusuf Yusuf did?

24          A     Yes.

25          Q     And that's the bonus that Mr. Fathi Yusuf was

1 complaining about?

2 A Yes, the bonus.

3 Q You were told to go downstairs and punch out,  
4 had you done that before?

5 A No year I never punch.

6 Q Okay. And then coming back to after this  
7 conversation that you had, did there come a point where  
8 Fathi Yusuf told you that you were terminated?

9 A Well, he said me and my kids we decide to let  
10 you go. We decide to let you go. If you going to labor  
11 or unemployment I'm going to talk to them about the time,  
12 the overtime you were doing, like you were stealing time  
13 so anybody could use you for like court or anything, he  
14 going to say about those.

15 Q Did you consider that to be a threat?

16 A Yes, it is.

17 Q Did you come back do work the next day?

18 A Yes, because I come back.

19 Q And why did you come back?

20 A Well, Mufeed told me --

21 MR. DiRUZZO: Objection, hearsay.

22 THE COURT: That's not hearsay. Overruled.

23 BY MR. HOLT:

24 Q Go ahead.

25 A Mufeed, my boss, tell me, no, Wadda, you have to

1 go back to work.

2 MR. DiRUZZO: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: You have to go back to work. You  
5 go back to work, so that's what I did.

6 BY MR. HOLT:

7 Q So you did go back to work?

8 A I go back to work.

9 Q And what happened when you went back?

10 A Well, I was kind of scared because imagine I  
11 just went to work, Mufeed was there too, and he came and  
12 he start screaming to me, and --

13 MR. DiRUZZO: Objection, hearsay.

14 THE COURT: Don't tell us what Mr. Mufeed said  
15 to you.

16 BY MR. HOLT:

17 Q Did you came back to work?

18 A Yes, I came back to work. Mufeed was in the  
19 store and I was working in the office when Mr. Yusuf come.

20 Q And when you saw Mr. Yusuf, you talking about  
21 Fathi?

22 A He said, I fire you. What you doing here? And,  
23 you need to go. And he said he going to call the police.

24 Q And what did you tell him?

25 A Well, I told him Mufeed and Waleed told me to

1 come back.

2 MR. DiRUZZO: Objection.

3 THE COURT: Overruled.

4 BY MR. HOLT

5 Q And so what happened?

6 A No, nothing. We was there, they called the  
7 police and it was a lot of people there. And it was a lot  
8 of screaming and it was a hard situation for me. There --  
9 I working there so many years, I consider them my family  
10 and both sides I love them. I really -- and, very  
11 difficult.

12 Q Did you hear Mr. Yusuf say anything about  
13 closing the store?

14 A Yes, he said he prefer to close the store until  
15 we stay there.

16 Q And did you hear him say anything about Mufeed,  
17 about whether he was discharged?

18 A He fired Mufeed too. And Waleed, he fired him  
19 too.

20 Q And did the police eventually arrive?

21 A Yes.

22 Q And since that time have you felt like you're  
23 working without any harassment or do you feel continually  
24 harassed?

25 MR. DiRUZZO: Objection.

1 THE COURT: Overruled.

2 THE WITNESS: It's hard working. You feel that  
3 they don't want you there, like you're doing -- they  
4 don't like you there so it's kind of hard working in  
5 a place.

6 Used to be everybody like a family. We used to  
7 work together more time and it's hard now, the  
8 situation.

9 MR. HOLT: No other questions.

10 THE COURT: Cross-examination.

11 CROSS-EXAMINATION

12 BY MR. DiRUZZO:

13 Q Good afternoon, ma'am.

14 A Good afternoon.

15 Q Ma'am, I'm going to ask you a bunch of  
16 questions, if you don't understand a question, I go too  
17 fast, I'm not loud enough, just let me know and I'll  
18 repeat the question or rephrase; do you understand, okay?

19 A (No response.)

20 Q You have to say yes.

21 A Oh, yes. Okay.

22 Q Ma'am, let's talk about what you actually do at  
23 that store, first let's talk about your background, did  
24 you graduate high school?

25 A Yes, in Santa Domingo. I'm from the Dominican

1 Republic.

2 Q Did you go to college?

3 A I been three years in college.

4 Q Do you have a degree yet?

5 A No, I didn't finish.

6 Q You didn't finish?

7 A No, I came here, St. Croix.

8 Q You talk about some of your duties in the  
9 office.

10 A Uh-hum.

11 Q You talk about payroll checks and interest  
12 rates? That's a yes?

13 A Yes.

14 Q And that's -- you're familiar with the term  
15 accounting?

16 A Yes.

17 Q You're familiar with that term accounting. And  
18 have you ever taken any accounting classes or anything  
19 like that?

20 A No.

21 Q So if I asked you what a debit was, do you know  
22 what a debit is? You ever heard that term?

23 A A debit is a minus.

24 Q What about a credit, what's a credit?

25 A It's a plus.

1 Q Have you ever heard of the generally accepted  
2 accounting principals, you ever heard that term before?

3 A (Witness shakes head.)

4 Q Never heard that term?

5 A No, sir.

6 Q Are you familiar with the computer system at  
7 St. Croix Plaza Extra?

8 A The computer, yes, sir, Plaza Extra computer.

9 Q And you have access to that computer system,  
10 right?

11 A Yes.

12 Q And you ever heard of a software known as  
13 Peachtree?

14 A Yes.

15 Q Do you know how --

16 A That's what we work on.

17 Q That' what you work on?

18 A Um-hum.

19 Q And are you familiar with Peachtree?

20 A Yes.

21 Q And on a daily basis do you use Peachtree?

22 A Yes, sir.

23 Q And are you familiar with how every option in  
24 Peachtree works?

25 A Well, most of the options, yes.



1 Q Okay. You do? Okay.

2 A Most of the options.

3 Q And because -- and because of Peachtree, have  
4 you ever prepared financial statements? Let me ask you,  
5 do you know what a financial statement is?

6 A Go through the statement, that's what you mean?

7 Q Let me be real specific, do you know what a  
8 income statement is?

9 A The deposit, the income.

10 Q No, not deposit, an income. Do you know what an  
11 income statement is? It's okay if you don't. You never  
12 heard that term before?

13 A No, sir.

14 Q Okay. What about a statement of cash flow, have  
15 you ever heard of that? That sound familiar to you?

16 A The statement?

17 Q A statement of cash flow?

18 A No, sir.

19 Q Okay.

20 A We receive a statement but I don't know which  
21 one you're talking about.

22 Q You're an hourly employee, correct?

23 A Yes.

24 Q And how much do you get paid an hour?

25 A Right now, 12.

1 Q \$12 an hour. And if you work more that 40 hours  
2 a week you get paid overtime?

3 A Yes.

4 Q That's time and a half?

5 A Yes, sir.

6 Q Over the last year -- over the last year, are  
7 your time entries correct?

8 A Yes. Coming in the morning and I leave in the  
9 afternoon, sometimes it's dark. All of the time I never  
10 miss a day, never be sick.

11 Q Sure, everyone gets sick or maybe you have a  
12 vacation day. You take vacations?

13 A Not every year. Sometimes two, three years.

14 Q Do you take Christmas off?

15 A No. Only Christmas and Thanksgiving and Good  
16 Friday.

17 Q You do not work?

18 A No.

19 Q Okay. Ma'am, Thanksgiving of 2012, does your  
20 time card reflect --

21 A We get paid eight hours for Thanksgiving.

22 Q You get paid eight hours, so you get a paid  
23 holiday?

24 A Yes.

25 Q But you don't get paid for overtime on

1 Thanksgiving?

2 A No, that was a mistake entering the time.

3 Q I understand, ma'am. Now let me be clear, you  
4 agree with me you --

5 A It's 8 hours.

6 Q -- don't get paid unless you go in and actually  
7 work, correct?

8 A But the holiday, Thanksgiving, we get paid eight  
9 hours.

10 Q But overtime?

11 A No overtime that day.

12 Q Thanksgiving of 2012 your time sheet reflected  
13 that you worked for twelve hours, correct?

14 A Yes, that was a mistake.

15 Q That was a mistake.

16 A That was a mistake entering the time. It was  
17 entered and stuff in the office.

18 Q Okay. Now, you said you've work there for 15  
19 years?

20 A Yes.

21 Q And so you're -- you know Fathi Yusuf well?  
22 You've seen him around?

23 A Yes.

24 Q And you know -- since Fathi Yusuf is the owner  
25 he makes a lot of important decisions, right?

1 A Yes.

2 Q And he makes some big decisions because he owns  
3 the place, right?

4 A Yes.

5 MR. DiRUZZO: Okay. Yield the witness.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. HOLT:

9 Q Do you also understand that the Hamed family  
10 also owns the store?

11 A Yes.

12 Q And you were asked about you getting paid while  
13 you're in the store, but when you're outside the store  
14 running the errands and banking, do you also get paid for  
15 that?

16 A Yes.

17 Q Thank you.

18 MR. DiRUZZO: No recross.

19 THE COURT: Okay. That's a good time to take a  
20 break.

21 Thank you, Ms. Charriez.

22 We'll be back in 20 minutes.

23 **(Recess at 3:00 p.m. until 3:20 p.m.)**

24 MR. HOLT: We call Mohammed Hamed.

25 THE COURT: Let's allow Mr. Hamed to take the

1 oath sitting.

2 Thereupon,

3 MOHAMMED HAMED,

4 having been first duly sworn, was examined and testified  
5 as follows:

6 THE COURT: Good afternoon.

7 THE WITNESS: Good afternoon, sir.

8 DIRECT EXAMINATION

9 BY MR. HOLT:

10 Q Good afternoon?

11 A Good afternoon.

12 Q Can you state your name for the record, please.

13 A Mohammed Hamed.

14 Q And, Mr. Hamed before you came to the Virgin  
15 Islands, can you tell me where you used to live?

16 A I used to work in Kuwait before I come into the  
17 Virgin Islands.

18 Q And when you were there what did you -- what  
19 kind of business did you have?

20 A I used to work in operator for the -- they have  
21 a system for 15 million gallon, we pull the water from it  
22 with the machine and we send it to the city, and I working  
23 day and night shift.

24 Q And did there come a time that you came to the  
25 Virgin Islands?

1           A     I came to the Virgin Islands in 14 September,  
2 1973.

3           Q     And why did you come to the Virgin Islands?

4           A     I coming to look for -- because my brother knew  
5 Mr. Yusuf his wife, sister to my wife, and they ask her if  
6 you want to come into America. And she give her the  
7 certificate.

8                     And without I know, after they coming to  
9 America, Mr. Yusuf and his family, they went to the  
10 immigration and they did the certificate. They prove it.  
11 And they call us and they tell you to go embassy and fix  
12 your paper in there.

13          Q     All right. When you say Mr. Yusuf, are you  
14 talking about Fathi Yusuf?

15          A     Fathi Yusuf, yes.

16          Q     Okay. And when you moved to St. Croix, where  
17 did you live?

18          A     In Mr. Fathi Yusuf house. Five days.

19          Q     And then did you eventually move somewhere else  
20 on St. Croix?

21          A     When I came to St. Croix straight I went to his  
22 house and I stayed five days. After five days I rent a  
23 house in Whim, \$280.

24          Q     And did you -- did there come a time that you  
25 started to work on St. Croix?

1           A     Yes, I come to work.

2           Q     And what work did you do?

3           A     I used to work salesman. Sell clothes from  
4 house to house.

5           Q     And at some point in time did you open a grocery  
6 store?

7           A     After I work, and then salesman for three years  
8 and make a little bit money where I get some money with me  
9 and I open a little grocery Carlton Grocery.

10          Q     And did you ever have more than one grocery  
11 store?

12          A     Yes, sir. I have a next one in -- Glynn.

13          Q     And did there come a time that you spoke with  
14 Mr. Yusuf about going into business with him?

15          A     Mr. Yusuf he was busy building the business,  
16 shopping center.

17          Q     And tell me how you got involved with him?

18          A     And he's my brother family. He's from my  
19 village. Me and he together. Neighbor in the -- back in  
20 West Bank and we know him. We know his family, his  
21 father, his mother and his close -- his sister with -- my  
22 cousin got married with his sister.

23          Q     Okay. And did there come a time that you tried  
24 to help him with the shopping center?

25          A     Many times.

1 Q Can you tell the court about that.

2 A Because he need money that time. His brother,  
3 he start to feed him a little money from Kuwait, and one  
4 time it stop. His brother. And the money, he needs  
5 money. One time he tell me, Hamed I owe the people money,  
6 I have to pay tomorrow and I don't have it.

7 I tell him, don't worry. I have the money. I  
8 give it to your wife. I went for your house, I can find  
9 you. We find him in the shopping center and his wife she  
10 tell me it's my --

11 MR. DAVID: Objection, hearsay.

12 MR. HOLT: We don't need to hear that.

13 THE COURT: Okay, that's sustained.

14 BY MR. HOLT:

15 Q So did you give him the money?

16 A I give him the money and he count it. He count  
17 the money, \$14,000. And he tell me, okay, that's good.  
18 12,000 I will cover what I owe, 2,000 I'm going to make it  
19 for the family to buy grocery thing.

20 Q Okay. And did there come a time that you gave  
21 him more money?

22 A I give him CD, \$20,000 in Tortola it was. I  
23 bought it. I signed it for him in Nova Scotia and he got  
24 it. And the 20,000, I won lottery one time in 19 -- I  
25 don't know what year. I give him 20,000.



1           And I give him 10,000 from where I working in  
2 the grocery where I buy. I went to he and I give him,  
3 this is what I have right now, use it. He say, I'm going  
4 to charge, put it in interest. I tell him, no, I don't  
5 want no interest, you is my brother-in-law before we get a  
6 bad for business and is the supermarket.

7           After that he coming and tell me look, man, you  
8 try to help me, thank you for that. We're going to open  
9 supermarkets over there and you're going to be my partner.  
10 I tell him, well, they have a friend of mine, Arab, I  
11 don't want to say his name, and I believe they know his  
12 name. Mr. Yusuf they know him. He tell me I'm going to  
13 work with you.

14           Mr. Yusuf after he tell me -- before him and I  
15 say, okay, I'm going with the man in my village, but I  
16 going with the next guy. And I start with Mr. Yusuf.

17           We get a money from Banco Popular, \$1 million.  
18 After they give us \$1 million it stop. They don't want to  
19 give us money. We start to look a next bank maybe we get  
20 the loan. We got it from next bank \$2 million and a half.  
21 We give the Banco Popular what we owe, and the rest we buy  
22 the stuff for the supermarket.

23           Q     Okay.

24           A     And we open the store without dairy. No dairy  
25 in the Plaza Extra. Who give us, lent us the money? The

1 man with the furniture, his name is Baker. And they went  
2 to buy the cheese and all kind of thing, and they fill it  
3 up.

4 Q Now, what happened to the store in Carlton and  
5 the store in Glynn?

6 A I sold it.

7 Q And what did you do with the money?

8 A Mr. Yusuf he tell me if you be here in the  
9 business supermarket you cannot have a next business of  
10 your own, you have to be completely work in the Plaza  
11 Extra. Nothing else you can do about it. And I sell the  
12 market and I sell Carlton Grocery.

13 Q And what did you do with the money from the  
14 sale?

15 A I put it with the money I pay for Mr. Yusuf.

16 Q Okay. And what was your understanding of your  
17 relationship with Mr. Yusuf?

18 A I'm his partner. We own 50 and he own 50 in the  
19 winning or loss.

20 Q And that's 50 percent of the Plaza Supermarket?

21 A What that?

22 Q 50 percent of what?

23 A 50 percent of the supermarket.

24 Q Okay. Now, did your sons start to work in the  
25 supermarket?

1 A Yes, sir.

2 Q And who is your oldest son? Who is your oldest  
3 son?

4 A Mr. Yusuf he is in charge for everybody.

5 Q What is your oldest son's name? Who is your  
6 oldest son?

7 A My oldest son is Waleed Hamed.

8 Q And did there come a time that you stopped  
9 working in the business every day?

10 A No.

11 Q Okay. Tell me what you did in the business?

12 A He used to work with me and in the supermarket,  
13 without payment before we open. They build a beam and  
14 they have somebody from St. Lucia, Charlie, he used to  
15 work, and he will help him hold the beam with him until 12  
16 o'clock in the night.

17 Q Okay. After a while did you get the supermarket  
18 open?

19 A After the work in the supermarket.

20 Q Okay.

21 A And Mr. Yusuf tell me, you is my partner, not  
22 your son. Your son employees, the two, 4.65 an hour, and  
23 I like any employees. I tell him I'm not saying nothing,  
24 you is my partner. Whatever you say I agree with you.

25 Q Okay.

1 A Even my son or anybody.

2 Q All right. And then as you got older, did there  
3 come a time that you stopped working in the store?

4 A No.

5 Q You still work there today?

6 A I never stop working in the store.

7 Q Okay.

8 A 'Till we get burn up the store. That time  
9 everything is gone. I lose everything.

10 Q Now, did you eventually go back to live in  
11 Jordan?

12 A I what?

13 Q Did you go back to live in Jordan?

14 A No, sir.

15 Q You stayed here?

16 A I stay here. I'm stay here fighting to build  
17 back.

18 Q And did there come a time that you gave Waleed  
19 your son, a power of attorney for you?

20 A Yes, sir, after I get retired.

21 Q And --

22 A I give him power of attorney because I was sick.  
23 I say let me give the boy a power of attorney before we  
24 get -- maybe I die, maybe not, it's -- God knows. And I  
25 made the power of attorney. I give to him.

1 Q Those are all the questions I have.

2 THE COURT: Okay.

3 CROSS-EXAMINATION

4 BY MR. DAVID:

5 Q Good afternoon, Mr. Hamed.

6 A Good afternoon.

7 Q Sir, while you were testifying I was writing  
8 some things down, I want to make sure I understood what  
9 you said, okay?

10 A Please, take it easy. Sometime I don't hear you  
11 too good.

12 Q Yes, sir. I will try to talk loud enough and  
13 slow enough so you can hear me; is that fair?

14 A Yeah. Go ahead.

15 Q You testified that you initially gave Fathi  
16 Yusuf \$14,000; do you remember that?

17 A 14,000?

18 Q Yes.

19 A Yes, sir.

20 Q And that -- and then --

21 A And that time I bring to him in the socks. You  
22 know, the socks.

23 Q Yes, sir.

24 A I put it inside the socks. Me and my wife went  
25 to her sister, his wife, to Mr. Yusuf.

1 Q Okay. And --

2 A And I asked her for -- where is Fathi tell me he  
3 is in the shopping center. He was building the shopping  
4 center.

5 Q Okay.

6 A And she told me, please, go and get him from the  
7 shopping center.

8 Q Okay.

9 A To the house here.

10 Q I'm going to -- I'm going to try to stay  
11 focused. Let me ask you another question?

12 A I went to shopping center and I find Mr. Yusuf  
13 there. I tell him, let's go home, take a cup of coffee.  
14 He said, Hamed, I owe the people money, I don't know how I  
15 going to pay him tomorrow. I told him, look, the money, I  
16 have in your house. You going to pay him and more you  
17 have. He said where? I said, in your house by your wife.  
18 Let's go home.

19 He went drive his car and I go behind him to the  
20 house, drink the coffee. And he get the socks and open it  
21 and start to check. He tell me how much? I tell him, you  
22 check it. He check it. He tell me 14,000.

23 Q Okay.

24 A I tell him what I save and my grocery in my  
25 business, that's what I have.

1 Q Okay.

2 A And I promise you any time I'm going to save  
3 5,000, 10,000 whatever, I will bring it to you because  
4 it's his brother used to send him back up when he build  
5 it.

6 Q Okay. The next amount of money that you gave  
7 him was a CD for \$20,000; is that correct?

8 A Yes.

9 Q Okay. And then --

10 A I gave him more than one time.

11 Q And then the next time was \$10,000; is that  
12 correct?

13 A Yes.

14 Q Okay. And then you sold your store at Carlton  
15 and at Glynn? You sold your two stores?

16 A I used what?

17 Q You sold your two stores, correct?

18 A Yes.

19 Q How much money did you give to Mr. Yusuf Fathi  
20 Yusuf from that store?

21 A I give him whatever he asked me. \$200,000.

22 Q Do you recall that it was exactly \$200,000?

23 A Yes, sir.

24 Q Now, you said something about a million dollars  
25 from Banco Popular, was that a loan?

1           A     It's a loan he took from the bank.

2           Q     Okay.

3           A     I don't have no name. I told him -- he tell me  
4 the bank they don't want nobody, so they have a partner  
5 with the supermarket.

6           Q     Okay.

7           MR. HARTMANN: I'm sorry, let him answer.

8           MR. DAVID: I'm letting him answer, sir.

9           I'm sorry, Judge, are we getting one lawyer here  
10 or two?

11          MR. HARTMANN: I'm sorry.

12          MR. HOLT: But he needs to let him finish.

13          MR. DAVID: I apologize to the Court and to  
14 counsel, and to the witness, sir.

15          THE COURT: That's fine.

16 BY MR. DAVID:

17          Q     Please continue, sir.

18          A     Yeah, They give us one million and They stop.

19 He come -- Fathi come to me and tell me, you know, how  
20 much, Hamed we're going to be interest for that? I tell  
21 him, no, you can take care of the office and I'm in the  
22 warehouse I'm in charge in the warehouse so it's even.

23                He said \$16,000 a month, you pay 8. I tell him,  
24 why not? I'm work with you even if I getting winner or I  
25 get lose.



1 Q Okay.

2 A With sailboat. He said, okay, I want to know,  
3 you know that. I tell him, okay, I know that.

4 Q Are you still working at the stores?

5 A Long time I retired.

6 Q Okay. Was there another loan for two and a half  
7 million dollars?

8 A A what?

9 Q Was there another loan for two and a half  
10 million dollars?

11 A Yes.

12 Q From whom?

13 A From the Bank of the Virgin Islands, Nova  
14 Scotia, and then the other side, what you call it? I  
15 forget the name.

16 Q Did you sign the loan documents?

17 A I'm not sign nothing.

18 Q So on the million-dollar loan that we talked  
19 about you're not signed either?

20 A Fathi is the one, he sign. Mr. Yusuf the one he  
21 sign with the loan, the first one and the second one.

22 Q Okay. Sir, did you sign an affidavit in this  
23 case?

24 A For who?

25 Q Did you -- Do you know what an affidavit is,

1 sir?

2 A Affidavit I give my son.

3 Q What for? Why did you give your son an  
4 affidavit?

5 A Why?

6 Q Yes, sir.

7 A Well, I forget at that time what he told me.

8 And he tell me sign the paper. He wants me, I sign it. I  
9 give to him.

10 Q Did you read the paper before you signed it?

11 A He give me the paper.

12 Q Okay. Did you read the paper before you signed  
13 it?

14 A I'm not read English, I tell you the truth.

15 MR. DAVID: I'm going to show him his  
16 affidavit.

17 MR. HOLT: Sure.

18 BY MR. DAVID:

19 Q Okay. Sir, have you ever seen that piece of  
20 paper before?

21 A Yes.

22 Q What is that?

23 A That's my signature in there.

24 Q Do you know what the letters, the words on the  
25 paper say?

1           A     Well, I need somebody to read it and they  
2 explain to me in Arabic.

3           Q     You can't read the words on that piece of paper?

4           A     I can't read it.

5           Q     Okay. Did you read it before you signed it?  
6 Before you wrote your name on it --

7           A     I tell me son -- I believe what they have in  
8 there. He explain to me and I forget what he told me.

9           Q     Okay. That's all I have.  
10           You can take that back.  
11           Fathi Yusuf is your partner?

12          A     Yes.

13          Q     Is Fathi Yusuf partners with Waleed?

14          A     Ha?

15          Q     Is Fathi Yusuf partners with Waleed, your son  
16 Waleed?

17          A     No. But he is my partner. I, not my son.

18          Q     Your other sons are not partners with Fathi  
19 Yusuf, correct?

20          A     Yes. I'm his partner, not my son.

21          Q     And if Mr. -- If Fathi Yusuf has something to  
22 talk to you about the partnership, he is to talk to you,  
23 correct?

24          A     Yes.

25          Q     And nobody else?

1           A     Nobody else.  If I die or I -- after I give my  
2 son the power of attorney, yes, he could because I'm not  
3 working.  I getting old.  I can't do nothing.

4           Q     How long is your partnership with Mr. Yusuf  
5 supposed to last?  When does it end?

6           A     Forever.  We start with Mr. Yusuf with the  
7 supermarket and we make money.  He make money and I make  
8 money, we stay together forever.

9           MR. DAVID:  Okay.  One moment, Your Honor, I  
10 maybe done.

11                   **(Discussion off the record.)**

12 BY MR. DAVID:

13           Q     Sir, have you ever signed any -- strike that.  
14 Are you aware that there is a lease?

15           A     I don't know.  I didn't hear you.

16           Q     Is there a lease for the St. Thomas store?

17           A     Lease?

18           Q     Lease.

19           A     To St. Thomas store?

20           Q     Yes, sir.

21           A     Mr. Fathi the one.  He in charge for it.

22           Q     What other stores is Mr. Fathi in charge of?

23           A     For all the three store.

24           Q     That's all I have, sir.  Thank you.

25           A     You're welcome.

1 MR. HOLT: No other questions. Thank you very  
2 much.

3 THE COURT: Thank you, Mr. Hamed, you may stand  
4 down.

5 MR. HOLT: We call Mahar Yusuf.  
6 Thereupon,

7 MAHAR FATHI YUSUF,  
8 having been first duly sworn, was examined and testified  
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. HOLT:

12 Q Can you state your name for the record, please.

13 A Mahar Fathi Yusuf.

14 Q Where do you reside?

15 A 306-A Judith's Fancy.

16 Q And where do you work?

17 A Plaza Extra.

18 Q And is there a particular store you work in?

19 A Plaza Extra West.

20 Q And is there a person in the Hamed family that  
21 you work with there?

22 A Yes.

23 Q And who is that?

24 A Hisham Hamed.

25 Q Are you also the president of United

1 Corporation?

2 A Correct.

3 MR. HOLT: Can I have the witness shown Exhibit  
4 Number 19. I'm sorry, I got it here.

5 BY MR. HOLT:

6 Q Is this an affidavit that you signed in this  
7 case?

8 A Yes.

9 Q And that's your signature on the last page?

10 A Yes.

11 Q Okay. And looking at Paragraph 17 --

12 MR. DiRUZZO: Objection, Your Honor. Counsel is  
13 trying to impeach his own witness.

14 MR. HOLT: No, I'm not. I'm on direct  
15 testimony.

16 THE COURT: He can ask the question.

17 BY MR. HOLT:

18 Q You made a statement that, "United has always  
19 charged rent for the use of the part of its retail  
20 premises at the Plaza Extra Supermarket operations on  
21 St. Croix Sion Farm do you see that?

22 A Yes.

23 Q Okay. And you -- then the next sentence you  
24 said, "Mohammad Hamed has always understood that United  
25 would always charge for the use of the retail space," is

1 that correct?

2 A Yes.

3 Q So Mohammad Hamed is the tenant in the store?

4 A No.

5 Q Who's the tenant?

6 A Fathi Yusuf.

7 Q Fathi Yusuf or Fathi Yusuf and Mohammad Hamed?

8 A Fathi Yusuf.

9 Q And who's the landlord?

10 A United Corporation.

11 MR. HOLT: Can I have the witness shown Group

12 Exhibit 7.

13 BY MR. HOLT:

14 Q This is a group exhibit that's already been  
15 admitted into evidence and identified, have you seen these  
16 documents before?

17 A Yes.

18 Q And these are letters from United Corporation to  
19 Mohammad Hamed?

20 A Correct.

21 Q And some of them say Mohammad Hamed, Plaza Extra  
22 Supermarkets?

23 A Correct.

24 Q Why are you sending Mohammad Hamed rent increase  
25 notices or eviction notice if Fathi Yusuf owns the store?

1 A Fathi Yusuf owns the store.

2 Q Why are you sending the notices to Mohammed  
3 Hamed?

4 A Because Mohammad Hamed has a business agreement.

5 Q So he does have a business agreement?

6 A He does have a business agreement.

7 Q To operate the store?

8 A To operate the store.

9 Q And you understand the agreement is to share the  
10 profits 50/50?

11 A Yes.

12 Q And you're still sending these letters to  
13 Mr. Hamed in 2012 and 2013, so I take it that business  
14 agreement is still in place?

15 A As far as I know.

16 Q Okay. And then you also said that, "It was  
17 always understood that United would charge the Yusuf  
18 retail space, and would deduct the value of such rent in  
19 arriving at the net profits of the Plaza Extra stores."

20 What do you mean by that?

21 A Where is that?

22 Q The last part of paragraph 7.

23 A Okay. Yes, that's correct.

24 Q Just explain to me what you mean?

25 A That we do charge the store the rent.



1 Q Okay. And so when we talk about the profits  
2 that Mr. Fathi Yusuf and your father would share, we're  
3 talking about the net profits, not the gross profits; is  
4 that correct?

5 A The net profits, yes.

6 Q And part of the net profits is taking the rent  
7 out of gross profits; is that correct?

8 A Repeat that again.

9 Q Well, part of getting to the net profits is  
10 you've got to take the rent out?

11 A Yes.

12 Q No other questions.

13 THE COURT: Any cross?

14 MR. DiRUZZO: Yes, Your Honor.

15 CROSS-EXAMINATION/DIRECT EXAMINATION

16 BY MR. DiRUZZO:

17 Q Mr. Yusuf, I'm going to ask you a few questions.  
18 If you don't understand the question, if I go too fast,  
19 just let me know and I'll either repeat or rephrase the  
20 question.

21 You are the president of United Corporation,  
22 correct?

23 A Correct.

24 Q And in your role as president of United  
25 Corporation you have custody of the books of United

1 Corporation?

2 A Yes.

3 Q And included in those books of United  
4 Corporation would include the Articles of Incorporation of  
5 United Corporation?

6 A I have a copy of it.

7 **(Defendants' Exhibit 7 marked for**  
8 **identification.)**

9 BY MR. DiRUZZO:

10 Q Sir, I'm showing you a document that's been  
11 marked as Defense Exhibit 7, please take a look at this  
12 document, and once you're done reviewing the document, let  
13 me know.

14 A Yes.

15 Q And is this the Articles of Incorporation for  
16 United Corporation, the defendant in this case?

17 A Yes.

18 Q And is United Corporation a Virgin Islands  
19 entity formed under the laws of the Virgin Islands?

20 A Yes.

21 Q And is United Corporation a -- still a, as you  
22 sit here today, a legal entity?

23 A Yes.

24 MR. DiRUZZO: And defense moves Exhibit 7 into  
25 evidence.

1 MR. HOLT: No objection.

2 THE COURT: Defendant's Exhibit 7 is admitted.

3 (Defendants' Exhibit 7 received into evidence.)

4 MR. DiRUZZO: May I approach, Your Honor.

5 THE COURT: Yes.

6 Marshal.

7 MR. HOLT: Your Honor, I don't know what he's  
8 doing, but this is well beyond the scope. This is a  
9 lease in St. Thomas, I didn't ask him any questions  
10 about --

11 THE COURT: Well, you did ask --

12 MR. HOLT: You know what, they can call him in  
13 their own case so they might as well do it now. No  
14 problem.

15 (Defendants' Exhibit 8 marked for  
16 identification.)

17 BY MR. DiRUZZO:

18 Q Sir, I'm handing you what's Defense Exhibit 8.  
19 Have you seen this document before, sir?

20 A What is that?

21 Q Have you seen this document before?

22 A Yes.

23 Q And what is this document?

24 A It's a lease for St. Thomas, Tutu Park Mall.

25 For the Plaza Extra St. Thomas.

1 Q And does the document reflect who executed this  
2 lease on behalf of United Corporation d/b/a Plaza Extra  
3 for it's lease in St. Thomas, Tutu Park Mall?

4 A Yes.

5 Q And those persons would be?

6 A The president.

7 Q And who was the president at the time this lease  
8 was executed?

9 A I was.

10 Q And did anyone else execute?

11 A Fathi Yusuf, which is my father.

12 Q What role did Fathi Yusuf execute this document?

13 A Secretary and treasurer.

14 Q Sir, I want to direct your attention to Page 52  
15 of this document. Number 52. There's also -- on the  
16 bottom right-hand side is also bates number FY126970?

17 A Yes.

18 Q Sir, that portion of this document, what is  
19 that?

20 A That's a legal binding signature.

21 Q And then flip to the next page on the bottom of  
22 Page 53, what is that?

23 A Oh, the guarantee.

24 Q Sir, who executed this guarantee?

25 A My father.

1 Q And just so the record is clear, that's Fathi  
2 Yusuf?

3 A Fathi Yusuf yes.

4 Q Sir, has Mohammad Hamed ever executed a personal  
5 guarantee in respect to United Corporation?

6 A No.

7 Q Has Mohammad Hamed ever executed a personal  
8 guarantee in respect to United Corporation doing business  
9 as Plaza Extra?

10 A Never did.

11 Okay. Move Defense Exhibit 8 into evidence.

12 MR. HOLT: No objections.

13 THE COURT: Hence Exhibit 8 is admitted.

14 **(Defendants' Exhibit 8 received into evidence.)**

15 BY MR. DIRUZZO:

16 Q Sir, I'm going to shift gears for a second and  
17 talk about your role with respect to your father, not as  
18 president of the United Corporation but just you as a son.

19 Can you tell the Court or describe the  
20 construction of the United Shopping Center where currently  
21 Plaza Extra Sion Farm sits.

22 Do you have personal knowledge of the  
23 construction of the shopping center?

24 A Yes, of course.

25 Q And how old were you at the time when the United

1 Shopping Center was being built?

2 A Probably 13. 13, 14.

3 Q Were you personally involved in the shopping  
4 center?

5 A Yes.

6 Q In what matter?

7 A Contractor. Anything that needs to be done.

8 Q And when that store was going up how long did it  
9 take for the shopping center to be completed?

10 A Shopping center, probably -- I don't recall how  
11 many years but it was completed in 1983.

12 Q Okay. And at the time, in 1983, do you remember  
13 the stores that leased space from United Shopping Center?  
14 What the stores were?

15 A Yes.

16 Q And to the best of your recollection, what were  
17 those stores?

18 A It was retail spaces.

19 Q Okay. And in some point in time did a Plaza  
20 Extra open in that -- at that location?

21 A Yes.

22 Q And when was that?

23 A 1986.

24 Q And, so the Court's aware, what was the duration  
25 between when the United Shopping Center was operational

1 and when Plaza Extra first opened it's stores at that  
2 shopping center?

3 A About three years.

4 Q Now, let's talk about the rent. What is the  
5 current structure between United Corporation and the Plaza  
6 Extra store in respect to the rent?

7 A For the Plaza Extra store?

8 Q Yes, the Plaza Extra store.

9 A Well, Mohammad Hamed was in agreement with my  
10 father to run the east store, Plaza Extra Sion Farm and  
11 that store was supposed to pay the rent. I'm not sure  
12 what the figures were on the rent.

13 Q Now, at some point -- There's been testimony  
14 that the store burnt down in a fire?

15 A Yes.

16 Q Can you estimate approximately when that was?

17 A Give or take a day, January 6, 1990.

18 Q Was the store insured?

19 A Yes.

20 Q Who was the named beneficiary, the policy holder  
21 of that insurance?

22 A United Corporation.

23 Q Was Mohammad Hamed ever listed as beneficiary of  
24 that insurance policy?

25 A No.

1 Q Has Mohammad Hamed ever exercised any management  
2 decision in respect to United Corporation, doing business  
3 as Plaza Extra?

4 A No.

5 Q Sir, I'm going to turn your attention to the  
6 criminal case; you're familiar with that criminal case?

7 A Yes.

8 Q And was United Corporation d/b/a Plaza Extra  
9 indicted in that criminal case?

10 A Yes.

11 Q And was Mohammad Hamed ever indicted in that  
12 case?

13 A No.

14 Q At any point in time did Mohammad Hamed or a  
15 representative of Mohammad Hamed come forward and assert  
16 partnership interest in Plaza Extra or United Corporation  
17 during that criminal case?

18 A No.

19 Q Sir, you were taken into custody in respect to  
20 that criminal case?

21 A Yes.

22 Q And was your father Fathi Yusuf?

23 A Yes.

24 Q And was Waleed Hamed?

25 A Yes.



1 Q And did Mohammad Hamed was he ever taken into  
2 custody in respect to that case?

3 A No.

4 Q Where was Mohammad Hamed when you were taken  
5 into custody, if you know?

6 A I believe he was in the middle east.

7 Q Sir, in respect to that case, did you execute a  
8 plea agreement on behalf of the United Corporation to  
9 resolve the ongoing criminal case?

10 A Yes, I did.

11 Q And, sir, are you familiar with the terms of  
12 that plea agreement?

13 A Not off my head, no.

14 Q If you saw that, would it refresh your  
15 recollection?

16 A Yes.

17 MR. DiRUZZO: If the defense witness can be  
18 shown Defense Exhibit 2.

19 THE WITNESS: Yes, sir.

20 BY MR. DiRUZZO:

21 Q Sir, turning your attention to page 2, part A.

22 A Yes, sir.

23 Q The plea agreement involves a 2001 corporate  
24 income tax return of former 1120-S?

25 A Yes.

1 Q And that 2001 income tax return 1120-S that's  
2 the subject of the plea agreement, did that include the  
3 operation of Plaza Extra grocery stores?

4 A Yes.

5 Q Sir, I'm going to turn your attention to Page 4,  
6 under Section 3, Paragraph 3.

7 MR. HOLT: Your Honor, just for the record I'm  
8 going to let this continue. I just want to make sure  
9 this is their case, when it's my turn it's now my  
10 cross.

11 THE COURT: That's understood.

12 MR. DiRUZZO: That's fine, Your Honor.

13 THE WITNESS: Yes.

14 BY MR. DiRUZZO:

15 Q Paragraph 3, it's referring to the tax year 1996  
16 through 2012, it discusses restitution.

17 Was restitution actually paid to the Virgin  
18 Islands Bureau of Internal Revenue?

19 A Yes.

20 Q And do you recall, off the top of your head, do  
21 you remember that amount?

22 A I believe it's eleven million.

23 Q Okay. Sir, did -- If the witness can be shown  
24 Exhibit Number 4.

25 Sir, turn your attention to the last page. Is

1 that your signature there?

2 A Yes, sir.

3 Q And what capacity did you sign?

4 A As the president of United Corporation.

5 Q And this closing agreement, does this tie into  
6 or reflect the restitution penalty that we just talked  
7 about on page 4 of the plea agreement?

8 A Yes.

9 Q And United Corporation for those years paid tax  
10 as a C-Corporation to the Virgin Islands Bureau of  
11 Internal Revenue?

12 A Yes.

13 Q Now, sir, pursuant to the plea agreement, are  
14 there certain conditions that United is going to have to  
15 comply with?

16 A Yes.

17 Q And turn your attention to the bottom of Page 7.  
18 The plea agreement requires that there's a one-year term  
19 of probation and that United Corporation.

20 A Hold on. Page 7. Where?

21 Q Page -- Exhibit 2.

22 A Okay. Yes.

23 Q That United Corporation is going to have a  
24 one-year term of probation?

25 A Yes.

1 Q And it's going to be monitored by an independent  
2 third party certified public accounting firm?

3 A Correct.

4 Q Sir, in respect to the upcoming monitoring by an  
5 independent certified public accounting firm, did United  
6 Corporation take any steps to be in compliance with its  
7 plea agreement?

8 A Yes.

9 Q Such as?

10 A I hired a consultant as an accountant.

11 Q And that consultant's name for the record?

12 A John Gaffney.

13 Q And did United Corporation hire any other  
14 staffer in order to make sure that it was compliant with  
15 the plea agreement?

16 A No, just John Gaffney.

17 Q Okay. Is John Gaffney currently working for  
18 United Corporation?

19 A Yes.

20 Q And, briefly, what is he doing?

21 A He's taking the -- our accounting system and  
22 organizing everything so that we can be in compliance with  
23 the plea agreement, and foreseeing that we have a better  
24 accounting system.

25 Q Well, right now I'm talking about your

1 accounting system; how would you qualify this accounting  
2 system?

3 A How it runs? How is it going?

4 Q How is it going right now?

5 A I can ask for numbers and I can see what my  
6 numbers are.

7 Q And what would you expect the improvements to be  
8 after Mr. Gaffney gets done doing what he was hired to do?

9 A It should be a big improvement.

10 Q Give some examples to the Court.

11 A Have financial statements on hand any time you  
12 need it.

13 Q Okay. In respect to the plea agreement, United  
14 Corporation also has to develop an effective compliance  
15 and ethics program?

16 A Yes.

17 Q And is that part of what Mr. Gaffney is also  
18 attempting to put in place?

19 A Yes.

20 Q Sir, has United Corporation d/b/a Plaza Extra  
21 ever filed a partnership income tax return?

22 A Never.

23 Q Has any of the income tax filings of United  
24 Corporation ever reflected Mohammad Hamed as an owner of  
25 United Corporation?

1           A     No.

2           Q     There's been some discussion about the need or  
3 the current way that United Corporation operates with two  
4 checks -- two signatures on a check, was that always the  
5 case?

6           A     No.

7           Q     When did it change and why?

8           A     In 2011, I think about August or September, my  
9 father wanted more control. Fathi wanted more control on  
10 the checks so he changed it from one single signature to  
11 two signatures.

12          Q     Let me turn your attention to the current  
13 operations of Plaza Extra. Are any of the Plaza Extra  
14 stores at the moment under a threat of closing down?

15          A     No.

16          Q     Are any of them under the threat of reduced  
17 operations?

18          A     No.

19          Q     Have you ever witnessed your father, Fathi  
20 Yusuf, make any threats of physical harm to any Hamed  
21 family members?

22          A     Never.

23          Q     Have you ever witnessed Fathi Yusuf blocking  
24 payments to vendors?

25          A     No.

1 Q Are the vendors being paid in the normal course  
2 of business?

3 A Yes.

4 Q Is the inventory being ordered in the normal  
5 course of business?

6 A Yes.

7 Q Have the day-to-day business operations changed  
8 in any material way?

9 A No.

10 Q Sir, let's talk about the money that's in the  
11 bank. How many bank accounts does United Corporation  
12 d/b/a Plaza Extra have?

13 A Eleven. I think it's eleven.

14 **(Defendants' Exhibit 9 marked for**  
15 **identification.)**

16 MR. DiRUZZO: Your Honor, I would like the  
17 witness to be shown Defense Exhibit 9.

18 THE COURT: Thank you, marshal.

19 BY MR. DiRUZZO:

20 Q Sir, you've been shown a document that's been  
21 marked Defense Exhibit 9; do you recognize that document?

22 A Yes.

23 Q How do you recognize that document?

24 A By securities that we have.

25 Q And just to be clear, what -- Describe for the

1 record what is this document?

2 A It's the investment companies and security,  
3 Banco securities that we have for United Corporation.

4 Q And what's the amount here that's listed that  
5 United Corporation has in the bank?

6 A In the investment company 43,914,260.04.

7 Q And are these accounts ones that were subject to  
8 the restraining order in the ongoing federal criminal  
9 case?

10 A Yes.

11 Q And what about other accounts, does United  
12 Corporation d/b/a Plaza Extra have other bank accounts?

13 A Yes.

14 Q And if you can estimate, do you have any idea  
15 what the total amount is in those other bank accounts.

16 Let's break it down. Do you have any by store?  
17 Let's talk about Plaza west. Plaza west has an operating  
18 account?

19 A Yes.

20 Q Do you have any idea how much is in there?

21 A 1.7. 1.6.

22 Q What about Plaza east?

23 A One point -- at least almost 2 million.

24 Q And what about St. Thomas?

25 A St. Thomas, it's in the hundred thousands.



1 Q Okay. Does Plaza Extra or United Corporation  
2 doing business as Plaza Extra is United Corporation under  
3 any liquidity problems?

4 A Not with the stock that we have.

5 Q Sir, I'm going to turn your attention to the --  
6 there were certain discussions about the Hamed family not  
7 being able to have access to these bank accounts.

8 A They have full access.

9 Q And in what manner do they have full access?  
10 And when you say "full access", what exactly do you mean  
11 by "full access"?

12 A Just like any one of us have. They have viewing  
13 access.

14 Q And how do they have viewing access?

15 A They can get online and view the accounts any  
16 time they want to.

17 **(Defendants' Exhibit 10 marked for**  
18 **identification.)**

19 BY MR. DiRUZZO:

20 Q Sir, you're being shown what's Exhibit 10.

21 THE COURT: Has Mr. Holt seen it?

22 MR. HOLT: Yes, I have it. No objection. Are  
23 you talking about number 10?

24 BY MR. DiRUZZO:

25 Q Sir, do you recognize this document?

1 A Yes, I do.

2 Q What is it?

3 A It's a list of people that their name's on here  
4 that has access, online access.

5 Q So -- And the -- could you read it into the  
6 record the actual names of these individuals that have  
7 online access to the Scotia bank accounts?

8 A Yes. Hisham Hamed. Mahar Yusuf. Margaret -- I  
9 don't know how to say her name -- Soeffing. Myra  
10 Senhouse. Wadda Charriez, Waheed Hamed. Yusuf Yusuf.

11 Q Now, sir, this document that's in front of you  
12 Exhibit 10, is this document accurate and up to date.

13 In other words, did these people still have  
14 actual access to view these accounts online?

15 A Yes.

16 Q Okay.

17 A That's only in one bank account. One branch,  
18 sorry.

19 (Defendants' Exhibit 11 marked for  
20 identification.)

21 BY MR. DiRUZZO:

22 Q Sir, you have been shown Defense Exhibit 11.  
23 Sir, what is that document?

24 A Pictures of the west store.

25 Q Do you know who took that picture?

1 A I did.

2 Q When?

3 A Last night.

4 Q And what do those pictures reflect? What's in  
5 the pictures?

6 A Grocery store shelving and products on the  
7 shelves.

8 Q And do the pictures -- And does the Plaza Extra  
9 west store have sufficient inventory to service it's  
10 customers?

11 A Yes, it does.

12 Q And does the Plaza Extra west store have  
13 inventory in the back in order to ensure that --

14 A Excuse me, I have three copies of each.

15 THE COURT: Supposed to be three photographs?

16 MR. DiRUZZO: I screwed up, Your Honor. One  
17 moment, Your Honor.

18 **(Discussion off the record.)**

19 THE COURT: That's Exhibit 11, correct?

20 MR. DiRUZZO: Correct.

21 THE COURT: And how many photos?

22 MR. DiRUZZO: Four. Two in the front, two in  
23 the back.

24 THE COURT: Okay.

25 THE WITNESS: I have four. I wanted to talk

1           about the freezers.

2       BY MR. DiRUZZO:

3           Q       We'll get to that. Refer to Defense Exhibit 11,  
4       do these pictures accurately reflect the state of the  
5       Plaza Extra west store in respect to inventory?

6           A       Yes.

7           Q       As we sit here today, or as you sit here today?

8           A       Yes.

9           Q       And what about the freezers that you just talked  
10       about, is there sufficient inventory in the freezers to  
11       service the customer?

12          A       Yes.

13          Q       Now, sir, let's talk about the payables. As  
14       president of United Corporation do you have knowledge of  
15       the payables of the three grocery stores?

16          A       In some capacity, yes.

17          Q       Would you -- have you reviewed the accounting  
18       the accounting software or the accounting data in respect  
19       to these -- the three stores?

20          A       I go through it with Gaffney and review steps.

21          Q       And -- Well, let's talk about the St. Croix west  
22       store, does -- is there any ongoing problem with paying  
23       the vendors, getting the payables paid in a reasonable  
24       amount of time?

25          A       I have no problem paying vendors.

1                   (Defendants' Exhibit 12 marked for  
2                   identification.)

3           BY MR. DiRUZZO:

4           Q     Okay.  Sir, I'm going to show you defense  
5           Exhibit 12.  It's a composite exhibit.

6           A     Yes.

7           Q     Sir, have you seen these documents before?

8           A     Yes, I did.

9           Q     And what is this composite exhibit, this  
10          three-part composite exhibit?

11          A     This is our payables, vendor payables.

12          Q     When you say "our" could you be specific, the  
13          vendor payroll for?

14          A     Vendor payrolls for each store.

15          Q     And --

16                MR. HOLT:  Excuse me, payroll or payables?

17                MR. DiRUZZO:  Payables.

18          BY MR. DiRUZZO:

19          Q     And these accounts payables, and this document  
20          in front of you, is this kept in the normal course of  
21          business?

22          A     Yes.

23          Q     And as a role -- as president of the United  
24          Corporation, do you have custody, care and control of the  
25          business records of the United Corporation d/b/a Plaza

1 Extra?

2 A Yes.

3 Q Including these accounting for the payables?

4 A Yes. Every store. Each store has separate  
5 control.

6 Q And, now, let's talk about the one on -- about  
7 St. Thomas. Do these payables reflect any problem with  
8 the vendors getting paid out of the ordinary course?

9 A No.

10 Q And turning to the last page on the St. Thomas  
11 portion of Exhibit 12, could you tell the Court what the  
12 total amount of the outstanding payables for the  
13 St. Thomas Tutu store is?

14 A 547,624.

15 Q And then would you tell the Court what the  
16 amount that is aged between zero days and 30 days?

17 A 31,000.

18 Q Zero and 30?

19 A Oh, zero and 30. 502.

20 Q Just to be clear, 502 of the 547,000 that are  
21 due to the vendors is between zero and 30 days old?

22 A Correct.

23 Q Now, sir, let's go to the west store.

24 A Yes.

25 Q What's the total amount of debt due to the

1 vendors at the west store?

2 A 341.

3 Q And how much of the 341 is between zero and 30?

4 A 277.

5 Q Okay. Do you have two wests there? Do you have  
6 west, east and St. Thomas?

7 A I have west, St. Thomas and east.

8 Q Okay. Now, referring to -- Sir, is United  
9 Corporation doing business as Plaza Extra having any  
10 difficulty paying its vendors out of the normal course?

11 A Only one issue. Only one of my locations have  
12 that problem.

13 Q And what is the problem?

14 A Not paying vendors on time.

15 Q And how -- What is the basis, or how did that  
16 problem come about? Why do you have that problem?

17 A I have not checked with my management over  
18 there.

19 Q Okay. Which location would you be referring to,  
20 sir?

21 A Plaza east.

22 Q Now, there's been some discussion about \$2.7  
23 million that was transferred out of the Plaza Extra  
24 account, could you discuss whether anyone in the Hamed  
25 family was aware of that transfer?

1           A     Yes.

2           Q     And who was aware?

3           A     All the Hamed was aware.

4           Q     Sir, are any of the Plaza Extra 600 employees in  
5 jeopardy of loosing their job?

6           A     Not at all.

7           Q     Is Plaza Extra in jeopardy of losing customers  
8 to competitors outside of normal market conditions?

9           A     No.

10          Q     Sir, if the Court were to enter a Temporary  
11 Restraining Order against the defendants in this case  
12 allowing the Hamed family to have equal management rights,  
13 would the operations of the Plaza Extra stores be  
14 materially harmed?

15          A     Yes.

16          Q     How so?

17          A     By not keeping up with United -- the plea  
18 agreement with United, with the defense, with the federal  
19 case and putting United in good standings and making sure  
20 our accounting system is done right.

21          Q     Sir, before you came here today did you have an  
22 opportunity to review the plaintiff's Motion for Temporary  
23 Restraining Order filed back in September of last year?

24          A     Yes, I did, but I don't remember it.

25          Q     And you're aware of the allegations that were



1 made in that motion for a TRO, specifically that Plaza  
2 Extra was in jeopardy of shutting down or closing  
3 operations because of what was happening?

4 A No.

5 Q You're not aware of that?

6 A If I'm aware? Yes. Yes.

7 Q Did any of those concerns, did they ever come to  
8 pass?

9 A No.

10 Q Sir, who is Margie Soeffing?

11 A She used to be our full-time controller.

12 Q And at some time did she stop being a full-time  
13 controller?

14 A She gave us a two week -- a letter with -- a  
15 resignation letter.

16 Q And when approximately was that?

17 A October, I believe.

18 Q Does -- is she still working for the company?

19 A Yes, she decided that she can stay on the  
20 weekends, on a Saturday, and help us go through the year  
21 and maintain the St. Thomas store.

22 Q So she went from working full time to now just  
23 one day a week on the weekends?

24 A One day a week, yes.

25 Q Who is Ayman Al-Khaled?

1 A Ayman is a -- I'd said distant relative of me.

2 Q And how is he related to Fathi Yusuf?

3 A His niece daughter and he's the son like.

4 Q He's your, like second or third cousin?

5 A Third or fourth. Third or fourth.

6 Q And was Ayman hired?

7 A Yes, he was.

8 Q And what capacity was he hired?

9 A To become our controller.

10 Q And when was that?

11 A Sometime in October.

12 Q Was it after Margie Soeffing tendered her  
13 resignation and moved from full-time employment down to  
14 just one day a week?

15 A Yes.

16 Q And in respect to Mr. Gaffney, do you have any  
17 estimation about the savings to United Corporation d/b/a  
18 Plaza, if any, that Mr. Gaffney's efforts are going to  
19 result in?

20 A I don't know the dollar figures, but he's --  
21 we're going the right path cleaning up things.

22 MR. DiRUZZO: Your Honor, defense would move, I  
23 want to say Exhibit 12, 11, 10, 9, 8 and 7 into  
24 evidence.

25 THE COURT: Any objection?

1 MR. HOLT: No objection.

2 THE COURT: Okay. So that's --

3 MR. DiRUZZO: Tender the witness, Your Honor.

4 THE COURT: -- number 9. Number 8 was already  
5 admitted. Number 10, number 11, number 12.

6 This is cross examination.

7 (Defendants' Exhibit 9, 10, 11 and 12 received  
8 into evidence.)

9 CROSS-EXAMINATION

10 BY MR. HOLT:

11 Q Yes. You testified briefly about the fire  
12 burning down the supermarkets in what, 1990?

13 A 1990, yes.

14 Q Did it burn down any other part of the shopping  
15 center?

16 A Yes, it did.

17 Q And you talked about the insurance proceeds were  
18 paid to rebuild everything?

19 A Yes.

20 Q Okay. And where did the money come from that  
21 generated the premiums to pay for the insurance?

22 A From the grocery store.

23 Q Okay. And then you talked about a \$\$10 million  
24 payment or \$11 million, you weren't quite sure, to the  
25 federal government's part of the plea agreement?

1 A Yes.

2 Q Okay. And where did that money come from?

3 A From the grocery store.

4 Q And then you talked about Mr. Gaffney and the  
5 work that he did, who's paying him?

6 A Grocery store.

7 Q And if he's working for the grocery store why  
8 won't he then make the information available to the Hamed  
9 family?

10 A It is available.

11 Q So if they ask for it they get it?

12 A Of course.

13 Q So when they testified they've asked for it and  
14 haven't gotten it that's incorrect?

15 A That's incorrect.

16 Q Now, in the plea agreement you're talking about  
17 trying to comply with the plea agreement, one of the  
18 requirements are to file final returns?

19 A Final returns, yes.

20 Q And, basically, since the federal government  
21 came in and seized everything, no tax returns have been  
22 filed, have they?

23 A Yes, we've been filing tax return.

24 Q Have you been filing income tax returns for any  
25 of the businesses since the federal government came in and

1 shut it down?

2 A Yes.

3 Q So the actual returns have been filed?

4 A Not the actual returns, estimated returns.

5 Q So estimated payments have been made?

6 A Right.

7 Q But the returns have not been filed?

8 A No, sorry.

9 Q And isn't it true that the reason the final  
10 returns haven't been filed is because there's an issue as  
11 to whether or not there should be partnership returns for  
12 the supermarket and corporate returns for United?

13 A That's not what I understand.

14 Q Why hasn't it been done then?

15 A Defense team stopped us from doing it.

16 Q And isn't the agreement that you have to file  
17 true and correct tax returns; isn't that the agreement?

18 A Yes. True and correct, yes. And consistent.

19 Q And if the corporation that owns the shopping  
20 center, United, claims the income of the supermarket,  
21 which is a partnership that wouldn't be a proper tax  
22 return would it?

23 MR. DiRUZZO: Objection. Calls for a legal  
24 conclusion and assumes facts not in evidence as to  
25 the fact of Plaza Extra actually being a partnership.

1 MR. HOLT: He can answer if he knows.

2 THE COURT: Overruled. Repeat.

3 THE WITNESS: Repeat the question.

4 BY MR. HOLT:

5 Q Isn't it true the reason why the defense team  
6 didn't want to file the tax returns because if the  
7 corporation United, which owns the shopping center, claims  
8 the income from the supermarket as income, that that would  
9 be an improper return.

10 MR. DiRUZZO: Objection, calls for speculation  
11 as to the attorney's mental state who are part of the  
12 defense team that do not represent --

13 THE COURT: That was a different question  
14 because that asks why the defense doesn't want to  
15 file returns.

16 MR. HOLT: Well, he's claiming that he has great  
17 knowlege.

18 THE COURT: Ask the question again.

19 BY MR. HOLT:

20 Q One of the agreements you said is that you got  
21 to get accounting in place, correct?

22 A Correct.

23 Q And one of the requirements is true and proper  
24 tax returns have to be filed don't they?

25 A Correct.

1 Q And isn't it true that the reason why those tax  
2 returns aren't being filed is because there's an issue as  
3 to whether or not the supermarket should file separate tax  
4 returns from United Corporation?

5 A The issue that Waleed Hamed is bringing up.

6 Q And isn't it true that the U.S. Attorney decided  
7 they didn't want to get involved in this civil dispute and  
8 that's why these tax returns aren't being filed?

9 MR. DiRUZZO: Objection.

10 THE COURT: Stop. If he knows he can answer  
11 that.

12 THE WITNESS: No, I don't know.

13 BY MR. HOLT:

14 Q Okay. Fair enough. Now, you started talking  
15 about two signatures on checks, and that would be one from  
16 the Hamed family and one from the Yusuf family; is that  
17 correct?

18 A No.

19 Q What is it?

20 A Could be any two signatures.

21 Q So if two Hameds want to sign a check and do it  
22 they can?

23 A No.

24 Q Why not?

25 A It needs to be for a good cause.

1 Q Let me -- You indicated that the 2.7 million  
2 that was taken out, that was signed by two members of the  
3 Yusuf family?

4 A Correct.

5 Q What would keep two members of the Hamed family  
6 from doing the same thing?

7 A Nothing.

8 Q Okay. So if two members of the Hamed family  
9 decided to write a check for 2.7 million, that could be  
10 done, is that correct?

11 A If they want to it could be done, but it's not  
12 going to happen.

13 Q Why not?

14 A Because it's not -- They are not supposed to.

15 Q Why could Mr. Yusuf and another Yusuf family  
16 member do it and not the Hameds?

17 MR. DiRUZZO: Objection, calls for speculation  
18 as to mental state of Fathi Yusuf.

19 THE COURT: Overruled.

20 THE WITNESS: It was monies that were taken from  
21 previous.

22 BY MR. HOLT:

23 Q Okay. And was it agreed by the Hamed family  
24 that the money could be removed?

25 A He didn't question me or tell me anything. He



1 didn't tell me not to remove it.

2 Q Okay. Could I show the witness Exhibit Number  
3 13.

4 THE COURT: Plaintiff's 13, please.

5 BY MR. HOLT:

6 Q Now the first document is the letter dated  
7 August 15th directed to Mohammad Hamed by and through  
8 Waleed Hamed from Fathi Yusuf, have you seen that letter?

9 A Yes, that's my signature.

10 Q That's your signature for your father, correct?

11 A Correct.

12 Q And then at the top of the page, I mean the next  
13 page, the letter dated August 16th, 2002; have you ever  
14 seen that letter before?

15 A 16/2012.

16 Q Yes, 2012.

17 A Yes, I saw this.

18 Q So did this letter tell you it was okay for you  
19 to do the withdrawing or did it tell you you couldn't do  
20 it?

21 A It didn't tell me either way.

22 Q You don't read this letter as saying you could  
23 not do it.

24 It says, "In short, while these are just a few  
25 examples, no withdrawals will be issued until a full

1 accounting is done and agreed to it in writing."

2 Do you see that?

3 A Um-hum. Yes.

4 Q So that tells you not to do it, didn't it?

5 A Mr. Yusuf agreed on it and I agreed on it and we  
6 did it.

7 Q So the Hamad family didn't agree but the Yusuf  
8 family did agree, that's what happened, right?

9 A Right.

10 Q And then on the next page there is again your  
11 signature for Mr. Yusuf your father?

12 A Correct.

13 Q Where you said that you're going to take out the  
14 money anyway? It says, "Accordingly, the amount requested  
15 will be withdrawn."

16 You see that?

17 A Yes.

18 Q Okay. And then on the next page, this is the  
19 e-mail from Waleed Hamed to you and your father indicating  
20 that the calculations were incorrect, they were disputed  
21 and to withdraw the funds would be to violate the court  
22 order and agreement between the families. Do you see  
23 that?

24 A Yes.

25 Q Now, when did you -- Well, the next document is

1 a check. When was the last time -- I mean when was that  
2 check actually deposited?

3 A It was deposited the day -- two days after I  
4 gave this letter. Oh, no, five days after I gave this  
5 letter.

6 Q So notwithstanding the fact that you received  
7 indication from the Hamed family that they did not agree  
8 with it, would be in violation of those agreements, you  
9 still deposited the checks didn't you?

10 A What violation?

11 Q Not withstanding the fact that they told you it  
12 would be a violation you still deposited it?

13 A And I gave them documents I was taking it.

14 Q What documents did you give them?

15 A A stack of documents.

16 Q All these letters said they never got these  
17 documents, did you see that?

18 A That's untrue.

19 Q Where are the documents? Who did you give them  
20 to?

21 A Waleed Hamed and the whole family was there.

22 Q How come they're telling you they didn't get  
23 them?

24 A I have no idea.

25 MR. DiRUZZO: Objection, that's improper.

1 THE WITNESS: It was even in your office.

2 BY MR. HOLT:

3 Q In my office?

4 A In your office, sir.

5 Q Now, it says it would violate the agreement of  
6 the court order. Isn't there a court order in place  
7 saying the funds are not to be removed from the account  
8 unless approved by the court?

9 A It didn't remove from the account. It was  
10 removed from one United account and another United  
11 account.

12 Q And it was removed to an account that the Hamed  
13 family does not have access to; isn't that correct?

14 A Yes.

15 Q And the funds are still in the shopping center  
16 account?

17 A No.

18 Q Where are they?

19 A I bought property with it.

20 Q So you've taken money out of the United Shopping  
21 Center account and you've gone and bought property; isn't  
22 that correct?

23 A Correct.

24 Q Where have you bought property?

25 A Frederiksted, West Airport Road and LaGrange.

1 Q And what were the -- what company took title to  
2 these properties? Let's start with Frederiksted, what  
3 company took title to that property?

4 A United Corporation.

5 Q And what company took title to the West Airport  
6 Road?

7 A United Corporation.

8 Q And what company took title to the LaGrange  
9 property?

10 A United Corporation.

11 Q So you purchased these parcels of land since you  
12 transferred the money out?

13 A Yes.

14 Q In the name of United Corporation?

15 A Yes.

16 Q And you don't think those expenditures were in  
17 violation of the TRO?

18 A No.

19 MR. DiRUZZO: Objection, strike. Calls for  
20 legal conclusion.

21 THE COURT: Asked and answered.

22 BY MR. HOLT:

23 Q Didn't the TRO prohibit you from hiring family  
24 members without court approval?

25 MR. DiRUZZO: Objection. The TRO is not in

1 evidence.

2 MR. HOLT: I'm just asking. He's talked all  
3 about it.

4 THE WITNESS: I don't know.

5 THE COURT: He doesn't know.

6 BY MR. HOLT:

7 Q You don't know?

8 A No.

9 Q You don't know. So if there's a clause in the  
10 TRO saying you can't hire family members that would have  
11 been violated if you hired Mr. Al-Khaled?

12 MR. DIRUZZO: Objection. Calls for speculation.

13 THE COURT: He can answer.

14 THE WITNESS: I have no idea.

15 BY MR. HOLT:

16 Q He's a family member?

17 A He is a far family member. We hired other  
18 family members too.

19 Q Did you receive permission to do that?

20 A We were doing normal business. They just wanted  
21 quarterly reports from us, that's all.

22 Q You've shown a lot of pictures of the store --

23 A Yes.

24 Q -- how well everything is. You going to close  
25 any of the stores?

1 A No.

2 Q Okay. Were you in the office on January 9th  
3 when the police came?

4 A Yes.

5 Q And you saw your father that day?

6 A Yes.

7 Q And you heard your father too, didn't you?

8 A Yes. And I heard you too.

9 Q And what did your father say about Mr. Mufeed,  
10 did he fire him?

11 A Well, Mufeed was putting a stop on what we were  
12 doing in investigating this girl, and he told her don't go  
13 home.

14 Q Right. And --

15 THE COURT: You said "he"?

16 THE WITNESS: Mufeed Hamed.

17 THE COURT: Mufeed told her to go home?

18 THE WITNESS: He told her to come back to work  
19 the next day.

20 BY MR. HOLT:

21 Q And did your father tell Mufeed he was fired?

22 A I don't remember if he did or not.

23 Q Did he tell Mufeed that Waleed was also fired?

24 A I don't remember if he did or not.

25 Q And did your father say to the police, if you

1 don't remove all these people I'm going to close the  
2 store?

3 A My father says that sometimes.

4 Q Your father says it a lot, doesn't he?

5 A It's his operation, right.

6 Q He said he's going to close the stores down,  
7 right?

8 A He said it.

9 Q He said it in St. Thomas in front of the  
10 employees?

11 A I wasn't there.

12 Q Have you heard that he said that?

13 MR. DiRUZZO: Objection, calls for hearsay.

14 THE COURT: Sustained.

15 THE WITNESS: I'm not sure.

16 BY MR. HOLT:

17 Q You yourself have heard him say that, haven't  
18 you?

19 A Yes.

20 Q Okay. That's all the questions I have.

21 THE COURT: Okay. We took a break from the  
22 plaintiff's case to allow the direct examine of this  
23 witness, does the plaintiff have any --

24 MR. HOLT: One last one, Your Honor.

25 Hisham Hamed.



1 (Discussion off the record.)

2 Thereupon,

3 HISHAM HAMED,

4 having been first duly sworn, was examined and testified

5 as follows:

6 DIRECT EXAMINATION

7 BY MR. HOLT:

8 Q State your name.

9 A My name is Hisham Hamed.

10 Q And where do you work?

11 A Plaza Extra west.

12 Q And what is your job there?

13 A I am -- I manage the store, and I'm also an  
14 agent for my father.

15 Q And who do you manage the store with?

16 A Mahar Yusuf.

17 Q And can you tell me what your role is with him?

18 A We jointly manage the store.

19 Q And can you just tell the Court a little bit  
20 about what joint management means?

21 A Well, we oversee all employees within the store,  
22 the departments, department ordering. We also look out  
23 for the best interest of the company really.

24 Q And, for example, when you sign checks, do you  
25 both sign checks?

1 A Yes.

2 Q And when you order, do things -- do you do that  
3 together?

4 A Well, he has his department he order and I have  
5 my department that I order.

6 Q How long have you been in that store?

7 A Since 2000.

8 Q And of the three stores, where does that one  
9 stand as far as volume in sales?

10 A Well, it's the largest store but it's probably  
11 second.

12 Q In sales?

13 A In sales.

14 Q Now, we've been over a lot of things, but one of  
15 the things that came up was about some accountant; have  
16 there been accountants that have come in your store to do  
17 work?

18 A Yes.

19 Q And that's since this lawsuit were filed? Who  
20 are they?

21 A John Gaffney and Fathi Yusuf's nephew, Ayman  
22 Al-Khaled.

23 Q And where do they work in your store?

24 A They work in the conference room, a locked  
25 conference room, and recently Ayman had a desk in the

1 office.

2 Q And when they work in that conference room, do  
3 you have access to that?

4 A No.

5 Q Even though it's your store?

6 A Yes.

7 Q Have you asked them about that?

8 A I've asked Mike about it, Mahar about that, and  
9 he said if he feels like letting me know what's going on  
10 he's going to let me know what's going on.

11 Q And has he ever let you know what's going on?

12 A Not pertaining to the accounts. He told me they  
13 were doing some accounting for the store in order to split  
14 the store up at one point.

15 Q Have you ever seen any of those accounting?

16 A No.

17 Q Have you tried to see the accounting?

18 A No.

19 Q And who's paying for this accounting?

20 A Plaza Extra.

21 Q That's one of the supermarkets?

22 A Yes, Plaza Extra west. They are out of my  
23 payroll.

24 Q Out of your payroll?

25 A Yes, Plaza Extra west.

1 Q Can you tell me what problems, if any, have  
2 developed in the operation of your store since this  
3 litigation was filed?

4 A Mahar and I, we're not getting along. We only  
5 talk to each other very briefly, if any. Most of the  
6 discussions that -- we would like communicate, would be  
7 through the managers, but as far as like before, how we  
8 were, it's completely different.

9 Q And how has that affected the operations of the  
10 store?

11 A It's affected the operations because the  
12 employees know that there's a rift between the two of us.

13 MR. DAVID: Objection, Your Honor, calls for the  
14 mental state of a third party.

15 THE COURT: Agreed. Sustained.

16 BY MR. HOLT:

17 Q Do you feel any tension in the operation of the  
18 store?

19 MR. DAVID: Objection. If he feels tension,  
20 that calls for the mental --

21 THE COURT: Change the question, please.

22 BY MR. HOLT:

23 Q Well, have you experienced any tension with the  
24 employees in your dealing with them?

25 THE COURT: Maybe it's the word "tension."

1 BY MR HOLT:

2 Q Have you experienced any difficulty in working  
3 with the employees?

4 A Yes.

5 Q What have you experienced?

6 A I feel like that there's a -- they are trying to  
7 accommodate him more than they are trying to look out for  
8 the best interest of the company.

9 MR. DAVID: Objection, Your Honor. Move to  
10 strike. It's what someone is thinking and what  
11 someone --

12 THE COURT: He said that's what he's thinking.  
13 That's his impression.

14 THE WITNESS: That's what I was saying, sir.

15 MR. HOLT: We've covered everything. No more  
16 questions.

17 CROSS-EXAMINATION

18 BY MR. DAVID:

19 Q Good afternoon, Mr. Hamed.

20 A Good afternoon.

21 Q How old were you in 1986?

22 A How old was I?

23 Q Yes.

24 A 11.

25 Q Did you accompany your father while you were 11

1 on his business trips when he was talking business?

2 A Actually, if you mean like going to Plaza Extra  
3 east, yes, I used to accompany him there.

4 Q Okay. Did you -- Strike that.

5 What is your understanding of your father's  
6 arrangement with Fathi Yusuf?

7 A Excuse me.

8 Q What is your understanding of your father's  
9 arrangement with Fathi Yusuf?

10 A That they are in a partnership together in Plaza  
11 Extra.

12 Q Is that it?

13 A That's the entire understanding I have.

14 Q Of the arrangement between your father and Fathi  
15 Yusuf?

16 A Pertaining to what, sir?

17 Q The partnership you just indicated?

18 A Yes, they are partners in Plaza.

19 Q What are the terms of that agreement?

20 A I don't know.

21 Q It's fair to say that you weren't around when it  
22 was negotiated between the two of them, correct?

23 A Yes.

24 Q Do you find it odd that you're not getting along  
25 with Mike Yusuf now that there is a lawsuit by your family

1 against his family?

2 A What do you mean?

3 Q Well, your father has sued Mike's father and  
4 United Corporation? Your father's filed a lawsuit, that's  
5 why we're here?

6 A Yes.

7 Q Do you find it odd that the fact that this  
8 lawsuit exists has made the relationship between the  
9 family members somewhat tense?

10 A If I find it odd?

11 Q I guess so, yes.

12 A Yes.

13 Q You think if your family sues his family there  
14 won't be any tension?

15 A Well, if his family didn't say we're not  
16 partners, which we are partners and everybody knows we are  
17 partners, then my father won't have to file a lawsuit.

18 Q And your father knows what the terms of the  
19 agreement are, correct?

20 A You'd have to ask him.

21 Q And whatever your father said the terms of the  
22 agreement when he was standing -- sitting there like you,  
23 you would agree with what he says, correct?

24 A I'd have to hear what he said.

25 Q Do you think you would take what your father

1 said the agreement was?

2 A I just don't understand what you're asking.

3 Q If your father sat in the same chair you're  
4 sitting in and he set forth, testified like you're doing  
5 under oath as to what he believes the agreement to be that  
6 he has with Fathi Yusuf, you would have no quarrel with  
7 whatever your father said, correct?

8 A Correct.

9 Q Are you familiar with any of the terms of the  
10 plea agreement that is entered between United Corporation  
11 d/b/a Plaza Extra and the United States Government?

12 A What do you mean?

13 Q Are you aware of the criminal case?

14 A Yes.

15 Q Okay. Are you aware there was a plea agreement  
16 that was signed?

17 A Yes.

18 Q Are you aware of any of the terms of the plea  
19 agreement?

20 A Not that I can recall.

21 Q Okay. No further questions, Your Honor.

22 THE COURT: Very well.

23 MR. HOLT: No redirect.

24 THE COURT: That concludes the plaintiff's case.

25 I think that we will not take further testimony



1 today.

2 Defendants want to present something?

3 MR. DAVID: Your Honor, yes, we do.

4 May I proceed, Your Honor.

5 THE COURT: Yes, please.

6 MR. DAVID: Your Honor, based on the evidence  
7 that has been presented at this juncture, at the  
8 completion of the plaintiffs' case, we believe that  
9 the Motion for Temporary Restraining Order, or  
10 Preliminary Injunction should be summarily denied  
11 because the plaintiff has failed to establish the  
12 elements necessary for the issuance of a Temporary  
13 Retraining Order or Preliminary Injunction.

14 As a threshold matter as to what we really  
15 believe one of the major issues here is, this is a  
16 damages case. This is a money damages case. A  
17 breach of partnership is answerable by a money  
18 damages claim.

19 There is no testimony whatsoever of irreparable  
20 harm. There is no testimony whatsoever that money  
21 damages will not remedy whatever ills they can prove  
22 at the trial as the finder of facts, which is going  
23 to be the jury in this case.

24 They have not established the elements for a  
25 Preliminary Injunction or Temporary Restraining

1 Order. One of those elements is a substantial  
2 likelihood of success on the merits. If you consider  
3 the testimony of the partner who is alleged to be in  
4 this case, which is Mohammad Hamed, Mr. Mohammed sat  
5 in the chair and Mr. Mohammed testified to what he  
6 considers to be the scope of his partnership.

7 He considers the elements -- What Mr. Mohammed  
8 articulated did not satisfy the elements of a  
9 partnership; there is no sharing in the losses, there  
10 is no right of control, because Mr. Mohammed  
11 expressly stated on both direct and cross that Fathi  
12 Yusuf is in charge. Fathi Yusuf has the last word.  
13 Without him, Mr. Mohammad having some right of  
14 control, the partnership allegation failed.

15 Mr. Hamed also said something very, very  
16 telling. He said that Fathi Yusuf is not partners  
17 with his sons. So the notion that Waleed Hamed or  
18 any of these other children can stand in his shoes is  
19 belied by the gentleman's own testimony. He  
20 testified in clear and unwavering terms that he,  
21 according to him, is a partner.

22 He said, Fathi Yusuf is not a partner of my  
23 sons. He did not articulate anything related to  
24 Mr. Waleed Hamed being somehow put in his stead, and  
25 he expressly stated that Waleed Hamed is not Fathi

1 Yusuf's partner.

2 They also identified that the statute -- that  
3 the partnership will go on forever. As we have  
4 briefed expansively in the papers that have been  
5 giving to Your Honor, and I invite Your Honor to read  
6 the cases that have been cited in those memoranda  
7 because they are -- they shed plenty of light on this  
8 case, and I would invite you to read the plaintiffs'  
9 cases that they cite to you because they do not  
10 support the claims that are being asserted here.

11 The statute of fraud bars this alleged joint  
12 venture agreement. The statute of limitations bars  
13 this alleged joint venture agreement, according to  
14 their own testimony. They don't have evidence of a  
15 partnership between United Corporation and Mohammed  
16 Hamed, but they are asking you yet to enjoin the  
17 operations of United Corporation.

18 If you look to the indicia of whether or not  
19 there is a partnership, Judge, Mohammed Hamed is  
20 not -- doesn't appear on any corporate documents.  
21 Mohammed Hamed does not -- he's not been a guarantor  
22 or a signatory to any loan agreements or any lease.

23 Mohammed Hamed is not participating in the  
24 management, nor does he indicate that he has a right  
25 to participate in the management of the operation.

1 There's never been a K-1 that was issued to him,  
2 there's never been a partnership tax return that was  
3 issued to him.

4 Indeed when the criminal case reared its ugly  
5 head Mohammed Hamed was nowhere to be found. When  
6 the criminal case reared its ugly head and Mr. Fathi  
7 Yusuf was in jail for 22 days, Mr. Mohammed Hamed was  
8 not knocking at the jailor's door saying, hey, I need  
9 to sit in there with my partner.

10 When the criminal case was pending and the  
11 United States Government said, hey, we think that  
12 this is a partnership between Mohammed Hamed and  
13 Fathi Yusuf and it's not really a corporation, Waleed  
14 Hamed stood silent looking at his shoes.

15 Mr. Mohammed Hamed did not stand up and say, I'm  
16 a partner at that point in time when the risk was at  
17 the greatest. When the risk of loss was at the  
18 greatest, when your personal liberty was at stake for  
19 this partnership, Mr. Mohammed Hamed was nowhere to  
20 be found. His son did not say, hey, my family is  
21 partners in this deal, they didn't say that, Judge.  
22 When the risk of loss was the greater they were  
23 looking elsewhere.

24 There's no management -- evidence of management  
25 decisions being made by Mohammed Hamed. On the

1           contrary, as identified on his direct examination  
2           testimony and cross-examination testimony, Fathi  
3           Yusuf makes the decision.

4           Waleed Hamed, to his credit acknowledged the  
5           fact. He said, if there was a dispute between one of  
6           the Yusuf brothers and one of the Hamed brothers in  
7           the store which, by the way, Judge, they are  
8           employees, Fathi Yusuf makes the call. They can  
9           argue all they like, but at the end of the day Fathi  
10          Yusuf makes the call, that's from their side, Judge.  
11          Without -- So there's no right to joint control, that  
12          is a critical element.

13          Mohammed Hamed has never been a signatory to a  
14          checking account, he's never had access to any bank  
15          records, he's never signed any corporate documents.  
16          So if you look at whether or not they can establish  
17          the elements of a partnership case, I invite the  
18          Court to look at it this way, their burden, in my  
19          humble opinion, is higher than a summary judgment  
20          burden. They are nowhere near a summary judgment.

21          There are dozens and dozens of issues of fact  
22          here. There are conflicting issues of facts. They  
23          have to show you a substantial likelihood of success  
24          on the merits. They don't come in with a scintilla,  
25          or even a probable success on the merits, much less

1 substantial.

2 This case is going to be decided -- The question  
3 that is the critical issue in an oral partnership  
4 agreement is the intent of the parties. The intent  
5 of the parties in this case has to be decided by the  
6 jury that they have requested. That's the trier of  
7 fact in this case.

8 Your Honor, I would urge you to not substitute  
9 your judgment at this very preliminary stage without  
10 any discovery being done to completely and wholly  
11 disrupt this corporation and it's operations.  
12 Because mind you what they're not asking -- they're  
13 not asking for a status quo, because the status quo,  
14 Judge, according to Mohammed Hamed is Fathi Yusuf in  
15 charge and he frankly rides herd over these  
16 employees.

17 Because Waleed Hamed is not a partner. None of  
18 the Hamed young men are partners. Frankly, Your  
19 Honor, none of the Yusuf men are partners, they are  
20 employees. Fathi Yusuf is in charge, according to  
21 Mr. Hamed.

22 So we cannot get to the issue of -- with all of  
23 these conflicting facts and holes in their story as  
24 to whether or not there is a partnership, the burden  
25 is far too high. Because now what they want to do is

1           they want to change the status quo. And they want to  
2           say to Mr. Fathi Yusuf, who is running this  
3           corporation, and say oh, by the way, we're changing  
4           it. Now you don't make the final calls. Now you  
5           have to negotiate with Waleed Hamed. That's not the  
6           status quo. It's not what we're talking about.

7                     There is no threat that these stores will be  
8           closed. There is no threat to operations. Your  
9           Honor, they cried wolf that these stores were going  
10          to be closed in September and October, the stores are  
11          filled to the rim with goods, the vendors are being  
12          paid. It's undisputed. People are employed and no  
13          one's out of a job. Frankly, even the Hameds aren't  
14          out of a job.

15                    And to come all the way back to my first point,  
16          Judge, the only way you get Injunctive relief and a  
17          Temporary Restraining Order relief is that money  
18          damages cannot remedy the loss that they can  
19          ultimately prove. Money damages, 'cause look what  
20          they ask you about. They talk to you about, well,  
21          they are saying bad things about me and my family.

22                    Well, Judge, they filed a defamation case  
23          wherein they are asking for money damages. If  
24          there's loss of goodwill to the store that is an  
25          articulable, identifiable element of damages that an

1 accountant can testify to. That expert witnesses  
2 can -- they put value upon.

3 If there's a loss of the operations of the  
4 store, if there's money damages due to mismanagement,  
5 experts can come in and testify to those numbers and  
6 a judgment will be entered. And, frankly, Your  
7 Honor, there is \$50 million, \$43 million plus about  
8 \$5 million in various operating accounts right now  
9 today that can satisfy a money judgment.

10 This is a damages case. So even if you could go  
11 and walk out on this very precarious limb that the  
12 plaintiffs ask you to venture upon and find this  
13 quote, unquote, partnership, and say, well, you know,  
14 I think they might have it, they just might have it,  
15 you then have to step back and say, okay, is the harm  
16 irreparable? And am I going to change the status  
17 quo?

18 The question is, absolutely, you have to change  
19 the status quo. And is it irreparable, meaning money  
20 damages can't compensate for it. The answer is, you  
21 simply cannot make the finding that the money damages  
22 won't satisfy and provide a remedy and that the harm  
23 is not irreparable.

24 And, Your Honor, the face of this record, with  
25 no discovery, not a single deposition being taken,



1           they are -- it is -- they are inviting you to error  
2           by entering this Preliminary Injunction at this  
3           stage.

4           We think it should be denied summarily at this  
5           point.

6           THE COURT: Thank you.

7           MR. HOLT: Your Honor, since I've been involved  
8           in this case I hear there is a partnership, there's  
9           not a partnership. This is a corporation with  
10          employees, no this is a joint venture, and it's the  
11          illusiveness of that which has led to all the  
12          tension.

13          And, under the applicable law, a partner under  
14          Title 26 Section 75A, a partner can maintain an  
15          action against another partner in -- to establish,  
16          legal or equitable, to establish his rights under the  
17          partnership business, and one of those rights is to  
18          operate the business.

19          And in this case there's no doubt this is a  
20          partnership. And we start with Exhibit 1 -- or 1A,  
21          the deposition of Fathi Yusuf taken in February 2000,  
22          well before the criminal case arose. And in that  
23          case Fathi Yusuf testified almost identical to what  
24          Mohammed Hamed testified to today.

25          He talked about trying to build the business,

1 not having money, trying to borrow money, and then  
2 finally Mohammed Hamed came forth and loaned him  
3 money. And he says, without that money he could  
4 never have started this business. And without  
5 Mohammed Hamed he would never be where he was because  
6 the bank wouldn't loan him money, he had run out  
7 borrowing -- run out of borrowing money from everyone  
8 else, and without his money he couldn't have finished  
9 the building.

10 And then he goes on to talk about how he's going  
11 to have to pay everybody back, and he talks about the  
12 \$400,000 that he got from Mohammed Hamed and his  
13 partner. And he says, I can pay you back or we can  
14 be partners, and I can lose the same amount of money  
15 as you and we can call it quits and we can go ahead  
16 and try to make money. And he said, my advice to you  
17 is to be my partner. He said, you'd be better to  
18 take the 50 percent. So he, Mohammed Hamed, took the  
19 50 percent.

20 And then he goes on and says, I want you to, on  
21 page 23, he says, I want you to please be aware that  
22 my partner's been with me since 1984, and up to now  
23 his name is not in my corporation and that, excuse  
24 me, that proof my honesty, because if I was not  
25 honest my brother-in-law would not let me control his

1 50 percent. And I am very aware my wife knows, my  
2 children know that whatever Plaza Extra owns in  
3 assets, in receivable, or payable, that's debt, we  
4 have a 50 percent partner.

5 And then in the end he's asked, and this is now  
6 being questioned by his own lawyer: You were asked  
7 by Attorney Adams, when he says United Corporation is  
8 this a joint venture agreement -- and talking about  
9 Plaza, he's talking about the supermarket in  
10 St. Thomas and who own -- and who was partners in  
11 United Corporation Plaza at the time you entered into  
12 it.

13 And he says: It's always since '94 Mohammed  
14 Hamed. And the lawyer says: So when it says United  
15 Corporation, and he interrupts and says, it really  
16 meant me and Mohammed Hamed. So that's his testimony  
17 which is perfectly consistent with what you heard him  
18 say here today.

19 And then in this case they file a Rule 26 Motion  
20 to Dismiss, and they say -- and this is Exhibit  
21 Number 2, in 1986 due to financial constraints  
22 defendant Yusuf and plaintiff Hamed entered into an  
23 oral joint venture agreement. The agreement called  
24 for plaintiff Hamad to receive 50 percent of the net  
25 profits of the operation of the Plaza Extra

1           supermarkets. And it says he's received 50 percent  
2           of the net profits thereafter.

3           And, again, in their reply memorandum, on page  
4           11, which is Exhibit Number 3, they say, there is no  
5           disagreement that Mr. Mohammed Hamed is entitled to  
6           50 percent of the profits of the operation of the  
7           Plaza Extra store.

8           Likewise, they filed a complaint against Waleed  
9           Hamed just this month, after all these TRO motions  
10          and all these disputes, and in this complaint they  
11          say, in 1986 the joint venture resulted in the first  
12          supermarket store being open.

13          United again used the name Plaza Extra and the  
14          first supermarket and joint venture was named Plaza  
15          Extra supermarket, since then two have been added.

16          And they point out that some, in paragraph 11,  
17          sometime in 1986 the plaintiff through its  
18          shareholder and president Fathi Yusuf, entered into  
19          an oral agreement whereby plaintiff and defendant  
20          Hamed agreed to operate a grocery store. So it's  
21          throughout their pleadings. And that's one reason  
22          why I don't know why they object so hard to Exhibit  
23          11, which is a letter sent by Nizar DeWood, where he  
24          says, re: a disillusion of partnership, Yusuf and  
25          Hamed, where it says that this letter is to confirm

1 the dissolution of the partnership, meaning to  
2 dissolve the partnership. And then goes on to state  
3 the three assets, the three grocery stores.

4 And then a follow-up e-mail where he has the  
5 whereas clause where he once again talks about the  
6 partnership was formed and an oral agreement in 1986,  
7 it was formed for the purpose of operating the Plaza  
8 supermarkets in St. Croix and St. Thomas, and that  
9 the partners have shared profits, losses, deductions,  
10 credits and the cash of the partnership.

11 And so to me I don't know why they keep coming  
12 back and saying there's no partnership because it's  
13 throughout the years of these pleadings. And that's  
14 the reason why we actually called the president of  
15 United because they actually have a lease in place  
16 with this partnership, and they charge it rent. And  
17 he sent rent letters.

18 And we asked the president of United what is  
19 that? That's the partnership between my father and  
20 Mohammed Hamed. And these rent notices, which are  
21 Exhibit Number 7, they didn't stop when this dispute  
22 arose. Oops we better not say that. These letters  
23 come every month, including one that was sent January  
24 1, 2013. And it's the statement of rent for Plaza  
25 east from United Corporation to Mohammed Hamed at the

1 Plaza Extra supermarket, signed by Fathi Yusuf.

2 So even today as much as they want to argue to  
3 you there's no partnership, and that's why we're  
4 here, there's a partnership and the Hamed family need  
5 this Court to recognize that partnership so that they  
6 can function as a partnership instead of being  
7 worried about being discharged as employees and the  
8 other things that go on.

9 Now, why did we file this case? The parties  
10 negotiated, they talked. It was filed in September  
11 because in late August Fathi Yusuf took \$2.7 million  
12 out of the supermarket account, and that was the  
13 first time anyone had ever taken money out of the  
14 account, unilaterally, over the other person's  
15 objection. And the fear became what is going to  
16 protect us from him doing that with all of the  
17 assets.

18 And, as a matter of fact, when the criminal TRO  
19 is gone what is going to protect us from him trying  
20 to grab the whole \$43 million and taking it off  
21 island, and that's what generated this. We've got to  
22 file an injunction that, number one, it establishes  
23 our rights, because while they pay lip service to it  
24 they don't recognize it. Number two, we need to file  
25 it so we make sure that they are enjoined from

1           violating those rights.

2                   Now, we're not asking them to give us money,  
3           that will have to be determined down the road.  What  
4           we want them to do is we want them to turn around and  
5           agree that these assets will be operated as they have  
6           in the past and unilaterally money won't be taken  
7           out.

8                   What if one of my clients went out and took  
9           \$2.7 million, where would we be?  We'd be right back  
10          here complaining they took out money.  They take out  
11          more and we take out some and then these businesses  
12          would go down.  As a matter of fact, I think it's  
13          admirable that my clients haven't gone and done that.

14                  Now what do we continue to see.  We continue to  
15          see the payments to their lawyers, the payments to  
16          the accountants, things that we didn't approve and  
17          we're part of.  If we were part of it, we might  
18          agree.

19                  But what led us here today was the event on  
20          January 9, when they unilaterally fired a long-term  
21          employee, when the manager, the Hamed manager who  
22          owns -- the partners representative, hired her back.  
23          They called the police, they threatened her.  You can  
24          see how intimidated she was.

25                  They told Mufeed he was fired.  They told Mufeed

1           Waleed he was fired. And then he told everybody if  
2           the police don't throw everybody out of there that  
3           the store is closed. And that's why we filed the  
4           emergency motion. Because now we've got the  
5           potential for physical violence, there's potential  
6           for disputes where someone's trying to close the  
7           store to prove that they are the one in control.

8                     And they can say all they want about Fathi Yusuf  
9           is in control, that's not correct, it's a  
10          partnership. It's Mr. Hamed, as far as the  
11          supermarket's concerned, and Mr. Yusuf. And they are  
12          the ones that have to make joint decisions like joint  
13          partners do. And if they can't then they have to  
14          dissolve the partnership, maybe this litigation will  
15          lead there.

16                    But until we can get that worked out, we think  
17          we made a prime facie case that we're likely to  
18          succeed on the merits that this is a partnership,  
19          that there's threat of irreparable harm and  
20          partnership assets by unilateral -- and the  
21          unilateral operation of the business without the  
22          joint management they've always had.

23                    That if that happens the public interest will  
24          certainly be injured because we will lose a great  
25          business here on St. Croix. And from the private



1 point of view, if everybody things oh, we're not  
2 going to do that, then they should just agree to the  
3 agreement, because nobody's asking for anything more  
4 than to allow these businesses to operate until this  
5 Court can sort out the accounts or whatever issue  
6 needs to be done to either dissolve these companies  
7 or settle it.

8 We think we made a prime facie case.

9 THE COURT: Thank you.

10 MR. DAVID: I'll try to be as brief as possible.

11 THE COURT: Thank you.

12 MR. DAVID: Your Honor, what they are throwing  
13 around are words that have significant legal meaning  
14 in this courtroom, and they were being used by lay  
15 people to describe something completely different.  
16 Willy Hamed sat on the stand and said he's the  
17 partner, counterpart in the Yusuf family. So he's a  
18 partner with him now 'cause somebody called him a  
19 partner.

20 Your Honor, if I call the house yellow and it's  
21 green doesn't mean that the house is yellow. The  
22 notion that they have satisfied the elements of a  
23 partnership is belied by their own pleadings, because  
24 they can't even keep their own story straight.

25 Mohammed Hamed said he's the partner, my sons

1 are not Mr. Fathi Yusuf's partners. Mr. Holt says  
2 oh, no, it's the Hamed family. That's not what the  
3 man said. So now they're changing the story again  
4 and it's nomenclature because they are using the  
5 words out of context.

6 The trier of fact, this jury that's going to  
7 hear this case at the end of the day, because what  
8 I'm hearing from Mr. Holt is all of his closing  
9 argument to the jury once we have everybody testify.  
10 We've had nobody testify here to the real facts, to  
11 all of the facts. This is a shorthand version. This  
12 is a shorthand version trying to gain an upper hand  
13 in some litigation.

14 But even if you -- you can't get there from  
15 here. But the crux of this whole case, the entire  
16 crux of this whole case, Judge, is it's a damages  
17 case. It's a damages case. We will vigorously  
18 dispute the notion that there's somehow this  
19 partnership. But at the end of the day, if this jury  
20 comes back, they are going to enter a damages  
21 judgement because that's what they asked for.

22 So you can't give them a Temporary Injunction or  
23 Restraining Order when there's a damage claim 'cause  
24 that's what this case is about, and they won't have  
25 irreparable harm. Because every single thing he

1 talks about is irreparable, is remedied by money.

2 Again, they want to change the status quo, not  
3 to put Mohammed Hamed back in charge or put Mohammed  
4 Hamed back in the store, it's not what they've asked.  
5 What they've asked for is to put a stranger to this  
6 alleged agreement, according to Mr. Hamed, in charge  
7 and on equal footing with the man who Mohammed Hamed  
8 says is, in fact, in charge, which is a drastic  
9 departure from what's been going on for the past 26  
10 years.

11 So we believe, at the end of the day, Your  
12 Honor -- and I invite you to read the filings, and I  
13 invite you to read the case law, there are piles of  
14 it, Your Honor. If we could hand up. We copied it.  
15 We have killed many trees in this case. All of the  
16 cases that we've cited in our memorandum, I invite  
17 you to read them, I invite you to read all of the  
18 memorandum. And I invite you to read Mr. Holt's  
19 cases, because when you read Mr. Holt's cases, they  
20 support our position.

21 We talk about -- I'm not going to belabor that.  
22 If I could pass this up to the Court.

23 THE COURT: Thank you.

24 MR. DAVID: We have no establishment of the  
25 elements for a partnership, no establishment of the

1 elements of a preliminary injunction, and we believe  
2 it should be denied, Judge.

3 THE COURT: All right. Thank you. I'm not  
4 going to grant the motion at this stage of the  
5 proceedings. We'll hear the defendants' evidence on  
6 next Thursday at 9 o'clock.

7 And is there anything else we need to take care  
8 of at this point?

9 MR. DiRUZZO: Yes, Your Honor. We'd like the  
10 opportunity to supplement the record. The  
11 plaintiffs' put in Plaintiffs' Exhibit 1, the oral  
12 deposition testimony of Fathi Yusuf without the  
13 exhibits. I specifically want to supplement the  
14 record to include Exhibit 7, the actual joint venture  
15 agreement that's discussed in the -- within that  
16 deposition transcript because I believe it's highly  
17 relevant to provide context to what Fathi Yusuf  
18 actually did say or did not say.

19 THE COURT: Any objection?

20 MR. HOLT: No.

21 THE COURT: That will be fine. You can bring  
22 that on Thursday. And nothing else today? Then  
23 we'll get back together on Thursday.

24 And maybe if the parties have an opportunity to  
25 get together before then, we can stipulate as to how

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the parties are going to proceed without the need to address this motion, and we can just go forward with the rest of the case.

But I'll leave that to you folks and we'll otherwise see you on Thursday morning.

Have a good weekend.

(Proceedings recessed at 5:30 p.m.)

\* \* \* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

I, SUZANNE A. OTWAY-MILLER, an Official Registered Professional Reporter for the Superior Court of the Virgin Islands, Division of St. Croix, do hereby certify that I reported stenographically, in my official capacity, said proceedings, in MOHAMMAD HAMED By His Authorized Agent WALEED HAMED vs. FATHI YUSUF and UNITED CORPORATION, held on the 25th day of January, 2013.

I further certify that the foregoing excerpt, pages numbered 1 through 284, inclusive, are a true and accurate computer-aided transcription of my stenotype notes of said proceedings.

WITNESS MY HAND this 22nd day of February, 2013.

Suzanne A. Otway-Miller, RPR  
Digitally signed by Suzanne A. Otway-Miller, RPR  
DN: cn=Suzanne A. Otway-Miller, RPR, o=Superior Court of the Virgin Islands,  
ou=Court Reporter Division, email=suzanne.miller@supremecourt.vi.c115  
Date: 2013.02.22 19:18:11 -0400  
\_\_\_\_\_  
SUZANNE A. OTWAY-MILLER, RPR

< Dates >	October, december	)CIVIL 1:8.
12/31/2011 49:9.	150:21.	)DECLARATORY 1:12.
14 september, 1973	"one 124:12.	)INJUNCTIVE 1:11.
196:1.	\$\$10 241:23.	)JURY 1:13.
4-15-4 141:18.	\$1 199:17, 199:18.	.
8/16/2012" 59:25.	\$10 114:14, 115:17.	.
August 15 60:11,	\$10,000 169:1, 169:6,	< 0 >.
61:23.	169:17, 169:21,	00820 2:10, 2:17,
August 15, 2012	179:1, 205:11.	2:29.
59:20.	\$100,000. 146:15,	.
August 15th 65:4,	148:5.	.
247:7.	\$11 241:24.	< 1 >.
August 16 60:12, 61:7,	\$12 192:1.	1 4:23, 5:8, 9:4,
61:14, 61:22,	\$14,000 203:16.	22:2, 22:9, 22:12,
65:8.	\$14,000. 198:17.	103:17, 104:2,
August 16th, 2002	\$16,000 206:23.	104:22, 105:1,
247:13.	\$2 199:20.	105:21, 127:6,
August 22 62:20.	\$2.7 60:19, 237:22,	127:8, 127:23,
August 24 90:10.	276:11, 277:9.	127:25, 128:1,
August 25 63:20.	\$20,000 198:22,	136:23, 271:20,
February 10, 2012	205:7.	282:11, 284:13.
53:7.	\$200,000 148:10,	1. 103:21, 105:18,
February 2000	205:21, 205:22.	105:20.
271:21.	\$280 196:23.	1.6 230:21.
February 2012 13:1.	\$3 146:15.	1.7. 230:21.
February 7, 2012 51:9,	\$3,395 77:24.	1/2004 49:8, 49:9.
51:18.	\$3,395. 77:12.	10 4:30, 5:17, 12:25,
January 1, 2013	\$40 118:23.	13:4, 14:17, 14:18,
275:23.	\$400,000 272:12.	20:20, 20:22, 21:2,
January 5th 180:23.	\$43 270:7, 276:20.	39:24, 52:9, 52:12,
January 6, 1990	\$5 270:8.	52:14, 52:15, 52:16,
221:17.	\$5,408,806.74. 50:13,	52:20, 53:1, 55:10,
January 9 164:19,	50:23.	55:14, 58:4, 163:24,
178:11, 277:20.	\$50 270:7.	231:17, 231:23,
January 9th 91:24,	\$50,000 148:3.	232:12, 240:23,
253:2.	\$800,000 85:11.	241:5, 241:7.
January, 2013	\$802,966.00 90:8.	10,000 199:1, 205:3.
284:11.	'03 138:9.	10. 231:20.
January, 25th, 2013	'87 25:5.	1001 2:33, 2:40,
1:23.	'88. 25:5.	9:1.
July 2009 125:14.	'89 25:5, 29:25.	101 2:27.
July 9 117:2.	'92 27:5.	103 5:8.
July 9, 2009 125:2,	'93 27:5.	104 5:8.
126:10.	'94 29:1, 33:21,	105,932. 89:18.
June 2012 52:5.	273:13.	107 30:1, 39:20.
March 13, 2012	'95 46:5.	10:30 1:24.
55:20.	(305)350-5690 2:35,	11 4:31, 5:18, 12:25,
November 2, 2012 69:3,	2:42.	14:17, 14:19, 14:22,
147:6.	(340)773-8709 2:11.	20:19, 52:9, 52:12,
October 2001 39:10.	)ACTION 1:10.	52:16, 52:20, 53:10,

55:10, 55:14, 57:18, 58:4, 112:12, 112:25, 232:19, 233:19, 234:3, 240:23, 241:5, 241:7, 259:24, 259:25, 274:4, 274:16, 274:23.	151:2, 151:3, 220:2. 14,000 203:17, 204:22. 14. 68:17. 141 3:15. 147 40:6. 15 4:35, 36:11, 74:14, 74:17, 77:5, 77:8, 79:15, 92:12, 162:3, 179:18, 180:23, 193:18, 195:21.	273:21, 274:11, 274:17, 275:6. 1986. 13:24, 32:11, 33:20, 57:2. 1988 29:25. 1990 241:12, 241:13. 1990s 133:22. 1992 27:2. 1993 34:18. 1996 22:25, 99:16, 99:20, 100:1, 172:7, 172:13, 172:24, 224:15. 1999 134:7. 1999. 139:23. 1:50 96:19. 1A 9:4, 21:16, 22:3, 22:9, 22:12, 105:21, 271:20. . . < 2 >. 2 2:8, 4:24, 5:9, 22:2, 22:3, 22:10, 22:11, 22:12, 60:7, 105:22, 111:5, 111:9, 113:20, 113:23, 184:22, 223:21, 230:23, 273:21. 2,000 198:18. 2. 223:18, 225:21. 2.7 76:16, 81:13, 81:15, 82:3, 82:8, 246:1, 246:9. 2.7. 141:4. 20 36:11, 111:19, 111:22, 113:8, 163:24, 194:22. 20,000 198:24. 20,000. 198:25. 20. 111:23. 200 161:10. 2000 35:3, 41:22, 134:7, 136:25, 256:7. 2000s 39:4. 2001 137:9, 223:23, 224:1. 2002 31:3, 136:25,
11. 14:19, 20:5, 20:21, 21:2, 112:13, 232:22. 111 5:9. 1120-S 223:24, 224:1. 113 5:9, 5:10. 114 5:10, 5:11. 117 5:11. 118 5:12. 119 5:13. 12 4:26, 4:32, 5:19, 7:5, 7:6, 12:25, 13:18, 14:23, 20:23, 21:2, 22:4, 49:8, 55:4, 55:17, 57:22, 58:4, 58:13, 191:25, 201:15, 235:1, 236:11, 240:23, 241:7. 12,000 198:18. 12. 55:9, 235:5, 241:5. 122 5:13. 128 5:12. 12:00 96:19. 13 4:33, 59:5, 59:8, 59:11, 66:6, 66:9, 124:5, 126:24, 127:1, 127:3, 127:6, 127:8, 127:23, 127:25, 220:2, 247:4. 13. 124:3, 127:24, 128:1, 220:2, 247:3. 134 3:10. 13th 13:19. 14 4:34, 68:14, 68:18, 111:17, 113:8, 127:14, 146:22, 147:2, 150:24,	150 3:16, 4:34, 39:21. 156 3:17. 157 3:22. 159 3:23. 16 4:36, 40:10, 76:25, 77:10, 82:16, 82:20. 16. 77:3. 16/2012 247:15. 160 3:27. 1605 88:16. 167 3:28. 17 4:37, 82:10, 82:13, 82:22, 83:11, 83:24, 84:2, 85:5, 85:22, 90:19, 90:22, 212:11. 17. 87:7. 177 3:29. 18 4:38, 82:10, 82:13, 82:22, 83:11, 83:24, 87:18, 90:22, 160:13, 168:13. 18. 87:5, 90:19. 180 3:34, 157:9. 188 3:35. 19 141:24, 148:2, 198:24. 19. 212:4. 1908s 125:10. 193 3:36. 195 3:41. 1980s 133:3. 1983 220:11, 220:12. 1984 272:22. 1986 23:2, 100:1, 220:23, 259:21,	



137:7.	105:22, 113:24,	5. 124:1.
2003 136:25, 137:8,	114:18, 114:21,	50 4:29, 23:9, 40:20,
137:16.	146:17, 224:6,	40:21, 60:22, 60:23,
2004 50:12.	224:15, 274:4.	116:23, 124:19,
2006 2:27.	3. 114:3, 224:6.	124:20, 125:4,
2007 102:24.	30 236:16, 236:18,	126:13, 153:6,
2007. 102:23.	236:21, 237:3.	184:22, 200:18,
2009 100:15, 117:2.	30. 236:19.	200:20, 200:22,
2009/2010 102:2.	300 40:7.	200:23, 272:18,
2010 100:16.	306-A 211:15.	272:19, 273:1,
2011 50:12, 228:8.	31,000 236:17.	273:4, 273:24,
2012 13:1, 47:4,	328 40:13.	274:1, 274:6.
67:11, 80:21, 80:22,	32nd 2:33, 2:40.	50/50 26:1, 28:14,
129:3, 129:6,	33131 2:34, 2:41.	39:18, 40:5, 40:15,
192:19, 193:12,	340 1:33.	41:3, 88:16, 98:1,
214:13, 224:16.	341 237:2, 237:3.	98:12, 99:2, 161:7,
2012. 247:16.	3:00 194:23.	214:10.
2013 214:13.	3:20 194:23.	5000 2:15.
2013. 284:18.	.	502 236:19, 236:20.
2016. 83:18.	.	51 4:27, 4:28, 4:29.
203 3:42.	< 4 >.	52 4:30, 4:31,
211 1:23, 4:11.	4 4:26, 5:11, 9:9,	218:14.
2132 2:8.	22:5, 22:10, 22:11,	52. 218:15.
215 4:12.	22:12, 105:22,	53 218:22.
216 5:14.	114:22, 115:1,	547,000 236:20.
217 5:14, 5:15.	117:20, 117:21,	547,624 236:14.
219 5:15.	117:25, 224:5,	55 4:30, 4:31, 4:32.
22 3:8, 4:23, 4:24,	225:7.	56 40:7.
4:25, 4:26, 266:7.	4. 117:22, 224:24.	58 4:32.
229 5:16.	4.65 201:22.	59 4:33.
22nd 284:16.	40 192:1.	5:30 283:7.
23 272:21.	408 10:7, 11:12,	5H 128:10, 128:15,
231 5:17.	11:21, 12:6, 15:14,	129:8, 129:12,
232 5:18.	16:3, 16:22, 17:6,	129:17, 129:19,
234 5:19.	52:13, 58:1,	129:20, 129:21,
241 4:13, 5:16, 5:17,	95:23.	129:23, 129:25,
5:18, 5:19.	408(b 58:9.	130:4, 130:5, 130:6,
25 91:16, 183:4.	43,914,260.04.	130:14, 132:21.
255 4:17.	230:6.	.
25th 284:11.	44 4:27, 60:24.	.
26 271:14, 273:19,	44,000 60:23.	< 6 >.
281:9.	48 4:28.	6 5:13, 60:24, 119:14,
260 4:18.	.	119:18, 119:21,
277 237:4.	.	121:18, 122:6,
282 284:13.	< 5 >.	122:7.
.	5 5:12, 118:5, 126:16,	6. 119:13, 168:20.
.	126:17, 127:8,	60 126:18.
< 3 >.	128:2, 168:20,	600 238:4.
3 4:25, 5:10, 22:4,	178:7.	66 4:33.
22:10, 22:11, 22:12,	5,000 205:3.	68 4:34.

.	124:5, 124:8,	260:3.
.	126:24, 126:25,	According 125:8,
< 7 >.	168:19, 229:14,	138:8, 264:21,
7 4:27, 5:14, 22:19,	229:21, 240:23,	265:13, 268:14,
44:22, 45:1, 51:10,	241:7, 282:6.	268:20, 281:6.
51:15, 52:3, 107:10,	9. 229:17, 241:4.	Accordingly 248:14.
107:24, 216:7,	90 4:37, 4:38,	accountant 148:1,
216:11, 216:24,	151:12.	148:3, 148:4,
217:2, 217:3,	95 60:22.	226:10, 256:15,
240:23, 275:21,	96 46:5, 60:24.	270:1.
282:14.	97 3:9.	accountants 69:18,
7. 44:25, 213:12,	.	69:25, 70:2, 146:13,
214:22, 225:17,	.	177:21, 256:16,
225:20.	< A >.	277:16.
70 126:18.	A-h-a-m-a-d 28:1.	accounting 62:10,
706 60:7.	A. 1:22, 1:29, 2:25,	63:10, 64:3, 70:21,
74 4:35.	2:38, 223:21, 284:5,	71:12, 71:24, 72:15,
75 151:13, 151:14.	284:24.	73:12, 73:21, 90:11,
75,000 89:4, 89:5,	a.m. 1:24.	154:6, 154:15,
89:16, 89:17,	Abdul 48:5.	154:19, 154:21,
89:20.	able 12:20, 46:14,	155:6, 155:7,
75A 271:14.	58:20, 121:22,	174:14, 175:16,
76 4:36.	137:23, 144:17,	175:21, 176:24,
77 4:35.	169:19, 175:17,	177:15, 189:15,
778-9750 1:33.	178:7, 231:7.	189:17, 189:18,
784 60:7.	above 56:22.	190:2, 226:2, 226:5,
.	above-entitled 1:21.	226:21, 226:24,
.	above-reference	227:1, 234:17,
< 8 >.	54:19.	234:18, 236:3,
8 4:28, 5:15, 48:22,	abscond 84:24.	238:20, 244:21,
51:10, 51:15,	Absolutely 18:11,	248:1, 257:13,
168:19, 193:5,	61:4, 140:7, 141:4,	257:15, 257:17,
217:15, 219:11,	171:4, 179:23,	257:19.
219:13, 219:14,	270:18.	accuracy 60:15,
240:23, 241:4.	accept 143:24.	113:12.
8. 48:25, 206:23,	accepted 176:24,	accurate 232:12,
217:18.	190:1.	284:14.
8/15 64:25.	access 35:15, 72:18,	accurately 120:10,
800,000 62:7.	73:23, 149:13,	234:4.
802,966 88:18.	183:18, 184:9,	accusations 51:23.
80s 99:20.	190:9, 231:7, 231:8,	acknowledged 267:4.
82 4:36, 4:37, 4:38.	231:9, 231:10,	acquisition 130:10,
85 40:9.	231:11, 231:13,	132:2.
.	231:14, 232:4,	acre 40:12.
.	232:7, 232:14,	acres 30:2, 39:20,
< 9 >.	250:13, 257:3,	39:21, 39:23, 39:24,
9 4:29, 5:16, 37:14,	267:14.	40:6, 40:7, 40:8,
37:21, 50:14, 50:16,	accessible 120:8.	40:9, 40:13.
50:20, 51:10, 51:15,	accommodate 259:7.	acronym 154:24.
115:21, 124:2,	accompany 259:25,	across 39:22.

act 47:6.	114:20, 117:24,	101:1, 120:3, 123:5,
acted 46:6.	122:6, 127:1, 127:9,	246:23, 248:1,
acting 113:3, 113:16,	151:2, 213:15,	248:5, 258:15,
130:5.	217:2, 219:13,	274:20.
action 1:21, 8:4,	241:5.	agreeing 62:14,
66:11, 271:15.	adverse 131:25.	109:12.
actively 130:7.	advice 272:16.	agreement. 13:20.
activities 75:5.	advise 96:18.	agreements 16:7,
actual 8:15, 43:8,	advisement 21:2,	18:24, 244:20,
98:19, 107:3, 232:6,	94:16.	249:8, 265:22.
232:14, 243:3,	affected 142:19,	Ahamad 27:24, 106:7,
243:4, 282:14.	258:9, 258:11.	106:10, 106:13.
Actually 18:13, 19:22,	Affidavit 37:12,	ahead 34:10, 65:23,
21:15, 25:15, 41:18,	37:20, 207:22,	67:23, 91:1, 93:15,
59:17, 60:10, 65:7,	207:25, 208:2,	138:14, 139:13,
99:12, 99:15, 108:3,	208:4, 208:16,	146:11, 156:2,
110:15, 113:7,	212:6.	156:3, 168:23,
116:20, 116:23,	afternoon 97:13,	185:24, 203:14,
117:5, 118:11,	97:14, 159:16,	272:15.
122:16, 125:16,	167:21, 167:22,	Airport 250:25,
132:18, 168:19,	188:13, 188:14,	251:5.
188:22, 193:6,	192:9, 195:6, 195:7,	aisles 120:4.
224:17, 243:25,	195:10, 195:11,	Al-khaled 70:3, 70:8,
249:2, 260:2,	203:5, 203:6,	70:20, 71:23, 73:13,
275:14, 275:15,	259:19, 259:20.	148:20, 156:7,
282:18.	aged 236:16.	177:23, 239:25,
Adams 273:7.	Agent 1:7, 6:4, 45:24,	252:11, 256:22.
added 274:15.	53:25, 60:14, 63:2,	allegation 112:5,
Addendum 5:10.	63:8, 255:14,	264:14.
additional 60:22,	284:10.	allegations 8:11,
127:18, 132:1.	ago 80:20, 176:4.	17:10, 238:25.
address 6:20, 9:18,	agree 19:2, 19:5,	alleged 8:14, 8:16,
10:7, 17:10, 48:13,	19:13, 62:17, 62:18,	11:5, 11:16, 11:24,
283:2.	64:18, 105:13,	43:18, 43:19, 84:15,
addressed 13:9, 59:14,	107:14, 115:8,	102:18, 162:21,
59:15.	115:24, 116:6,	171:11, 179:14,
adds 181:1.	118:22, 120:19,	264:3, 265:11,
admirable 277:13.	122:14, 123:1,	265:13, 281:6.
admission 7:20, 11:12,	123:2, 123:21,	allegedly 11:3.
144:23, 145:18,	129:5, 169:13,	allow 12:20, 19:21,
145:20.	169:18, 170:8,	69:22, 92:15,
admissions 7:11,	170:10, 170:14,	164:14, 194:25,
11:23, 11:24.	179:12, 193:4,	254:22, 279:4.
admit 58:7, 76:3,	201:24, 248:7,	Allowed 11:22, 12:14,
79:4, 90:21.	248:8, 249:7,	73:23, 94:23,
Admitted 22:11, 51:14,	261:23, 277:5,	102:17.
55:13, 66:8, 77:7,	277:18, 279:2.	allowing 238:12.
82:19, 104:25,	Agreed 19:18, 21:10,	Almost 17:4, 160:13,
105:17, 105:22,	44:5, 48:20, 48:21,	230:23, 271:23.
106:24, 113:22,	61:24, 62:11, 64:1,	alone 74:24.

<p>already 8:24, 43:9, 91:6, 106:24, 132:1, 213:14, 241:4. alternated 34:6. Although 8:8, 122:2. amended 8:12. America 196:6, 196:9. Amman 60:24. among 109:23, 133:12. amongst 124:15. amount 50:5, 50:11, 60:7, 60:13, 62:5, 63:8, 85:10, 88:16, 90:1, 90:7, 118:19, 139:2, 205:6, 224:21, 230:4, 230:15, 234:24, 236:12, 236:16, 236:25, 248:14, 272:14. Andreozzi 115:12. Answer 47:15, 60:18, 65:23, 93:21, 94:24, 103:10, 121:9, 123:18, 123:19, 125:23, 136:9, 143:5, 144:4, 152:2, 155:18, 155:22, 155:24, 156:3, 159:7, 159:8, 164:7, 176:12, 206:7, 206:8, 244:1, 245:10, 252:13, 270:20. answerable 263:17. answered 65:21, 88:24, 123:17, 251:21. answering 170:22. anticipate 8:8, 12:11. anticipating 79:3. Anybody 10:9, 144:2, 144:3, 163:2, 166:19, 174:3, 174:5, 174:8, 179:8, 183:3, 185:13, 202:1. anyway 83:21,</p>	<p>248:14. apologize 206:13. apparent 18:13. Apparently 152:5, 158:22, 178:9. appear 265:20. appears 7:17. applicable 271:13. Application 6:15, 6:17. approach 103:15, 111:3, 217:4. appropriate 54:20, 179:20. approval 137:18, 138:18, 251:24. approve 15:24, 80:2, 148:14, 277:16. approved 91:15, 137:20, 250:8. Approximately 1:24, 146:15, 157:9, 168:14, 221:16, 239:16. April 29:1, 129:3, 138:9. Arab 199:10. Arabic 209:2. area 120:7, 163:25, 164:1. argue 267:9, 276:2. argument 280:9. arisen 124:12. arose 271:22, 275:22. around 83:9, 150:21, 193:22, 260:21, 277:4, 279:13. arrangement 260:6, 260:9, 260:14. arrested 165:12. arrive 187:20. arriving 214:19. Articles 5:14, 129:2, 216:4, 216:15. articulable 269:25. articulate 264:23. articulated 264:8. aside 124:18. asks 244:14.</p>	<p>assert 7:10, 222:15. asserted 84:19, 144:22, 265:10. assets 13:11, 13:16, 14:6, 14:10, 14:21, 15:1, 20:7, 20:10, 20:16, 42:17, 54:22, 55:1, 57:14, 85:13, 85:14, 135:25, 273:3, 275:3, 276:17, 277:5, 278:20. Assume 96:21, 129:4, 129:23, 170:18. assumes 243:24. assumption 170:23. attached 13:8, 13:20, 45:7, 60:15, 60:16, 61:1, 61:3, 107:25. attachment 13:8, 53:8, 53:11, 55:25, 56:2. attachments 61:24. attempting 227:18. attention 9:6, 91:24, 105:16, 106:23, 106:25, 109:15, 112:11, 115:3, 117:1, 118:18, 122:9, 124:10, 164:19, 218:14, 222:5, 223:21, 224:5, 224:25, 225:17, 228:12, 231:5. Attorney 6:21, 11:8, 17:11, 18:2, 18:8, 18:21, 46:1, 46:7, 46:12, 46:20, 46:24, 47:6, 47:11, 47:25, 53:7, 53:25, 76:22, 78:14, 78:22, 82:24, 83:12, 86:25, 87:15, 94:16, 95:20, 96:17, 112:20, 113:16, 115:6, 115:14, 144:4, 154:8, 202:19, 202:22, 202:23, 202:25,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>210:2, 244:11, 245:6, 273:7. attorney/client 74:20, 75:17, 78:8. attorneys 19:1, 58:19, 67:24, 67:25, 75:3, 76:7, 78:22, 78:25, 80:9, 111:13, 113:2, 116:4, 116:6, 116:22, 117:10, 127:4, 128:7, 165:23, 166:4, 166:10. aught 17:4, 19:20. August 228:8, 276:11. authenticity 113:12. author 74:5, 74:10, 74:12. authority 52:8, 99:21, 99:24. authorization 91:19. Authorized 1:6, 6:3, 130:6, 284:10. authorizes 183:19. authorizing 85:6. automatically 162:25. available 120:22, 242:8, 242:10. aware 134:5, 153:21, 154:7, 156:12, 176:21, 210:14, 220:24, 237:25, 238:2, 238:3, 238:25, 239:5, 239:6, 262:13, 262:15, 262:18, 272:21, 273:1. Ayman 70:3, 71:1, 71:23, 72:17, 148:20, 156:7, 239:25, 240:1, 240:6, 256:21, 256:25. . . &lt; B &gt;. background 58:10, 188:23.</p>	<p>bad 91:8, 91:9, 164:11, 199:6, 269:21. bagger 23:5. Baker 200:1. balance 173:14, 173:18, 181:3. Banco 37:11, 38:8, 38:12, 38:15, 38:17, 38:21, 38:23, 41:20, 42:3, 42:4, 42:5, 118:19, 118:25, 119:9, 140:8, 140:16, 199:17, 199:21, 205:25, 230:3. Bank 5:16, 36:22, 36:24, 36:25, 37:2, 37:11, 37:23, 38:4, 38:7, 41:19, 60:23, 60:24, 65:16, 99:21, 102:16, 104:7, 139:5, 139:7, 173:14, 197:20, 199:19, 199:20, 206:1, 206:4, 207:13, 229:11, 230:5, 230:12, 230:15, 231:7, 232:7, 232:17, 267:14, 272:6. banking 194:14. banks 37:9. bars 265:11, 265:12. Based 49:3, 50:8, 102:19, 163:9, 168:25, 263:6. basically 13:5, 158:13, 163:15, 167:1, 167:6, 242:20. basis 74:22, 75:20, 149:20, 190:21, 237:15. bates 218:16. Bay 2:15, 2:33, 2:40. beam 201:13, 201:15. became 18:13, 24:12, 26:4, 110:15,</p>	<p>116:20, 276:15. become 140:2, 240:9. becoming 22:23, 25:3. began 23:24, 31:7, 99:20. begin 27:1. begun 166:22. BEHALF 2:4, 2:23, 6:22, 15:7, 17:9, 45:25, 47:6, 74:21, 99:25, 111:17, 113:16, 114:8, 114:11, 125:3, 142:4, 218:2, 223:8. behind 204:19. belabor 281:21. belied 264:19, 279:23. believe 9:6, 12:12, 12:19, 27:5, 28:25, 30:10, 30:12, 34:6, 38:8, 42:4, 46:5, 52:2, 64:25, 80:19, 120:13, 124:16, 135:13, 137:8, 137:16, 139:5, 174:24, 175:3, 199:11, 209:7, 223:6, 224:22, 239:17, 263:8, 263:15, 281:11, 282:1, 282:16. believes 262:5. beneficiary 221:20, 221:23. beside 26:22. best 96:23, 97:6, 170:21, 220:16, 255:23, 259:8. better 226:23, 272:17, 275:22. beyond 157:12, 217:8. big 194:2, 227:9. biggest 161:13. bill 78:10. billing 77:14. binding 218:20.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

bit 108:20, 162:17, 197:8, 255:19.	35:4, 226:20, 241:11, 258:5.	279:4.
blocked 121:4, 121:13.	bring 19:4, 19:21, 58:12, 203:21, 205:3, 282:21.	busy 197:15.
blocking 228:23.	bringing 245:5.	buy 39:16, 121:6, 142:4, 183:1, 198:19, 199:2, 199:21, 200:2.
Bob 83:12.	broke 124:21, 124:22, 165:5.	buyers 85:18.
bonus 183:2, 183:8, 183:9, 183:19, 183:21, 183:24, 184:1, 184:3, 184:6, 184:25, 185:2.	brother 28:18, 31:11, 31:16, 34:11, 35:6, 69:7, 78:14, 78:22, 81:1, 85:23, 86:15, 86:17, 86:22, 87:10, 94:13, 105:5, 126:11, 128:5, 128:20, 129:18, 167:11, 167:14, 196:4, 197:18, 198:2, 198:4, 205:4.	.
bonuses 183:18, 183:19, 184:8.	brother-in-law 199:5, 272:25.	< C >.
books 39:6, 215:25, 216:3.	brothers 79:7, 81:10, 81:15, 105:12, 150:7, 152:7, 156:19, 165:10, 167:13, 176:14, 267:6.	C-corporation 225:10.
borrow 272:1.	Brought 30:7, 117:4, 124:9, 162:10.	C-h-a-r-r-i-e-z 180:12.
borrowing 272:7.	build 201:13, 202:16, 205:4, 271:25.	Cafe 131:3.
boss 185:25.	building 43:5, 120:7, 131:17, 132:14, 197:15, 204:3, 272:9.	Cairo 60:24.
bottom 45:18, 50:22, 57:3, 115:11, 162:15, 162:18, 218:16, 218:21, 225:17.	built 220:1.	calculate 49:4.
bought 28:8, 28:9, 28:11, 30:1, 34:3, 39:24, 40:5, 40:11, 40:24, 59:12, 85:1, 106:13, 198:23, 250:19, 250:21, 250:24.	bunch 119:21, 131:9, 181:5, 188:15.	Calculation 4:28, 49:2, 49:3, 49:10, 49:11, 49:15.
boy 202:23.	burden 267:18, 267:20, 268:24.	calculations 50:8, 62:1, 64:1, 64:3, 248:20.
BRADY 1:22.	Bureau 114:15, 115:8, 115:18, 224:18, 225:10.	call 6:23, 21:7, 21:8, 21:21, 23:6, 74:12, 92:5, 105:14, 138:1, 141:8, 143:2, 155:14, 159:24, 161:20, 165:12, 165:14, 180:2, 181:25, 182:7, 186:23, 194:24, 196:11, 207:14, 211:5, 217:12, 267:8, 267:10, 272:15, 279:20.
branch 232:17.	burn 202:8, 241:14.	called 40:3, 42:4, 47:22, 89:3, 94:5, 94:6, 128:15, 130:24, 143:4, 143:8, 152:15, 157:18, 187:6, 273:23, 275:14, 277:23, 279:18.
breach 263:17.	burned 42:19, 42:22.	calling 143:11, 143:12.
breached 102:8, 103:1, 103:6, 103:12.	burning 241:12.	Calls 47:8, 65:2, 70:15, 72:24, 137:25, 139:9, 140:21, 243:23,
breaches 102:18.	burnt 221:14.	
break 90:24, 96:4, 96:8, 96:13, 101:18, 194:20, 230:16, 254:21.	businesses 39:1, 242:25, 277:11,	
breakdown 39:11, 60:19, 87:20.		
breaking 88:14.		
Brickell 2:33, 2:40.		
brief 15:4, 18:8, 21:21, 159:16, 172:23, 279:10.		
briefed 265:4.		
briefly 8:20, 19:25,		

244:10, 246:17,  
 251:19, 252:12,  
 254:13, 258:13,  
 258:20, 269:4.  
 calm 150:11.  
 cancel 145:8.  
 Cancelled 4:35, 5:8,  
 91:13, 145:10.  
 capacity 225:3,  
 234:16, 240:8,  
 284:9.  
 car 204:19.  
 carbon 115:11.  
 card 37:7, 38:11,  
 38:16, 38:22,  
 192:20.  
 care 26:14, 26:16,  
 47:19, 53:24, 96:6,  
 206:21, 235:24,  
 282:7.  
 Carl 2:14, 6:7.  
 Carl@carlhartmann.com  
 2:18.  
 Carlton 197:9, 200:4,  
 200:12, 205:14.  
 carry 181:16.  
 cases 17:2, 140:19,  
 265:6, 265:9,  
 281:16, 281:19.  
 cash 14:4, 57:7,  
 191:14, 191:17,  
 275:10.  
 cashes 102:16.  
 cashier 23:5.  
 cashiers 23:6.  
 Cause 123:4, 123:8,  
 123:12, 123:23,  
 137:2, 176:11,  
 181:9, 245:25,  
 269:19, 279:18,  
 280:23.  
 caused 91:4.  
 CD 198:22, 205:7.  
 cdavid@fuerstlaw.com  
 2:36.  
 Center 68:4, 68:9,  
 197:16, 197:24,  
 198:9, 204:3, 204:4,  
 204:7, 204:12,  
 219:20, 219:23,  
 220:1, 220:4, 220:9,  
 220:10, 220:13,  
 220:25, 221:2,  
 241:15, 243:20,  
 244:7, 250:15,  
 250:21.  
 certain 7:18, 32:23,  
 33:12, 39:6, 91:10,  
 112:8, 142:13,  
 162:23, 163:14,  
 179:14, 225:14,  
 231:6.  
 certainly 140:22,  
 278:24.  
 CERTIFICATE 196:7,  
 196:10, 284:1.  
 certificates 124:18.  
 CERTIFIED 1:19, 7:8,  
 8:1, 8:23, 9:9,  
 48:4, 226:2,  
 226:5.  
 certify 284:8,  
 284:12.  
 chair 262:3, 264:5.  
 chambers 21:12.  
 Change 140:4, 228:7,  
 258:21, 269:1,  
 270:16, 270:18,  
 281:2.  
 changed 142:7, 152:11,  
 228:10, 229:7.  
 changes 184:17,  
 184:19, 184:20.  
 changing 24:11, 269:3,  
 280:3.  
 characterize 100:21.  
 charge 24:6, 24:20,  
 26:15, 33:8, 33:9,  
 33:10, 33:11, 100:4,  
 173:18, 199:4,  
 201:4, 206:22,  
 210:21, 210:22,  
 212:25, 214:17,  
 214:25, 264:12,  
 268:15, 268:20,  
 275:16, 281:3,  
 281:6, 281:8.  
 charged 110:4,  
 212:19.  
 Charlie 201:14.  
 Charriez 3:32, 122:10,  
 122:12, 122:14,  
 161:23, 180:2,  
 180:4, 180:10,  
 194:21, 232:10.  
 cheaper 158:24.  
 checkbooks 35:16.  
 checked 237:17.  
 checking 267:14.  
 cheese 200:2.  
 Chelsea 131:4.  
 cherry 7:18, 16:16.  
 chief 12:22.  
 children 134:5,  
 264:18, 273:2.  
 chill 12:3, 12:4.  
 chosen 81:11.  
 Christiansted 2:9,  
 2:16, 2:28, 22:19,  
 40:8.  
 Christmas 192:14,  
 192:15.  
 Christopher 2:31,  
 6:11.  
 Circle 39:23.  
 circumstances 132:4.  
 citation 12:16.  
 cite 265:9.  
 cited 11:2, 265:6,  
 281:16.  
 city 195:22.  
 Civil 8:17, 124:16,  
 245:7.  
 claim 11:11, 263:18,  
 280:23.  
 claiming 244:16.  
 claims 168:19, 243:20,  
 244:7, 265:10.  
 Clarification 183:14,  
 183:16.  
 clarify 133:10.  
 classes 189:18.  
 classic 144:20,  
 144:22.  
 clause 56:7, 56:23,  
 57:4, 252:9,  
 275:5.  
 clauses 14:25, 15:16,  
 15:18, 15:20, 15:24,  
 56:5.

cleaning 240:21.	145:20, 175:25,	composite 103:22,
clear 77:14, 77:18,	185:6, 192:8, 196:4,	104:2, 119:17,
77:20, 98:17, 98:25,	196:8, 199:7,	235:5, 235:9,
109:12, 125:25,	275:11.	235:10.
126:3, 134:16,	comment 19:12.	Compound 35:25.
193:3, 219:1,	communicate 258:6.	computer 173:17,
229:25, 236:20,	communicating	174:17, 175:13,
264:20.	142:11.	190:6, 190:8,
clearly 11:19, 15:11,	communication 149:4,	190:9.
15:13, 16:12, 16:13,	149:6, 167:2.	computer-aided
17:6, 155:20.	communications 12:21,	284:14.
Clerk 6:3, 116:8,	13:3, 19:8.	computers 175:1.
157:11.	communications 12:21,	concede 7:20.
client 13:10, 19:7.	13:3, 19:8.	conceded 9:8.
clients 277:8,	companies 230:2,	concern 9:14, 85:12.
277:13.	279:6.	concerned 17:24, 24:5,
clock 178:16,	Company 2:8, 39:6,	24:17, 278:11.
178:22.	40:3, 40:10, 40:13,	concerns 84:23,
close 51:25, 58:23,	44:20, 122:17,	239:7.
58:24, 91:20, 94:25,	128:19, 146:16,	concludes 262:24.
96:3, 121:16, 150:6,	181:5, 181:17,	conclusion 70:15,
150:15, 165:18,	230:6, 239:18,	243:24, 251:20.
187:14, 197:21,	251:1, 251:3, 251:5,	conditions 169:12,
252:24, 254:1,	251:8, 255:23,	225:14, 238:8.
254:6, 278:6.	259:8.	condo 62:8.
closed 158:24, 166:22,	compared 174:6.	conduct 91:14.
269:8, 269:10,	compensate 270:20.	confer 33:17.
278:3.	competitors 238:8.	conference 11:4,
closing 150:8, 158:19,	complained 183:23.	256:24, 256:25,
187:13, 225:5,	complaining 101:19,	257:2.
228:14, 239:2,	101:21, 185:1,	conferences 17:2,
280:8.	277:10.	17:3.
clothes 197:3.	Complaint 7:8, 8:1,	confirm 54:18,
co-counsel 17:17,	8:3, 8:11, 8:14,	274:25.
17:21.	9:9, 22:5, 274:8,	confirmed 60:21.
co-manager 165:20.	274:10.	conflicting 267:22,
Coakley 2:15.	complement 151:16,	268:23.
coffee 204:13,	151:18.	conjunction 35:23,
204:20.	complete 11:25,	88:12.
collected 169:1.	127:11.	consented 83:17.
collectively 36:4,	completed 220:9,	consider 169:5, 169:7,
36:11, 41:12.	220:11.	169:9, 179:17,
college 34:21, 189:2,	completely 200:10,	185:15, 187:9,
189:3.	258:8, 268:10,	264:2.
comanager 167:14.	279:15.	consideration
comes 41:5, 67:15,	completeness 7:16.	163:10.
67:18, 127:13,	completion 263:8.	considers 264:6,
175:18, 280:20.	compliance 226:6,	264:7.
Coming 18:15, 60:20,	226:22, 227:14.	consistent 176:23,
83:11, 93:16,	compliant 226:14.	243:18, 273:17.
	comply 225:15,	
	242:17.	



consisting 154:12.	154:19, 176:23,	10:16, 157:18,
constraints 273:21.	177:2, 177:4,	279:14.
construction 219:20,	177:15.	cousin 197:22,
219:23.	conversation 158:25,	240:4.
consultant 226:10,	159:11, 166:3,	Couture 40:14.
226:11.	166:10, 185:7.	cover 198:18.
contacted 142:14.	conversations 25:19,	covered 259:15.
contained 8:11,	165:19.	covers 14:19, 49:6,
84:20.	conversion 134:2.	49:8.
containers 23:6, 24:9,	convert 133:23.	created 128:19,
36:12, 36:17.	cooperate 33:16.	167:4.
contains 7:10.	cooperation 32:2.	Credit 37:6, 37:7,
contend 63:12.	copied 45:18,	38:11, 38:16, 38:22,
content 20:22.	281:14.	189:24, 267:4.
context 14:13, 15:19,	Copies 5:8, 45:7,	credits 14:4, 57:7,
16:11, 16:19, 20:24,	45:21, 63:22,	275:10.
58:10, 280:5,	184:15, 233:14.	cried 269:9.
282:17.	copy 7:8, 8:1, 8:23,	crime 179:14.
continually 187:23.	47:22, 47:23,	critical 162:1,
continue 56:20,	115:11, 184:16,	163:11, 179:18,
206:17, 224:8,	216:6.	267:12, 268:3.
277:14.	corporate 223:23,	Croix 1:2, 1:23, 1:32,
CONTINUED 4:3, 5:3,	243:12, 265:20,	27:12, 28:23, 29:9,
27:15, 28:24,	267:15.	29:11, 29:16, 34:25,
58:21.	corporations 40:17,	40:9, 56:17, 70:21,
continues 59:2,	40:20, 40:24.	70:22, 71:11, 76:10,
59:3.	corresponding	76:11, 121:6, 148:5,
continuing 21:3, 22:7,	137:24.	161:11, 161:12,
154:10.	Counsel 10:15, 11:1,	161:14, 161:16,
Contract 36:11, 36:12,	12:11, 12:15, 15:8,	172:18, 172:20,
36:15, 36:16,	17:18, 17:22, 37:15,	172:25, 189:7,
130:17, 130:18,	88:6, 96:21, 206:14,	190:7, 196:16,
130:19, 130:20,	212:12.	196:20, 196:21,
131:12, 131:13,	count 198:16.	196:25, 212:21,
131:14, 131:15,	counterpart 34:18,	234:21, 275:8,
131:16, 132:13.	152:13, 152:15,	278:25, 284:7.
Contractor 220:7.	279:17.	cross 157:13, 215:13,
contracts 33:1.	couple 40:11.	224:10, 241:6,
contrary 64:23,	course 8:8, 8:9, 93:9,	264:11.
267:1.	93:10, 105:6,	CROSS-EXAMINATION 3:9,
contribute 171:21.	113:14, 133:10,	3:16, 3:23, 3:28,
control 68:20, 154:15,	133:17, 169:8,	3:35, 3:42, 4:13,
228:9, 235:24,	175:14, 175:19,	4:18, 46:15, 96:7,
236:5, 264:10,	219:24, 229:1,	97:11, 151:4,
264:14, 267:11,	229:5, 235:20,	159:14, 167:19,
272:25, 278:7,	236:8, 237:10,	188:10, 188:11,
278:9.	242:12.	203:3, 241:9,
controller 239:11,	courteous 142:17.	259:17, 267:2.
239:13, 240:9.	courthouse 17:5.	CROSS-EXAMINATION/DIRE
controls 154:6,	Courtroom 1:22, 10:10,	CT 215:15.

Cross/direct 4:12.	55:19, 58:20, 59:19,	debit 189:21, 189:22,
crux 280:15, 280:16.	61:6, 61:12, 63:19,	189:23.
crying 150:9.	65:4, 65:6, 69:1,	debt 108:23, 109:5,
cup 204:13.	137:3, 146:17,	236:25, 273:3.
current 132:18, 221:5,	147:5, 147:6,	December 149:21.
228:3, 228:12.	232:12.	decide 19:22, 20:7,
currently 64:6,	dated 13:1, 13:18,	184:10, 185:9,
100:24, 132:20,	51:8, 61:6, 62:19,	185:10.
219:20, 226:17.	64:25, 136:24,	decided 29:24, 41:19,
custody 110:6, 110:8,	137:1, 137:3, 247:6,	44:5, 129:25, 176:5,
110:10, 110:12,	247:13.	184:13, 239:19,
215:25, 222:19,	dates 136:25.	245:6, 246:9, 268:2,
223:2, 223:5,	daughter 240:3.	268:5.
235:24.	DAVID 2:31, 2:32,	decides 41:6,
customer 234:11.	2:39, 3:16, 3:28,	184:12.
customers 52:6, 91:10,	3:42, 4:18, 6:11,	decision 33:14, 33:15,
120:3, 233:10,	10:7, 198:11,	105:10, 163:13,
238:7.	206:16, 208:18,	169:15, 171:1,
cut 102:14.	210:12, 259:18.	176:6, 183:8, 222:2,
.	day 9:12, 58:24, 61:7,	267:3.
.	65:9, 91:25, 93:5,	decisions 58:21,
< D >.	93:24, 117:2, 117:7,	142:3, 142:13,
d-e 28:2.	117:10, 120:12,	147:17, 167:5,
d/b/a 104:6, 110:22,	162:12, 164:20,	193:25, 194:2,
112:2, 112:9,	164:22, 165:22,	266:25, 278:12.
112:17, 114:14,	166:12, 178:8,	deduct 214:18.
116:9, 117:6, 154:5,	178:10, 182:6,	deductions 14:4, 57:7,
156:11, 176:22,	185:17, 192:10,	275:9.
218:2, 222:8,	192:12, 193:11,	deep 16:20.
227:20, 229:12,	195:23, 201:9,	defamation 269:22.
230:12, 235:25,	221:17, 239:23,	default 18:12.
240:17, 262:11.	239:24, 240:14,	Defendant 2:23, 7:7,
dad 26:15, 28:12,	249:3, 253:5,	8:16, 9:25, 75:11,
30:1, 31:5, 40:4,	253:19, 267:9,	109:18, 109:20,
45:6, 59:15.	280:7, 280:19,	112:1, 124:9,
daily 173:14,	281:11, 284:11,	124:24, 134:17,
190:21.	284:16.	216:16, 217:2,
dairy 36:21, 199:24.	day-to-day 26:17,	273:22, 274:19.
damage 280:23.	229:7.	Defendants 1:16, 5:7,
DAMAGES 1:10, 132:3,	days 196:18, 196:22,	6:16, 7:5, 18:3,
263:16, 263:18,	236:16, 236:21,	18:25, 58:13,
263:21, 269:18,	249:3, 249:4,	103:17, 105:1,
269:19, 269:23,	266:7.	110:20, 111:5,
269:25, 270:4,	deal 17:5, 27:14,	113:23, 113:24,
270:10, 270:20,	32:24, 67:20, 85:25,	114:21, 114:22,
270:21, 280:16,	142:4, 266:21.	117:25, 119:14,
280:17, 280:20.	dealing 24:7, 26:19,	122:7, 128:2, 128:6,
dark 192:9.	158:16, 181:1,	153:25, 216:7,
data 234:18.	181:2, 181:3, 181:4,	217:3, 217:15,
date 51:8, 53:2, 53:5,	182:7, 258:24.	219:14, 229:14,

231:17, 232:19, 235:1, 238:11, 241:7, 263:2, 282:5.	departure 281:9.	17:20, 18:4, 18:8, 53:6, 53:13, 54:12, 55:18, 95:20, 274:23.
Defense 9:23, 80:3, 82:21, 82:25, 83:7, 83:11, 84:12, 103:21, 104:2, 104:22, 111:9, 113:20, 114:25, 117:20, 119:13, 119:18, 119:21, 121:18, 123:25, 126:16, 216:11, 216:24, 217:18, 219:11, 223:17, 223:18, 229:17, 229:21, 232:22, 234:3, 235:4, 238:18, 240:22, 243:15, 244:5, 244:12, 244:14.	depict 120:1, 120:10, 120:17, 121:14.	dialogue 93:10.
defensively 12:18.	depicts 120:6.	Diamond 40:14.
define 168:16.	deposit 178:7, 191:9, 191:10.	diatribe 155:20.
defined 16:9.	deposited 65:1, 249:2, 249:3, 249:9, 249:12.	die 202:24, 210:1.
definite 100:9.	Deposition 4:23, 4:24, 7:15, 8:22, 8:23, 9:4, 9:14, 21:14, 22:2, 105:17, 107:4, 107:15, 124:17, 270:25, 271:21, 282:12, 282:16.	difference 108:4, 153:8, 183:6.
definitely 43:3.	deposits 173:14.	differences 14:2, 15:8, 15:9, 16:14, 52:19.
degree 189:4.	derived 16:13.	different 11:10, 23:25, 24:18, 24:19, 24:20, 58:18, 58:19, 152:24, 166:9, 178:16, 179:19, 182:12, 244:13, 258:8, 279:15.
deliver 144:14, 144:17, 144:18, 145:5, 145:18, 149:9.	Describe 58:15, 128:17, 219:19, 229:25, 279:15.	difficult 187:11.
delivering 144:12, 144:13.	described 40:16, 57:17, 90:4.	difficulties 166:23.
delivery 146:18.	DESCRIPTION 4:22, 5:7.	difficulty 237:10, 259:2.
demand 45:7.	deserve 122:22.	dig 16:20.
DEMANDED 1:13.	designated 17:20.	Dinar 89:4, 89:5.
demands 59:4.	designed 12:6, 16:4, 129:9.	Dinars 89:17, 89:20.
denied 21:1, 23:13, 52:20, 75:18, 79:16, 83:22, 263:10, 271:4, 282:2.	desire 54:18.	dire 25:14.
deny 63:8.	desk 26:18, 33:9, 67:15, 67:19, 163:25, 164:23, 165:3, 165:4, 182:8, 256:25.	DIRECT 3:8, 3:15, 3:22, 3:27, 3:34, 3:41, 4:11, 4:17, 9:5, 22:14, 43:15, 57:8, 69:24, 100:11, 100:17, 101:19, 102:10, 106:1, 125:9, 125:12, 141:13, 157:23, 160:4, 178:7, 180:7, 195:8, 211:10, 212:14, 218:14, 254:22, 255:6, 264:11, 267:1.
department 23:22, 24:10, 24:19, 32:23, 33:13, 255:22, 256:4, 256:5.	detail 159:10.	directed 53:19, 53:23, 94:14, 247:7.
departments 24:20, 33:1, 33:13, 255:22.	determination 41:6.	Directing 91:24, 164:19.
	determined 277:3.	direction 92:18.
	develop 31:25, 51:19, 154:15, 227:14.	directly 47:18.
	developed 258:2.	dirt 98:19, 132:14, 132:15.
	developing 35:5, 52:18.	
	development 27:7, 30:2.	
	Dewood 2:25, 2:26, 4:32, 6:11, 11:8, 11:16, 12:1, 12:5, 13:9, 15:7, 15:10, 17:9, 17:14, 17:17,	

disagree 123:6.	267:5, 275:21,	163:4, 185:12,
disagreement 274:5.	280:18.	186:22, 188:3,
disagreements 56:18.	disputed 248:20.	217:8, 219:8, 222:2,
disbursed 140:6.	disputes 18:14, 56:18,	226:20, 227:8,
disbursement 85:9.	58:3, 274:10,	231:2, 237:9,
disbursements 62:2.	278:6.	243:15, 246:6,
discharge 162:25,	disputing 116:8.	252:20, 253:12,
163:2, 179:11.	disrupt 268:11.	257:13, 262:4,
discharged 162:5,	disruption 169:24.	276:16.
162:7, 181:21,	Dissolution 4:30,	dollar 240:20.
187:17, 276:7.	4:31, 275:1.	dollars 42:3, 140:17,
discovery 8:9, 8:13,	dissolve 54:19, 275:2,	205:24, 207:7,
83:4, 83:6, 268:10,	278:14, 279:6.	207:10.
270:25.	dissolving 13:10,	dollars. 89:20.
discuss 33:17, 50:2,	14:15.	Domingo 188:25.
93:13, 108:3,	distant 240:1.	Dominican 188:25.
176:10, 237:24.	distinct 97:1.	done 8:25, 18:10,
discussed 74:24,	distinction 18:1.	18:12, 32:12, 41:11,
118:16, 148:7,	distribute 41:5,	43:9, 51:23, 60:6,
282:15.	67:20.	62:11, 63:10, 73:13,
discusses 224:16.	distributed 39:14,	73:21, 91:4, 95:11,
discussing 11:10,	41:3, 41:23,	96:15, 97:2, 103:23,
18:14.	124:15.	103:25, 111:10,
Discussion 14:2,	District 56:16,	133:15, 134:24,
15:21, 61:10, 95:10,	116:7.	155:15, 170:19,
95:13, 117:19,	Division 1:2, 284:7.	170:20, 179:6,
165:23, 167:17,	documentation 163:6.	179:9, 181:17,
210:11, 228:2,	documentation.	185:4, 210:10,
233:18, 237:22,	63:13.	216:12, 220:7,
255:1.	documents 7:21, 11:13,	227:8, 238:20,
discussions 11:23,	15:21, 17:7, 18:23,	243:14, 246:10,
11:25, 13:12, 16:2,	21:11, 45:3, 45:5,	246:11, 248:1,
16:20, 18:18, 58:11,	58:2, 74:23, 83:6,	268:10, 277:13,
58:12, 58:16, 231:6,	83:7, 83:8, 83:15,	279:6.
258:6.	83:16, 128:24,	door 266:8.
disillusion 13:7,	129:2, 137:7,	Dorothia 85:1, 88:14,
13:13, 13:15, 13:17,	176:19, 207:16,	88:19.
13:20, 13:21, 14:10,	213:16, 235:7,	Dorsette 3:20, 157:10,
14:11, 14:15, 14:20,	249:13, 249:14,	157:11, 157:15,
14:23, 14:24, 20:6,	249:15, 249:17,	157:20, 158:1.
20:23, 53:17, 54:2,	249:19, 265:20,	Double 143:14.
54:14, 54:20, 55:24,	267:15.	doubt 95:22, 271:19.
56:3, 274:24.	doing 16:12, 23:4,	DOUGLAS 1:22.
Dismiss 4:25,	23:5, 24:4, 24:11,	down 18:22, 34:21,
273:20.	24:21, 24:22, 24:23,	42:19, 51:25, 57:3,
dismissed 135:25,	34:5, 34:11, 71:11,	58:23, 58:25, 73:2,
140:19, 154:9.	88:13, 100:15,	88:14, 91:20, 94:25,
dispute 15:5, 15:11,	143:20, 149:6,	101:18, 115:11,
15:12, 64:2, 105:3,	155:5, 155:10,	124:21, 124:22,
113:11, 245:7,	155:12, 156:10,	148:25, 150:6,

150:11, 150:15, 151:22, 151:25, 152:4, 165:11, 165:18, 203:8, 211:4, 221:14, 228:14, 230:16, 239:2, 240:13, 241:12, 241:14, 243:1, 254:6, 277:3, 277:12. downstairs 52:6, 182:3, 185:3. dozens 267:21. drastic 281:8. dreamt 32:13. drink 204:20. Drive 2:33, 2:40, 204:19. driving 131:2. Drugstore 131:4. ducus 82:24, 83:1, 83:8, 83:12. due 33:21, 62:7, 64:1, 88:18, 90:1, 90:7, 236:21, 236:25, 270:4, 273:21. duly 21:24, 141:11, 157:21, 160:2, 180:5, 195:4, 211:8, 255:4. duration 119:8, 220:24. During 8:9, 11:4, 28:15, 58:15, 100:1, 110:14, 119:8, 133:10, 133:17, 222:17. duties 133:4, 189:8. duty 100:2. dysfunction 152:12. . . < E >. E-mail 4:32, 13:4, 13:9, 13:19, 14:19, 19:1, 20:21, 52:15, 52:16, 53:6, 55:18, 55:23, 63:18, 90:10, 155:13, 248:19, 275:4.	ear 11:21. earlier 181:20. Early 27:5, 29:25, 39:4, 134:7, 168:17, 171:5, 178:8. earn 169:2. easily 163:12. Eastern 2:27, 40:9. easy 121:14, 203:10. effect 58:16, 140:5. effective 60:11, 227:14. effort 15:6. efforts 14:11, 240:18. eight 192:21, 192:22, 193:8. either 31:22, 41:12, 41:23, 46:5, 67:21, 73:13, 97:17, 100:15, 109:5, 116:4, 132:21, 207:19, 215:19, 247:21, 279:6. element 267:12, 269:25. elements 263:12, 263:24, 264:1, 264:7, 264:8, 267:17, 279:22, 281:25, 282:1. eleven 224:22. Eleven. 229:13. elsewhere 266:23. embassy 196:11. Emergency 6:14, 278:4. employ 154:14. employed 92:12, 158:2, 269:12. employee 93:11, 93:14, 123:2, 123:4, 123:21, 123:23, 151:16, 161:20, 164:11, 168:16, 169:2, 176:11, 179:18, 184:6, 191:22, 277:21. Employees 5:17, 91:9, 91:12, 122:15,	122:22, 150:9, 150:16, 151:18, 151:20, 157:8, 157:9, 161:8, 168:8, 176:5, 178:1, 178:2, 178:9, 178:14, 181:2, 201:22, 201:23, 238:4, 254:10, 255:21, 258:12, 258:24, 259:3, 267:8, 268:16, 268:20, 271:10, 276:7. employer 163:5. employment 133:11, 133:17, 240:13. encountered 144:8. End 24:8, 26:17, 40:9, 52:1, 52:5, 130:24, 131:3, 148:12, 165:22, 184:3, 210:5, 267:9, 273:5, 280:7, 280:19, 281:11. endorsement 104:16. English 208:14. enjoin 265:16. enjoined 276:25. enough 97:17, 146:3, 188:17, 203:12, 203:13, 245:14. ensuing 58:15. ensure 60:14, 233:13. entails 158:12. enter 113:14, 181:14, 238:10, 280:20. entered 75:12, 110:24, 154:4, 176:17, 178:15, 193:17, 262:10, 270:6, 273:11, 273:22, 274:18. entering 182:9, 182:10, 193:2, 193:16, 271:2. Enterprises 39:18, 39:20, 39:25, 40:2. enters 173:17,
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>178:20. entertaining 6:19. entire 8:21, 9:15, 19:21, 168:25, 260:13, 280:15. entirely 124:14. entitled 46:13, 274:5. entity 128:9, 128:15, 128:18, 128:21, 129:8, 132:20, 216:19, 216:22. entries 192:7. equal 137:24, 238:12, 281:7. equals 60:13, 89:18. equates 89:20. equitable 271:16. errands 181:17, 194:14. error 271:1. especially 7:17, 93:15, 97:3. ESQUIRE 2:6, 2:14, 2:25, 2:31, 2:38. Establish 11:5, 11:15, 16:18, 69:15, 86:19, 86:20, 263:11, 267:16, 271:15, 271:16. established 58:2, 263:24. establishes 276:22. establishment 281:24, 281:25. Estate 2:15. estimate 221:16, 230:14. estimated 243:4, 243:5. estimation 240:17. ethics 150:11, 227:15. event 91:25, 105:3, 120:24, 277:19. eventually 86:1, 187:20, 196:19, 202:10. everybody 94:19, 96:21, 188:6, 201:4,</p>	<p>261:16, 272:11, 278:1, 278:2, 279:1, 280:9. everyday 168:17, 168:21, 181:12. everyone 64:19, 144:24, 192:11, 272:7. everything 23:5, 23:7, 24:6, 32:13, 36:19, 42:22, 82:7, 109:7, 121:1, 131:16, 152:11, 184:7, 202:9, 226:22, 241:18, 242:21, 252:24, 259:15. eviction 213:25. evidence 6:20, 22:6, 51:11, 55:11, 57:22, 58:12, 66:6, 77:5, 82:16, 90:18, 104:22, 105:18, 106:24, 113:20, 114:18, 117:20, 121:19, 126:16, 150:24, 162:21, 163:8, 165:24, 166:13, 166:14, 166:16, 213:15, 216:25, 219:11, 240:24, 243:24, 252:1, 263:6, 265:14, 266:24, 282:5. evidence. 22:13, 51:16, 55:15, 58:13, 66:9, 77:8, 82:20, 90:23, 105:1, 113:23, 114:21, 117:25, 122:7, 128:2, 151:3, 217:3, 219:14, 241:8. evidentiary 9:18. exact 97:24, 137:3. exactly 16:3, 16:22, 117:12, 117:13, 118:14, 130:13, 173:11, 205:22, 231:10. EXAMINATION 3:8, 3:10,</p>	<p>3:15, 3:17, 3:22, 3:27, 3:29, 3:34, 3:36, 3:41, 4:11, 4:12, 4:17, 22:14, 100:11, 102:10, 106:1, 134:13, 141:13, 157:6, 157:23, 160:4, 177:12, 180:7, 194:7, 195:8, 211:10, 215:15, 241:6, 255:6, 267:1. examine 254:22. examined 21:24, 141:11, 157:21, 160:2, 180:5, 195:4, 211:8, 255:4. example 35:22, 62:3, 62:6, 101:22, 133:6, 255:24. examples 62:9, 227:10, 247:25. exception 31:15, 83:18. exceptions 58:8. excerpt 284:12. excerpts 9:5, 21:17, 22:3. excess 118:23. exchange 18:17. exclude 156:3. excluded 15:14, 17:8, 52:23. Excuse 22:3, 29:15, 33:2, 128:12, 151:7, 152:21, 166:22, 233:14, 235:16, 260:7, 272:23. excused 10:10, 159:23. execute 46:4, 47:3, 218:10, 218:12, 223:7. executed 16:17, 46:24, 47:1, 109:4, 109:6, 109:9, 111:16, 113:2, 113:6, 114:7, 114:11, 218:1, 218:8, 218:24,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>219:4, 219:7.  executing 113:16.  exercised 222:1.  Exhibits 4:21, 5:5,  12:24, 12:25, 22:9,  52:12, 55:10, 58:4,  107:8, 282:13.  exist 67:11.  existence 11:15.  exists 46:14, 261:8.  expanded 26:24.  expansively 265:4.  expect 127:21,  227:7.  expected 87:4.  expedite 97:8.  expenditures 251:16.  experience 154:21.  experienced 258:23,  259:2, 259:5.  expert 270:1.  experts 270:5.  explain 24:3, 24:15,  25:8, 26:11, 32:17,  32:19, 47:15, 65:19,  89:4, 144:7, 172:10,  209:2, 209:8,  214:24.  explaining 182:10.  explicitly 11:12.  explored 132:10.  expressly 264:11,  264:25.  extend 27:1.  extent 8:10, 10:4.  .  .  &lt; F &gt;.  face 142:18, 173:19,  270:24.  facie 278:17, 279:8.  fact 7:22, 8:22, 9:15,  11:17, 11:18, 15:19,  16:18, 18:18, 19:6,  19:16, 30:6, 46:9,  46:14, 57:8, 81:13,  107:13, 107:21,  108:21, 109:3,  109:10, 124:13,  124:19, 176:21,</p>	<p>243:25, 249:6,  249:11, 261:7,  267:5, 267:21,  268:7, 276:18,  277:12, 280:6,  281:8.  factors 169:8,  179:17.  factory 39:22.  facts 8:12, 8:14,  8:15, 52:23, 169:16,  243:24, 263:22,  267:22, 268:23,  280:10, 280:11.  factual 8:10, 12:21,  14:9.  failed 263:11,  264:14.  failure 18:15.  Fair 179:21, 203:13,  245:14, 260:21.  fairness 17:23.  falls 58:8.  false 122:15.  falsifies 123:3.  falsify 122:20.  familiar 22:20, 69:17,  109:16, 118:20,  153:24, 156:9,  172:8, 189:14,  189:17, 190:6,  190:19, 190:23,  191:15, 222:6,  223:11, 262:9.  familiarity 175:20.  families 40:17, 64:16,  124:15, 160:17,  248:22.  families. 64:7.  Fancy 211:15.  far 7:24, 17:24, 18:7,  24:4, 24:7, 24:16,  33:23, 91:14, 100:9,  113:13, 160:15,  163:23, 168:22,  178:13, 214:15,  252:17, 256:9,  258:7, 268:25,  278:10.  Farm 23:3, 24:4, 40:4,</p>	<p>40:8, 48:12, 55:2,  98:20, 99:12, 99:15,  119:24, 120:2,  120:11, 120:20,  133:3, 160:9,  180:19, 212:21,  219:21, 221:10.  fast 97:16, 188:17,  215:18.  fathers 31:22.  fear 276:15.  February 284:16.  Federal 8:17, 39:5,  39:13, 41:22, 42:11,  64:10, 70:11, 75:11,  75:13, 79:1, 79:8,  80:3, 80:10, 110:23,  111:12, 112:5,  113:4, 116:3,  116:11, 117:3,  117:4, 117:9,  118:10, 119:5,  119:8, 125:11,  125:14, 126:11,  133:5, 140:11,  140:19, 154:11,  176:13, 230:8,  238:18, 241:25,  242:20, 242:25.  feds 41:18, 137:8,  137:13, 137:14.  feed 198:3.  feel 187:23, 188:2,  258:17, 259:6.  feels 257:9, 258:19.  feet 163:24.  felt 187:22.  few 17:3, 62:9,  142:20, 158:18,  178:9, 215:17,  247:24.  fight 169:19.  fighting 85:15,  202:16.  figures 61:23, 221:12,  240:20.  file 91:4, 122:15,  242:18, 243:16,  244:6, 244:15,  245:3, 261:17,</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>273:19, 276:9, 276:22, 276:24. filing 67:9, 134:25, 242:23, 242:24. filings 133:13, 133:19, 133:20, 227:23, 281:12. fill 200:2. filled 269:11. Final 242:18, 242:19, 243:9, 269:4. Finally 27:14, 29:7, 34:3, 57:3, 82:25, 128:4, 272:2. Financial 56:19, 175:2, 175:11, 175:21, 176:23, 184:9, 191:4, 191:5, 227:11, 273:21. Finch 117:8. find 20:14, 46:17, 71:2, 93:14, 163:1, 167:6, 167:7, 198:8, 198:9, 204:12, 260:24, 261:7, 261:10, 270:12. finder 263:22. finding 270:21. fine 83:6, 170:4, 206:15, 224:12, 282:21. finish 13:13, 96:22, 96:24, 189:5, 189:6, 206:12. finished 34:21, 96:3, 114:4, 155:22, 272:8. fire 27:3, 27:13, 33:21, 58:22, 91:7, 93:15, 94:3, 123:4, 123:9, 123:23, 162:15, 169:2, 169:7, 186:22, 221:14, 241:11, 253:10. fired 92:6, 93:9, 94:3, 94:12, 94:13, 162:14, 163:3, 165:1, 165:4, 165:7, 165:9, 165:10,</p>	<p>165:11, 176:6, 187:18, 253:21, 253:23, 277:20, 277:25, 278:1. firing 91:23, 93:17, 150:7, 169:21. Firm 2:26, 54:12, 226:2, 226:5. Five 80:19, 88:21, 114:7, 176:4, 196:18, 196:22, 249:4. fix 196:11. FL 2:34, 2:41. flip 218:21. Floor 2:33, 2:40, 120:24, 163:19, 163:20, 163:22. flow 142:12, 191:14, 191:17. focused 204:11. folks 283:4. follow 11:20, 15:4. follow-up 12:1, 275:4. followed 179:22. following 11:8, 136:3. follows 21:25, 141:12, 157:22, 160:3, 180:6, 195:5, 211:9, 255:5. footage 161:14. footing 281:7. foregoing 284:12. foreseeing 226:23. Forever 100:10, 172:1, 210:6, 210:8, 265:3. forget 207:15, 208:7, 209:8. Forgive 172:8, 172:15. forgot 173:20. form 98:4. formal 13:7. formalities 124:18. formed 40:17, 56:15, 216:19, 275:6, 275:7.</p>	<p>former 223:24. Fort 39:24. forth 18:17, 19:4, 27:12, 172:17, 172:19, 262:4, 272:2. forward 222:15, 283:2. found 266:5, 266:20. Foundation 24:24, 25:14, 25:17, 32:7, 43:7, 79:6, 87:12, 88:3, 88:6, 95:14, 122:3, 135:10, 138:6, 183:20. four 7:1, 21:11, 31:9, 31:10, 34:13, 159:3. Four. 233:22, 233:25. fourth 7:7, 240:5. frame 25:1, 150:19. Franchise 133:14. Frankly 169:19, 268:15, 268:18, 269:13, 270:6. fraud 265:11. Frederiksted 39:22, 40:7, 250:25, 251:2. freezers 234:1, 234:9. freezes 234:10. freezing 85:13. friction 152:8. Friday 1:23, 181:13, 192:16. friend 199:10. front 24:8, 26:17, 33:8, 45:1, 52:6, 52:7, 91:11, 91:12, 107:15, 107:21, 117:8, 117:9, 120:24, 126:24, 150:5, 232:11, 233:22, 235:20, 254:9. froze 42:17. frozen 136:1, 140:9. frustrating 149:8.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p>Fuerst 2:32, 2:39.  full 60:14, 62:10,  64:3, 120:18, 121:2,  121:15, 151:16,  151:17, 151:18,  161:22, 231:8,  231:9, 231:10,  231:11, 239:22,  247:25.  full-time 239:11,  239:12, 240:13.  Fully 109:6, 168:2,  168:4.  function 276:6.  fund 89:3, 148:10.  funds 42:21, 42:24,  43:1, 43:4, 43:8,  61:25, 64:5, 64:12,  65:7, 66:13, 84:24,  85:9, 88:15, 90:14,  90:16, 119:7,  158:22, 158:23,  171:22, 248:21,  250:7, 250:15.  funny 20:14.  furiously 150:5.  furniture 200:1.  future 30:2.  FY126970 218:16.  .  .  &lt; G &gt;.  G-A-A-P 154:23,  177:7.  GAAP 154:23, 177:7.  Gaffney 70:6, 73:13,  148:21, 155:1,  155:2, 155:18,  155:19, 177:23,  226:12, 226:16,  226:17, 227:8,  227:17, 234:20,  240:16, 240:18,  242:4, 256:21.  gain 280:12.  Gallery 130:24.  gallon 195:21.  gave 49:15, 49:20,  52:2, 60:17, 86:1,  89:5, 89:16, 93:8,</p>	<p>136:24, 198:20,  202:18, 203:15,  205:6, 205:10,  239:14, 249:4,  249:13.  gears 219:16.  General 32:24, 43:21,  122:24, 122:25,  166:21.  generally 176:24,  180:24, 190:1.  generate 39:14, 146:3,  149:14.  generated 39:1, 71:19,  71:25, 83:15,  241:21, 276:21.  gentleman 264:19.  gentlemen 17:15.  gets 15:1, 133:14,  173:13, 173:16,  183:19, 184:8,  192:11, 227:8.  getting 35:5, 167:5,  168:6, 168:8,  168:10, 178:1,  194:12, 206:9,  206:24, 210:3,  215:9, 234:23,  236:8, 258:4,  260:24.  girl 184:21, 253:12.  girls 175:5, 175:7.  given 7:3, 86:2, 86:5,  86:6, 108:22,  120:12, 142:20,  183:19.  gives 14:15, 46:19,  173:14, 173:17.  giving 20:6, 265:5.  glad 46:22.  Glenda 95:20.  Glynn 197:12, 200:5,  205:15.  God 202:24.  goods 269:11.  goodwill 269:24.  Gordon 111:13, 114:7,  115:12, 125:1.  gotten 155:13,  242:14.</p>	<p>Government 39:5,  39:13, 41:23, 75:13,  112:5, 117:4,  118:10, 125:3,  125:14, 127:13,  133:6, 154:12,  176:14, 241:25,  242:20, 242:25,  262:11, 266:11.  Governor 128:25.  grab 276:20.  graduate 188:24.  grant 9:20, 282:4.  granting 83:3.  great 244:16,  278:24.  greater 266:22.  greatest 266:17,  266:18.  green 279:21.  groceries 33:10.  Grocery 13:11, 22:20,  24:16, 26:18, 32:20,  36:10, 36:21, 75:15,  98:8, 98:18, 99:3,  99:12, 99:15,  100:13, 101:20,  120:17, 121:5,  121:15, 171:22,  175:18, 197:5,  197:9, 197:10,  198:19, 199:2,  200:12, 204:24,  224:3, 233:6,  234:15, 241:22,  242:3, 242:6, 242:7,  274:20, 275:3.  gross 133:7, 215:3,  215:7.  grounds 169:2.  Group 44:25, 122:6,  213:11, 213:14.  Grove 30:2, 55:1.  guarantee 108:22,  108:25, 109:9,  218:23, 218:24,  219:5, 219:8.  guaranteeing 109:4.  guarantor 157:2,  265:21.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

guarantors 156:25.	142:17, 164:22,	73:8, 74:10, 84:18,
guess 6:21, 9:2,	165:25, 170:10,	85:16, 89:8, 89:21,
33:21, 47:21, 47:22,	181:23, 186:9,	92:7, 142:22, 143:3,
52:3, 174:22,	187:5, 200:4,	143:7, 143:14,
174:23, 261:11.	248:8.	144:1, 144:15,
guy 155:9, 155:10,	happening 24:6,	144:20, 145:13,
199:16.	239:3.	146:8, 155:17,
guys 19:10, 34:10,	happens 179:16,	155:20, 155:21,
148:15, 148:16,	278:23.	156:4, 185:21,
149:5, 170:20.	harassed 187:24.	185:22, 186:13,
.	harassment 187:23.	198:11, 254:13.
.	hard 19:14, 164:11,	held 140:17, 162:2,
< H >.	187:8, 188:2, 188:4,	284:11.
H. 2:7.	188:7, 274:22.	hell 165:5.
Ha 209:14.	harm 91:17, 131:25,	help 35:4, 106:7,
Hajj 172:6, 172:9,	228:20, 263:20,	197:24, 199:8,
172:11, 172:24.	270:15, 270:22,	201:15, 239:20.
half 27:4, 85:2,	278:19, 280:25.	helped 28:17, 28:21.
160:18, 192:4,	harmed 238:14.	Hence 219:13.
199:20, 207:6,	Hartmann 2:14, 6:7.	Henry 115:7.
207:9.	he'll 43:23, 43:24,	herd 268:15.
Hamad 41:24, 85:10,	123:17.	hereby 284:7.
248:7, 273:24.	head 87:11, 223:13,	high 188:24, 268:25.
Hameds 18:22, 31:9,	224:20, 266:5,	higher 183:7,
31:11, 31:21, 32:3,	266:6.	267:19.
32:19, 35:18, 39:18,	head. 190:3.	highly 9:7, 20:17,
84:15, 88:18,	heads 150:10.	74:23, 282:16.
245:21, 246:16,	hear 142:23, 187:12,	hire 93:7, 226:13,
269:13.	187:16, 198:12,	252:10.
hamstringing 16:25.	203:10, 203:13,	hired 69:10, 70:2,
HAND 33:18, 88:15,	210:15, 261:24,	70:20, 71:7, 93:4,
93:13, 136:22,	271:8, 280:7,	94:3, 177:21,
149:9, 227:11,	282:5.	226:10, 227:8,
280:12, 281:14,	heard 1:21, 128:9,	240:6, 240:8,
284:16.	128:14, 162:9,	252:11, 252:17,
handing 217:18.	165:3, 174:12,	277:22.
handwriting 87:22,	177:22, 189:22,	Hiring 69:18, 69:24,
87:24, 88:1, 88:4,	190:1, 190:2, 190:4,	70:11, 149:7,
88:8, 88:10,	190:12, 191:12,	251:23.
88:12.	191:15, 253:7,	Hisham 4:15, 31:12,
handwritten 59:21,	253:8, 254:12,	35:6, 35:9, 35:10,
85:9.	254:17, 273:17.	85:23, 86:1, 86:3,
happen 39:13, 80:18,	Hearing 1:21, 5:12,	86:5, 211:24, 232:8,
140:20, 171:23,	8:24, 117:2, 117:3,	254:25, 255:3,
246:12.	117:15, 126:25,	255:9.
happened 41:15, 80:19,	128:5, 183:21,	historical 58:10.
91:25, 92:3, 94:1,	280:8.	history 163:3.
105:6, 105:9,	Hearsay 23:11, 25:13,	Hold 30:8, 69:13,
110:20, 110:22,	30:3, 30:10, 32:7,	116:12, 138:14,
117:12, 126:12,	43:12, 69:11, 70:24,	201:15, 225:20.

holder 221:20.	.	177:4.
holding 150:10.	.	implements 154:6.
Holdings 128:10,	< I >.	important 14:18,
128:15, 129:8,	I-d-h-e-l-l-e-h	20:22, 175:17,
129:13, 129:17,	28:3.	175:19, 193:25.
129:19, 130:5,	I-d-h-i-e-l-e 28:1.	imposed 153:25.
130:6, 130:7,	idea 90:17, 101:6,	impression 259:13.
130:14, 132:21.	101:7, 101:8, 101:9,	improper 74:23, 83:13,
holes 268:23.	101:11, 102:6,	101:15, 102:8,
holiday 192:23,	230:14, 230:20,	102:17, 244:9,
193:8.	249:24, 252:14.	249:25.
holtvi@aol.com 2:12.	identical 271:23.	improprieties 75:13.
home 165:2, 173:1,	identifiable 269:25.	improvement 227:9.
173:3, 181:16,	identification	improvements 227:7.
181:25, 182:1,	22:13.	in. 127:20, 182:3.
204:13, 204:18,	identification. 44:23,	inappropriate 132:4.
253:13, 253:17.	48:23, 50:15, 52:10,	incident 142:17.
honest 127:19,	55:5, 59:6, 68:15,	include 216:4, 224:2,
272:25.	74:15, 77:1, 82:11,	282:14.
honesty 272:24.	103:18, 111:6,	included 16:3, 62:1,
HONORABLE 1:22.	113:25, 114:23,	62:8, 216:3.
Hook 130:21, 131:1,	118:5, 119:15,	includes 127:3.
131:3.	216:8, 217:16,	Including 18:21, 55:1,
hour 168:18, 181:7,	229:15, 231:18,	75:14, 115:23,
191:24, 192:1,	232:20, 235:2.	130:10, 131:16,
201:22.	identified 213:15,	236:3, 275:23.
hourly 181:8,	265:2, 267:1.	inclusive 284:13.
191:22.	identifies 126:25.	income 173:15, 191:8,
hours 122:15, 122:18,	identify 37:18, 37:25,	191:9, 191:10,
168:21, 192:1,	54:22, 55:17,	191:11, 223:24,
192:21, 192:22,	57:14.	224:1, 227:21,
193:5, 193:9,	identifying 57:23.	227:23, 242:24,
193:13.	identity 37:23.	243:20, 244:8.
house 16:8, 16:10,	Idhelleh 27:24, 28:7,	Incorporated 128:15.
196:18, 196:22,	28:9, 34:2, 106:9,	Incorporation 129:3,
196:23, 197:4,	106:10, 106:17,	216:4, 216:15.
198:8, 204:9,	106:18, 107:22.	incorrect 64:2,
204:16, 204:17,	ignorant 172:9.	100:18, 242:14,
204:20, 279:20,	III 2:14, 2:38.	242:15, 248:20.
279:21.	ills 263:21.	increase 213:24.
Hugo 25:6, 25:7,	illusiveness 271:11.	increases 48:16.
26:2.	images 119:22.	independent 36:4,
humble 267:19.	imagine 186:10.	226:1, 226:5.
hundred 88:21, 151:11,	immediately 150:8.	independently 35:12.
162:22, 179:13,	immigration 196:10.	INDEX 4:1, 5:1.
230:25.	impeach 212:13.	indicate 60:5,
hurricane 26:2.	impeaching 37:15.	265:24.
hurting 142:11.	implement 154:15,	indicated 11:1, 61:25,
Hypothetical 168:15,	176:23.	62:16, 124:17,
169:3.	implementing 177:2,	246:1, 260:17.

<p>indicates 60:25.  indicating 248:19.  indication 13:16,  62:5, 93:8, 124:21,  127:22, 249:7.  indicia 265:18.  indicted 75:12,  110:20, 116:16,  153:21, 176:13,  222:9, 222:11.  individual 32:22,  89:16, 93:15, 106:7,  116:16, 124:22.  individuals 27:11,  33:12, 128:6,  129:20, 232:6.  information 71:18,  71:25, 148:9,  155:11, 173:13,  173:16, 177:17,  177:20, 177:24,  184:9, 242:8.  initial 127:12.  Initially 28:18,  70:20, 203:15.  Injunction 91:5,  263:10, 263:13,  263:25, 271:2,  276:22, 280:22,  282:1.  Injunctive 132:3,  269:16.  injured 278:24.  injury 131:22.  inside 120:2, 120:11,  163:25, 203:24.  insist 64:3.  instance 32:23.  instead 276:6.  instructed 67:14,  89:5, 144:14,  145:5.  instructions 144:18.  Insurance 42:23,  221:21, 221:24,  241:17, 241:21.  insured 221:18.  intend 7:17, 8:21,  14:8.  intent 268:4.</p>	<p>intention 133:1.  interest 68:11, 85:4,  132:7, 132:24,  136:3, 136:15,  144:23, 181:5,  189:11, 199:4,  199:5, 206:20,  222:16, 255:23,  259:8, 278:23.  interfere 132:8.  Internal 5:11, 114:15,  115:8, 115:19,  224:18, 225:11.  interrupt 112:22,  155:23.  interrupts 273:15.  intimidated 277:24.  Intimidating 91:18.  introduced 70:23.  Inventory 5:18,  120:18, 120:19,  120:21, 120:22,  120:23, 121:5,  121:15, 144:10,  144:11, 229:4,  233:9, 233:13,  234:5, 234:10.  investigating  253:12.  investigation 137:2,  137:4.  investment 41:20,  230:2, 230:6.  Investments 40:4.  invite 265:5, 265:8,  267:17, 281:12,  281:13, 281:16,  281:17, 281:18.  inviting 271:1.  invoke 9:25.  involve 54:20, 87:9.  involved 20:12, 22:24,  44:19, 78:7, 197:17,  220:3, 245:7,  271:7.  involvement 20:11,  147:15.  involves 87:10, 112:4,  223:23.  irrelevant 20:18.</p>	<p>irreparable 131:22,  263:19, 270:16,  270:19, 270:23,  278:19, 280:25,  281:1.  island 276:21.  Islands 1:1, 1:31,  2:10, 2:17, 2:29,  22:21, 114:15,  115:8, 115:18,  116:8, 128:21,  141:18, 195:15,  195:17, 195:25,  196:1, 196:3,  207:13, 216:18,  216:19, 224:18,  225:10, 284:7.  issuance 263:12.  issue 15:13, 15:22,  15:23, 18:13, 63:11,  83:1, 110:15,  116:20, 117:5,  117:11, 118:11,  125:15, 237:11,  243:10, 245:2,  245:5, 268:3,  268:22, 279:5.  issued 62:10, 82:23,  83:12, 83:19,  247:25, 266:1,  266:3.  issues 18:14, 19:16,  33:18, 93:13,  124:12, 135:23,  136:22, 263:15,  267:21, 267:22.  Item 7:4, 7:6, 8:21,  9:8.  Items 7:2, 9:8, 14:8,  91:5, 145:4.  itself 7:19, 54:5,  56:10, 68:9, 74:5,  74:8, 74:9, 88:25,  131:15.  Ittleman 2:32, 2:39.  .  .  &lt; J &gt;.  J. 2:14.  jail 266:7.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

jailor 266:8.	judgment 267:19,	69:24, 72:24, 73:7,
January 181:21.	267:20, 268:9,	75:10, 75:19, 75:21,
jdiruzzo@fuerstlaw.com	270:6, 270:9.	75:24, 78:3, 86:12,
2:43.	Judicial 7:1, 7:10,	87:8, 87:15, 88:3,
jeopardy 238:5, 238:7,	7:23, 8:5, 9:21,	89:8, 89:10, 89:15,
239:2.	21:10, 21:15,	89:19, 92:3, 135:12,
job 141:21, 150:13,	22:6.	138:22, 138:24,
150:14, 158:10,	Judith 211:15.	154:13, 176:16,
159:12, 159:19,	junction 95:4,	219:22, 234:14.
160:10, 161:25,	263:7.	knowlege 244:17.
162:2, 164:16,	jury 263:23, 268:6,	known 35:10, 78:7,
165:17, 174:4,	280:6, 280:9,	128:9, 190:12.
174:9, 179:18,	280:19.	knows 25:15, 43:13,
180:20, 238:5,	.	43:22, 43:23, 47:10,
255:12, 269:13,	.	47:16, 48:1, 49:13,
269:14.	< K >.	86:18, 136:17,
jobs 24:22, 133:11.	K-1 266:1.	140:22, 144:16,
Joel 2:6, 2:7, 6:6.	Kareema 3:20, 157:10,	202:24, 244:1,
John 70:4, 72:17,	157:11, 157:15,	245:10, 261:16,
148:21, 155:2,	157:20, 158:1.	261:18, 273:1.
226:12, 226:16,	Keep 16:4, 33:7,	Kuwait 195:16,
226:17, 256:21.	36:19, 131:5,	198:3.
Joint 107:10, 107:14,	139:12, 141:2,	.
107:20, 107:23,	175:25, 178:18,	.
107:24, 108:1,	181:11, 181:12,	< L >.
108:4, 255:20,	184:10, 246:5,	L6 2:15.
265:11, 265:13,	275:11, 279:24.	labor 176:11,
267:11, 271:10,	keeping 238:17.	185:10.
273:8, 273:23,	keeps 82:6, 178:19.	Lack 25:13, 71:20,
274:11, 274:14,	kept 235:20.	72:23, 78:2, 95:14,
278:12, 278:22,	key 8:25, 13:21,	135:10, 135:11,
282:14.	91:23.	145:12.
jointly 39:18, 40:4,	kick 132:25.	lacks 75:9, 89:19.
41:11, 160:16,	kicked 132:19.	lady 67:12, 183:4.
255:18.	kids 159:3, 159:6,	Lagrange 250:25,
Jordan 89:3, 119:10,	159:10, 185:9.	251:8.
173:4, 202:11,	killed 281:15.	laid 9:15, 79:6,
202:13.	kind 186:10, 188:4,	88:3.
Joseph 2:32, 2:38,	195:19, 200:2.	land 40:24, 131:15,
2:39, 6:10.	King 82:24, 83:12,	251:11.
Judge 1:22, 16:19,	83:15, 86:25,	landlord 50:24, 98:19,
17:9, 17:14, 17:23,	87:16.	108:9, 156:10,
18:20, 19:13, 33:4,	KINGSHILL 1:23,	213:9.
52:19, 117:8, 123:7,	1:32.	language 16:3.
206:9, 265:19,	knocking 266:8.	larger 36:19.
266:21, 267:7,	knowing 137:5,	largest 256:10.
267:10, 268:14,	137:23.	Last 47:4, 57:4,
269:16, 269:22,	knowledge 30:6, 30:11,	64:20, 70:5, 100:8,
280:16, 282:2.	30:16, 30:18, 32:8,	106:8, 115:21,
judgement 280:21.	32:10, 43:15, 57:8,	119:8, 121:23,

<p>121:25, 122:11, 129:5, 148:18, 149:21, 150:21, 158:18, 159:3, 172:1, 180:11, 192:6, 210:5, 212:9, 214:22, 224:25, 233:3, 236:10, 238:23, 249:1, 254:24, 264:12. Late 27:5, 47:4, 100:15, 133:22, 134:7, 168:18, 178:3, 276:11. later 25:5. Lavena 184:21. Law 2:7, 2:26, 12:12, 12:15, 12:16, 54:12, 271:13, 281:13. laws 216:19. lawsuit 59:3, 66:18, 66:19, 66:21, 66:23, 67:9, 69:4, 91:4, 152:7, 170:1, 170:3, 256:19, 260:25, 261:4, 261:8, 261:17. lawsuits 170:6. lawyer 18:5, 134:19, 206:9, 273:6, 273:14. lawyers 16:6, 20:15, 78:18, 81:2, 135:22, 139:11, 277:15. Lay 88:6, 279:14. laying 11:9. lead 278:15. leading 26:8, 36:6, 43:7, 44:9, 73:17, 79:20, 89:11, 92:14, 94:20, 94:22, 135:3, 136:10, 136:11, 136:16, 137:6. leads 64:25. Lease 5:15, 27:14, 27:16, 49:4, 52:4, 108:8, 108:12, 108:14, 108:17, 156:9, 156:12, 156:13, 156:17,</p>	<p>156:20, 157:2, 210:14, 210:16, 210:17, 210:18, 217:9, 217:24, 218:2, 218:3, 218:7, 265:22, 275:15. leased 220:13. least 34:11, 148:9, 168:18, 230:23. leave 94:4, 94:11, 178:8, 182:4, 192:8, 283:4. leaves 168:20. leaving 91:18, 141:3. led 271:11, 277:19. left 29:7, 40:1, 94:16, 95:4, 96:20, 131:4, 131:6, 131:8, 133:16, 166:10. Legal 4:36, 70:15, 76:6, 78:1, 78:25, 79:8, 80:9, 113:3, 216:22, 218:20, 243:23, 251:20, 271:16, 279:13. length 11:2, 11:7. lent 199:25. less 151:15, 267:25. letterhead 61:19, 68:21. Letters 4:27, 11:7, 12:1, 16:15, 16:21, 45:6, 45:13, 52:3, 59:4, 208:24, 213:18, 214:12, 249:16, 275:17, 275:22. letting 103:11, 206:8, 257:9. level 163:5, 167:3. liability 11:5, 11:15. liable 109:7. liberty 266:18. Lieutenant 128:25. light 8:12, 265:7. likelihood 264:2, 267:23. likely 278:17.</p>	<p>Likewise 274:8. limb 270:11. Limine 21:1. limitations 265:12. Limited 57:23, 68:11, 75:14, 91:13, 156:10. lip 276:23. liquidity 231:3. list 91:3, 184:10, 184:11, 184:17, 232:3. listed 112:25, 221:23, 230:4. Listen 71:10. listing 13:11, 13:15, 14:10, 20:7, 20:9. lists 14:5, 15:1, 20:16, 37:22. litigation 67:25, 75:3, 124:16, 136:4, 142:7, 144:9, 166:22, 258:3, 278:14, 280:13. little 20:14, 25:16, 71:21, 108:20, 151:15, 166:9, 197:8, 197:9, 198:3, 255:19. live 195:15, 196:17, 202:10, 202:13. lived 32:13. loading 23:6, 24:9. loan 199:20, 205:25, 206:1, 207:6, 207:9, 207:16, 207:18, 207:21, 265:22, 272:6. loaned 272:2. local 133:6. located 22:21. location 23:3, 27:4, 27:11, 55:2, 106:2, 220:20, 237:19. locations 70:21, 237:11. lock 72:22. locked 73:5, 73:6, 73:7, 256:24. lodged 116:4.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Long 33:19, 96:24, 100:7, 141:23, 160:12, 162:2, 169:11, 171:25, 172:1, 180:22, 207:5, 210:4, 220:8, 256:6.	181:19, 187:7, 193:25, 252:22, 254:4, 256:14. lottery 198:24. loud 97:17, 188:17, 203:12. love 187:10. low 158:22, 158:23. Lucia 201:14. luckily 42:23. lunch 96:13. Lynch 42:9, 119:1. . . < M >. M. 2:31. Ma'am 159:16, 188:13, 188:15, 188:22, 192:19, 193:3. Maarten 60:23. machine 195:22. magenta 16:8. Mahar 4:9, 10:19, 29:4, 31:13, 35:9, 59:12, 62:24, 63:22, 64:22, 65:25, 72:12, 109:23, 110:12, 211:5, 211:7, 211:13, 232:8, 255:16, 257:8, 258:4.	24:18, 26:5, 26:11, 27:7, 32:16, 32:23, 32:25, 34:16, 93:9, 105:4, 105:10, 137:15, 164:9, 222:1, 237:17, 238:12, 255:20, 265:24, 265:25, 266:24, 278:22. manager 24:13, 25:3, 25:9, 26:4, 32:22, 33:12, 35:3, 43:22, 67:13, 92:11, 123:3, 123:8, 123:22, 133:4, 133:11, 140:22, 144:7, 146:9, 150:10, 160:11, 160:12, 160:15, 161:25, 168:12, 169:20, 173:12, 177:14, 180:21, 184:11, 184:13, 277:21. managers 24:19, 24:20, 34:12, 72:13, 72:14, 93:12, 258:7. manages 35:1. managing 29:11, 29:13, 35:6. Mandela 39:23. manner 231:9. manually 181:12. March 13:1, 13:18. Margaret 232:8. Margie 148:17, 153:17, 239:10, 240:12. Marina 130:10, 131:5, 131:7, 131:8, 132:21, 132:23. MARKED 4:22, 5:7, 21:16, 22:1, 22:12, 44:22, 48:22, 50:14, 52:9, 55:4, 57:17, 59:5, 68:14, 74:14, 76:25, 82:10, 103:17, 103:20, 111:5, 111:8, 113:24, 114:22, 118:2, 118:5, 119:14, 119:18,
Looking 27:10, 37:14, 54:21, 61:12, 63:16, 82:15, 83:24, 87:5, 87:18, 130:7, 130:14, 147:2, 158:21, 169:15, 212:11, 266:14, 266:23.	mail 48:4, 67:14, 67:15, 67:18. main 167:15. maintain 239:21, 271:14. major 54:25, 263:15. majority 42:2. Mall 5:15, 217:24, 218:3. Malone 131:6. man 199:7, 199:15, 200:1, 280:3, 281:7. manage 28:15, 28:17, 255:13, 255:15, 255:18. managed 26:12, 160:16. Management 24:16,	
looks 120:18, 127:12.		
loosing 238:5.		
lose 99:7, 165:5, 202:9, 206:25, 272:14, 278:24.		
losing 159:12, 238:7.		
loss 44:17, 200:19, 266:17, 266:22, 269:18, 269:24, 270:3.		
losses 14:4, 57:7, 171:19, 264:9, 275:9.		
lost 27:2, 27:15, 42:22, 159:19.		
lot 17:1, 17:2, 101:8, 167:4, 169:8,		

<p>216:7, 216:11, 217:15, 229:14, 229:21, 231:17, 232:19, 235:1. Market 24:16, 130:11, 131:7, 131:8, 132:21, 132:23, 200:12, 238:8. marks 11:21. Marley 131:6. married 197:22. Marshal 111:4, 217:6, 229:18. Mary 174:24, 183:4, 184:21. material 229:8. materially 238:14. matter 6:13, 6:18, 6:19, 6:24, 7:7, 8:2, 8:22, 9:10, 9:11, 9:24, 16:9, 17:21, 17:22, 18:18, 58:18, 81:13, 84:19, 107:21, 108:21, 121:3, 121:7, 144:22, 220:6, 263:14, 276:18, 277:12. matters 9:6, 9:18, 9:21, 56:19, 63:11, 63:12. mean 58:24, 101:17, 106:16, 127:10, 147:17, 147:23, 149:4, 150:21, 154:7, 167:1, 191:6, 214:20, 214:24, 231:10, 247:12, 249:1, 260:2, 261:2, 262:12, 279:21. meaning 27:9, 270:19, 275:1, 279:13. means 8:13, 11:15, 101:3, 108:6, 154:23, 154:24, 173:10, 255:20. meant 273:16. measures 179:20. meat 23:7, 24:10, 26:18, 36:9,</p>	<p>36:20. mediation 11:4, 12:4, 17:1, 95:22. meet 13:16. member 32:21, 35:17, 75:7, 76:13, 76:18, 102:20, 246:16, 252:16, 252:17. members 51:7, 75:6, 115:23, 167:10, 228:21, 246:2, 246:5, 246:8, 251:24, 252:10, 252:18, 261:9. members. 124:22. memoranda 265:6. Memorandum 6:15, 7:6, 274:3, 281:16, 281:18. memory 38:2. men 268:18, 268:19. mental 244:11, 246:18, 258:14, 258:20. mention 62:4, 184:6, 184:7. mentioned 29:2, 68:3, 148:22. merchandise 143:25, 181:3. merely 26:16. merits 264:2, 267:24, 267:25, 278:18. Merrill 42:9, 119:1. met 95:22, 158:8. Miami 2:34, 2:41. Michael 29:3. mid 125:10, 133:3. Middle 99:20, 155:24, 172:20, 173:1, 173:3, 223:6. Mike 28:20, 29:4, 35:3, 60:17, 63:23, 128:5, 257:8, 260:25, 261:3. million 60:7, 60:20, 60:21, 60:22, 76:16, 81:14, 81:15, 88:21, 114:14, 115:17, 118:23, 146:15, 146:17, 195:21,</p>	<p>199:17, 199:18, 199:20, 205:24, 206:18, 207:7, 207:10, 224:22, 230:23, 237:23, 241:23, 241:24, 246:1, 246:9, 270:7, 270:8, 276:11, 276:20, 277:9. million-dollar 207:18. millions 42:3, 140:17. Milner 39:24. mind 268:12. mine 59:1, 199:10. minus 189:23. minute 116:22, 167:16. minutes 194:22. mismanagement 270:4. misreporting 163:6. mistake 193:2, 193:14, 193:15, 193:16. misunderstanding 172:9. MOHAMMAD 4:27, 6:3, 6:7, 10:18, 13:10, 23:16, 28:12, 30:20, 48:5, 53:20, 97:22, 131:24, 160:20, 160:24, 171:12, 212:24, 213:3, 213:7, 213:19, 213:21, 213:24, 214:4, 219:4, 219:7, 221:9, 221:23, 222:1, 222:11, 222:14, 222:15, 223:1, 223:4, 227:24, 247:7, 264:4, 264:13, 284:9. moment 103:21, 111:9, 114:3, 114:25, 119:18, 124:1, 153:16, 154:8, 156:18, 156:21, 182:16, 210:9, 228:14, 233:17.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Monday 181:12, 181:14, 181:24.	Ms 91:23, 194:21.	165:9, 172:21,
monies 35:16, 66:24, 141:3, 246:20.	Mufeed 3:25, 31:12, 31:17, 33:9, 94:13,	177:5, 177:17,
monitored 226:1.	129:22, 159:24,	182:1, 183:13,
monitoring 226:4.	160:1, 160:7,	186:23, 198:2,
month 52:1, 181:21, 206:23, 274:9, 275:23.	182:19, 184:16,	198:12, 209:1,
monthly 34:9.	184:18, 185:20,	227:12, 228:2,
months 34:10, 34:13, 58:15, 80:19, 80:20, 158:18, 168:24.	185:25, 186:11,	266:8, 276:4,
Moorhead 77:12, 77:24.	186:14, 186:18,	276:24, 282:7, 283:1.
morning 6:2, 6:10, 6:14, 95:8, 192:8, 283:5.	186:25, 187:16,	needed 86:15, 100:18, 100:24, 102:3, 102:22, 162:14, 162:15, 176:6.
mother 197:21.	187:18, 253:9,	needs 120:24, 134:24, 165:1, 165:7, 181:17, 198:4, 206:12, 220:7, 245:25, 279:6.
Motion 4:25, 4:26, 6:14, 7:5, 10:7, 18:6, 21:1, 22:4, 37:13, 37:21, 52:21, 83:3, 83:20, 94:17, 238:22, 239:1, 263:9, 273:19, 278:4, 282:4, 283:2.	253:11, 253:16, 253:17, 253:21, 253:23, 277:25.	negotiate 142:4, 269:5.
motions 274:9.	multiple 42:5.	negotiated 260:22, 276:10.
mouthng 91:8.	Muslims 172:12.	negotiating 27:9.
Move 22:5, 30:3, 51:10, 55:10, 57:22, 66:5, 70:14, 73:8, 73:25, 77:4, 79:4, 79:15, 82:16, 83:9, 90:18, 104:21, 112:14, 112:23, 113:20, 114:18, 117:20, 121:18, 126:16, 132:10, 150:23, 155:16, 196:19, 219:11, 240:22, 259:9.	Myra 232:9.	negotiation 11:19, 16:13, 20:9.
moved 196:16, 240:13.	myself 17:20, 18:19, 40:4, 147:8, 162:20.	negotiations 12:10, 18:10, 19:23.
moves 216:24.	.	Neighbor 197:19.
moving 11:2, 11:3, 14:11.	.	neither 19:2, 19:13, 116:21.
MR. HARTMANN 206:7, 206:11.	< N >.	nephew 70:4, 70:10, 146:14, 148:20, 256:21.
	Najar 4:34, 31:13, 31:18, 34:20, 68:19, 68:23.	net 214:19, 215:3, 215:5, 215:6, 215:9, 273:24, 274:2.
	Najeh 84:7, 143:12, 147:12, 147:13, 147:14, 149:1, 152:17, 152:25, 153:2, 153:5, 153:9, 153:13, 158:15.	neutral 155:9, 155:10.
	nakedly 11:17.	Next 14:5, 20:24, 43:10, 61:12, 62:19, 63:16, 64:4, 64:15, 93:5, 93:24, 96:22, 97:4, 114:10, 115:17, 120:14, 141:7, 144:25, 157:15, 162:12, 166:12, 179:16, 180:1, 182:6, 185:17, 197:12, 199:16, 199:19,
	named 109:18, 109:20, 110:19, 124:9, 183:4, 221:20, 274:14.	
	names 5:17, 111:13, 148:16, 232:6.	
	narrative 93:20.	
	nature 112:4, 135:9.	
	nd 161:3.	
	near 267:20.	
	necessarily 8:15.	
	necessary 6:20, 263:12.	
	need 20:7, 21:18, 36:14, 49:25, 96:25, 104:21, 127:23, 138:6, 155:10,	

<p>199:20, 200:9, 205:6, 205:11, 212:23, 218:21, 247:12, 248:10, 248:18, 248:25, 253:19, 282:6. niece 240:3. night 92:5, 121:23, 121:25, 195:23, 201:16, 233:3. Nizar 2:25, 4:32, 6:11, 13:5, 17:9, 53:6, 274:23. No. 1:8, 1:23, 3:5, 4:7, 73:14, 104:24, 129:23, 171:24, 179:10, 192:15, 209:17, 223:13, 252:8. Nobody 103:13, 142:18, 206:4, 209:25, 210:1, 279:3, 280:10. nomenclature 280:4. None 17:4, 116:6, 166:4, 268:17, 268:19. nonresponsive 123:15. nor 116:21, 265:24. normal 8:13, 66:2, 93:9, 178:10, 229:1, 229:4, 235:20, 237:10, 238:8, 252:20. Normally 67:14, 148:25, 162:18, 163:2. notations 59:21. noted 83:21. notes 85:9, 284:15. Nothing 13:14, 21:6, 82:9, 85:17, 85:18, 99:3, 132:2, 134:10, 141:6, 187:6, 200:11, 201:23, 207:17, 210:3, 246:7, 282:22. Notice 4:33, 4:37, 7:1, 7:23, 8:5,</p>	<p>8:16, 9:21, 13:7, 13:15, 14:1, 14:10, 14:14, 14:16, 14:20, 14:22, 20:6, 20:9, 21:11, 21:15, 22:6, 60:1, 61:23, 65:6, 65:9, 74:2, 84:1, 127:18, 213:25. notices 45:20, 47:18, 48:16, 52:2, 85:5, 213:25, 214:2, 275:20. notifying 68:25, 69:6, 69:7. notion 264:17, 279:22, 280:18. notwithstanding 249:6. Nova 198:23, 207:13. November 69:2. nowhere 266:5, 266:19, 267:20. numbered 284:13. Numbers 37:23, 83:24, 227:5, 227:6, 270:5. numerous 61:25. . . &lt; O &gt;. o'clock 168:19, 178:7, 201:16, 282:6. O'neill 133:23, 140:1. oath 195:1, 262:5. Object 7:14, 7:16, 7:25, 8:6, 23:13, 57:25, 74:18, 74:22, 77:13, 83:9, 83:11, 84:13, 86:20, 125:2, 126:17, 274:22. objected 83:2, 148:6. Objections 104:23, 139:11, 219:12. obligated 176:22. obligation 133:16, 154:11. obligations 44:8, 96:15, 133:5,</p>	<p>153:24. observed 92:3, 94:9. obviously 49:20, 96:6, 133:5. occurred 16:21, 57:9, 57:11, 105:12, 169:25, 170:18. occurring 12:7. October 137:9, 239:17, 240:11, 269:10. odd 260:24, 261:7, 261:10. offensively 12:18, 12:19. offer 8:21, 15:2, 82:22. offered 11:7, 11:14, 12:21, 15:18, 15:19, 84:19, 144:21. offers 11:9. Office 18:25, 26:15, 27:12, 52:5, 67:13, 67:22, 72:7, 72:9, 72:11, 72:15, 91:11, 92:11, 95:17, 100:3, 100:5, 116:8, 128:24, 161:25, 163:23, 164:23, 173:12, 180:21, 182:17, 183:3, 183:6, 184:21, 186:19, 189:9, 193:17, 206:21, 250:1, 250:3, 250:4, 253:2, 257:1. officer 129:12. officers 129:17. Offices 2:7, 163:16. Official 284:5, 284:8. officially 13:10. often 34:14, 105:8. oil 36:16. old 210:3, 219:25, 236:21, 259:21, 259:22. older 202:2. oldest 167:14, 201:2, 201:5, 201:6, 201:7.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Once 42:22, 67:18, 132:24, 162:22, 216:12, 275:5, 280:9. one-page 61:9. one-year 225:18, 225:24. one. 14:18, 20:8, 75:5, 99:8, 210:21. ones 230:7, 278:12. ongoing 8:4, 19:23, 75:11, 78:25, 79:1, 79:8, 109:16, 110:1, 110:23, 111:12, 113:4, 115:14, 116:3, 116:11, 117:3, 119:5, 124:23, 223:9, 230:8, 234:22. online 231:15, 232:4, 232:7, 232:14. Oops 275:22. open 29:9, 31:2, 33:21, 35:2, 44:4, 98:5, 159:17, 163:25, 164:1, 167:25, 197:5, 197:9, 199:8, 199:24, 201:13, 201:18, 204:20, 220:20, 274:12. opened 29:20, 221:1. opening 27:20, 28:19, 33:25, 44:6. operate 25:9, 31:7, 32:20, 34:19, 35:12, 35:13, 36:3, 36:8, 44:4, 144:8, 174:15, 175:10, 176:2, 214:7, 214:8, 271:18, 274:20, 279:4. operated 13:23, 33:19, 33:24, 57:1, 147:18, 277:5. Operates 24:16, 32:22, 34:20, 142:1, 160:15, 174:20, 228:3.</p>	<p>operating 35:8, 35:9, 35:15, 37:5, 37:22, 38:4, 38:13, 38:20, 56:16, 60:8, 60:9, 105:7, 132:21, 151:6, 151:8, 230:17, 270:8, 275:7. operation 22:24, 67:10, 75:14, 109:10, 142:6, 162:1, 171:22, 175:21, 224:3, 254:5, 258:2, 258:17, 265:25, 273:25, 274:6, 278:21. operational 220:25. operations 26:17, 43:22, 58:16, 98:8, 98:18, 163:11, 166:23, 212:20, 228:13, 228:17, 229:7, 238:13, 239:3, 258:9, 258:11, 265:17, 268:11, 269:8, 270:3. operator 195:20. opinion 121:8, 267:19. opportunities 130:8, 130:13, 130:15. opportunity 25:14, 105:25, 118:7, 118:9, 130:16, 132:10, 133:18, 133:19, 238:22, 282:10, 282:24. opposed 21:12. Opposition 6:16. option 190:23. options 190:25, 191:2. oral 13:23, 57:2, 268:3, 273:23, 274:19, 275:6, 282:11. Order 9:24, 36:4, 36:11, 36:20, 42:17,</p>	<p>64:6, 64:9, 64:13, 83:2, 83:3, 83:10, 83:21, 85:13, 119:5, 179:11, 226:14, 230:8, 233:13, 238:11, 238:23, 248:22, 250:6, 256:2, 256:4, 256:5, 257:13, 263:9, 263:13, 264:1, 269:17, 280:23. ordered 42:11, 143:24, 145:4, 229:4. ordering 24:7, 26:19, 32:24, 33:1, 91:14, 255:22. orderly 13:17. orders 24:22, 35:21, 36:9, 67:1, 91:13, 143:20, 145:6, 145:8, 145:10. ordinary 236:8. organizing 226:22. original 146:24. originated 147:18. others 109:24, 167:8, 173:24. otherwise 11:11, 12:2, 283:5. OTWAY-MILLER 1:29, 284:5, 284:24. ought 58:4. outrageous 20:12. outside 10:2, 181:18, 181:19, 194:13, 238:8. outstanding 63:9, 236:12. overall 32:24. overlook 32:25. overrule 139:12. Overruled 89:1, 139:19, 146:10, 164:15, 185:22, 186:3, 187:3, 188:1, 244:2, 246:19. oversee 24:21, 137:14, 177:5, 255:21. oversees 33:13. overtime 182:9,</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>182:18, 183:21, 185:12, 192:2, 192:25, 193:10, 193:11. owe 198:5, 198:18, 199:21, 204:14. owed 63:12, 85:10, 173:21. owing 63:9. own 36:9, 36:10, 36:20, 36:21, 36:22, 36:24, 37:16, 40:10, 58:21, 67:24, 68:8, 78:21, 83:1, 83:8, 85:2, 92:2, 132:22, 153:6, 176:8, 178:18, 178:19, 200:10, 200:18, 212:13, 217:13, 264:19, 265:14, 273:6, 273:10, 279:23, 279:24. owned 23:9, 25:11, 25:22, 25:25, 28:5, 28:11, 30:16, 30:19, 30:20, 31:5, 39:18, 40:4, 40:13, 40:14, 40:17, 40:20, 68:6, 88:17, 112:15, 117:5, 124:14, 124:19. owner 164:8, 184:11, 193:24, 227:24. owners 93:13, 164:5. ownership 68:11, 112:9, 112:25, 116:8, 125:17. owns 31:4, 39:20, 39:21, 39:23, 39:24, 68:3, 85:2, 110:15, 110:17, 116:21, 116:23, 124:13, 125:4, 125:16, 126:13, 132:22, 152:23, 194:2, 194:10, 213:25, 214:1, 243:19, 244:7, 273:2, 277:22.</p>	<p>. &lt; P &gt;. p.m. 96:19, 194:23, 283:7. Pablo 133:22, 140:1. Pages 126:18, 126:21, 126:25, 127:6, 127:8, 127:16, 127:23, 284:13. paper 90:5, 124:13, 127:16, 196:12, 208:8, 208:10, 208:11, 208:12, 208:20, 208:25, 209:3. papers 11:2, 11:3, 265:4. Paragraph 37:14, 37:21, 54:21, 56:22, 64:4, 212:11, 214:22, 224:6, 224:15, 274:16. parcels 251:11. parenthetically 11:25. Park 5:15, 27:10, 55:3, 106:2, 108:8, 156:10, 217:24, 218:3. Parson-smalls 115:7. part 9:2, 15:25, 19:7, 21:13, 41:24, 58:25, 68:8, 74:24, 85:12, 107:14, 125:6, 127:16, 127:17, 133:3, 133:4, 212:19, 214:22, 215:6, 215:9, 223:21, 227:17, 241:14, 241:25, 244:11, 277:17. participate 10:12, 265:25. participating 265:23. particular 36:12, 211:18. parties 10:1, 10:17, 14:3, 18:15, 18:17, 19:5, 19:14, 19:18,</p>	<p>19:21, 51:19, 56:19, 83:20, 90:11, 95:11, 95:14, 95:22, 99:7, 99:8, 124:10, 268:4, 268:5, 276:9, 282:24, 283:1. partners 13:22, 26:12, 43:2, 43:3, 43:4, 43:6, 43:10, 43:16, 44:2, 44:13, 44:16, 56:20, 56:21, 57:1, 57:5, 57:6, 91:7, 153:10, 161:7, 171:13, 209:13, 209:15, 209:18, 260:18, 261:16, 261:17, 264:16, 266:21, 268:18, 268:19, 272:14, 273:10, 275:9, 277:22, 278:13, 280:1. partnership. 57:7. parts 8:25, 9:3. party 12:17, 19:2, 19:13, 54:18, 125:18, 125:19, 144:21, 226:2, 258:14. pass 131:5, 131:6, 132:18, 239:8, 281:22. Past 60:21, 92:12, 277:6, 281:9. path 240:21. pay 50:6, 79:19, 80:12, 80:16, 98:15, 98:18, 114:14, 122:17, 146:1, 146:2, 146:4, 146:13, 155:6, 158:13, 163:15, 173:8, 182:12, 198:6, 200:15, 204:15, 204:16, 206:23, 221:11, 241:21, 272:11, 272:13, 276:23. payable 37:5, 65:12, 67:13, 67:21,</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

102:15, 102:25, 104:9, 115:18, 157:11, 158:11, 173:13, 174:25, 273:3. Payables 5:19, 99:6, 171:20, 173:16, 234:13, 234:15, 234:23, 235:11, 235:16, 235:17, 235:19, 236:3, 236:7, 236:12. paycheck 184:7. paying 67:23, 132:25, 143:17, 145:24, 146:7, 234:22, 234:25, 237:10, 237:14, 242:5, 257:19. Payment 4:37, 84:1, 201:13, 241:24. payments 109:7, 121:3, 121:12, 148:15, 228:24, 243:5, 277:15. Payroll 37:6, 38:7, 71:24, 181:1, 189:11, 235:13, 235:16, 257:23, 257:24. payrolls 235:14. pays 122:21. Peachtree 155:6, 174:11, 174:20, 175:2, 175:8, 175:11, 175:21, 190:13, 190:19, 190:21, 190:24, 191:3. penalty 225:6. pending 42:14, 134:22, 140:12, 266:10. People 16:2, 16:14, 16:24, 16:25, 27:10, 51:2, 55:14, 58:19, 77:8, 82:20, 90:22, 91:23, 118:5, 122:17, 122:20, 128:6, 132:20, 149:7, 149:11,	176:2, 177:18, 184:14, 187:7, 198:5, 204:14, 232:3, 232:13, 254:1, 269:12, 279:15. percent 23:9, 40:21, 60:22, 60:23, 116:23, 124:19, 124:20, 125:5, 126:13, 151:11, 151:12, 151:14, 153:6, 162:23, 179:13, 200:20, 200:22, 200:23, 272:18, 272:19, 273:1, 273:4, 273:24, 274:1, 274:6. percentage 28:13. percentages 112:9, 112:25, 116:8. Perfect 96:11. perfectly 98:25, 125:25, 126:3, 273:17. perhaps 112:20. period 49:6, 50:12, 168:24. permission 82:4, 252:19. permitted 9:1. person 89:22, 137:17, 169:7, 169:21, 175:4, 211:20, 276:14. personal 30:6, 30:11, 30:16, 30:18, 32:8, 32:10, 64:12, 67:16, 67:19, 72:23, 73:6, 75:10, 75:19, 75:23, 78:2, 86:12, 87:8, 87:14, 88:3, 89:7, 89:10, 89:19, 92:2, 108:22, 108:25, 109:4, 109:9, 135:11, 139:1, 219:4, 219:7, 219:22, 266:18. personally 79:7,	87:15, 108:11, 220:3. persons 10:14, 218:5. Pertaining 257:12, 260:16. peruse 111:9, 114:4, 119:19. Peter 40:3, 40:8. phone 155:14. photographs 119:22, 233:15. Photos 5:13, 5:18, 121:21, 233:21. physical 91:17, 228:20, 278:5. physically 91:8, 178:23. pick 7:18, 19:1, 96:20. picked 16:16. picture 120:14, 120:15, 232:25. Pictures 119:22, 120:1, 120:10, 120:17, 121:14, 232:24, 233:4, 233:5, 233:8, 234:4, 252:22. piece 208:19, 209:3. pieces 16:16. piles 281:13. pilgrimage 172:11. pink 16:8. PL 2:32, 2:39. Place 30:2, 41:17, 55:1, 58:11, 64:6, 81:23, 87:13, 95:10, 113:3, 123:10, 123:13, 137:14, 137:15, 137:16, 138:5, 138:7, 138:17, 138:20, 140:4, 140:10, 169:12, 176:2, 177:15, 188:5, 194:3, 214:14, 227:18, 244:21, 250:6, 275:15. placed 30:22, 42:10,
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>42:11.  Plaintiff 1:9, 2:4,  6:22, 9:19, 11:22,  12:8, 21:7, 22:12,  44:22, 51:15, 82:23,  238:22, 247:4,  254:22, 254:23,  262:24, 263:11,  273:22, 273:24,  274:17, 274:19.  Plaintiffs 3:4, 4:6,  4:22, 6:14, 6:16,  7:17, 43:18, 48:22,  50:14, 52:9, 55:4,  59:5, 66:9, 68:14,  74:14, 76:25, 77:18,  82:10, 83:1, 83:5,  83:9, 84:15, 105:18,  105:19, 151:3,  263:8, 265:8,  270:12, 282:11.  plan 96:25.  Plea 5:9, 5:10, 75:12,  110:24, 111:2,  111:25, 112:1,  112:4, 112:8,  113:14, 153:25,  154:4, 154:12,  176:16, 176:21,  223:8, 223:12,  223:23, 224:2,  225:7, 225:13,  225:18, 226:7,  226:15, 226:23,  227:13, 238:17,  241:25, 242:16,  242:17, 262:10,  262:15, 262:18.  pleading 67:3.  pleadings 8:18, 12:13,  274:21, 275:13,  279:23.  Pleasant 39:17, 39:20,  40:2.  Please 6:9, 10:16,  13:19, 19:11, 21:7,  36:1, 63:11, 88:6,  96:18, 97:24,  103:21, 111:4,  128:17, 130:14,</p>	<p>135:16, 145:1,  152:2, 155:8,  195:12, 203:10,  204:6, 206:17,  211:12, 216:11,  247:4, 258:21,  263:5, 272:21.  pled 75:13.  plenty 120:19, 121:5,  265:7.  plots 40:11.  Plus 40:10, 62:7,  85:11, 189:25,  270:7.  point 9:24, 19:3,  28:6, 87:6, 99:16,  110:14, 116:12,  116:21, 117:19,  125:1, 125:20,  140:2, 170:7,  170:13, 172:25,  185:7, 197:5,  220:19, 221:13,  222:14, 230:23,  257:14, 266:16,  269:15, 274:16,  279:1, 282:8.  point. 96:13, 132:9,  271:5.  police 94:5, 94:6,  94:7, 94:9, 94:14,  94:15, 94:19,  165:12, 165:14,  165:16, 165:17,  186:23, 187:7,  187:20, 253:3,  253:25, 277:23,  278:2.  policy 122:17, 221:20,  221:24.  Popular 37:11, 41:20,  42:3, 42:5, 118:19,  118:25, 119:9,  140:9, 140:16,  199:17, 199:21,  205:25.  portion 156:3, 218:18,  236:11.  portions 7:18.  position 8:14, 129:15,</p>	<p>131:24, 162:16,  169:15, 169:20,  281:20.  positions 18:17.  possession 83:16,  85:20, 85:22.  possibility 97:2.  possible 11:10,  279:10.  postal 47:21.  potential 10:3, 10:6,  11:10, 117:4,  130:10, 278:5.  potentially 12:5.  power 46:1, 46:6,  46:12, 46:19, 46:24,  47:5, 47:11, 47:24,  53:25, 202:19,  202:22, 202:23,  202:25, 210:2.  practice 66:2.  precarious 270:11.  precisely 18:16.  preclude 12:2, 16:4.  precluded 12:9.  precludes 11:12,  17:7.  Predicate 122:3,  145:12, 160:25,  161:2, 183:20.  predicates 12:21.  preexisted 15:5,  16:14.  prefer 96:22,  187:14.  preliminarily 6:23.  Preliminary 6:24, 8:2,  9:24, 132:3, 263:10,  263:13, 263:25,  268:9, 271:2,  282:1.  premarked 12:25.  premises 212:20.  premiums 241:21.  preparation 135:13.  prepared 49:17,  191:4.  presence 95:2.  present 10:23, 10:24,  19:7, 95:11, 95:17,</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>127:4, 263:2.  presented 9:16, 9:19,  14:12, 15:16, 58:9,  78:11, 79:19, 79:23,  263:7.  presenting 9:20.  President 10:21,  129:16, 211:25,  215:21, 215:24,  218:6, 218:7,  219:18, 225:4,  234:14, 235:23,  274:18, 275:14,  275:18.  presumably 93:11.  pretty 96:3, 120:18.  prevent 12:7.  previous 246:21.  previously 57:17,  60:13, 62:6.  price 84:1.  prices 24:11.  pricing 24:9, 91:14.  prime 278:17, 279:8.  principals 176:24,  190:2.  Prior 16:21, 27:12,  28:19, 73:23,  138:4.  private 75:3,  278:25.  privilege 74:20,  75:17, 78:8.  probable 267:25.  Probably 25:5, 28:25,  29:25, 176:19,  220:2, 220:10,  256:10.  probation 225:19,  225:24.  problem 7:24, 16:11,  18:19, 69:1, 69:6,  69:10, 69:17,  122:21, 127:5,  127:11, 143:24,  149:1, 155:11,  170:15, 182:2,  182:20, 217:14,  234:22, 234:25,  236:7, 237:12,</p>	<p>237:13, 237:16.  problems 51:19, 51:21,  52:18, 67:10,  126:22, 133:13,  143:1, 143:17,  143:20, 143:23,  144:7, 144:10,  144:11, 145:24,  146:18, 150:17,  150:20, 231:3,  258:1.  Procedure 8:17,  123:11.  procedures 123:10,  123:13, 154:6,  154:16.  proceed 14:21, 162:23,  162:24, 263:4,  283:1.  proceeding 7:12,  77:18, 153:22.  Proceedings 282:5,  283:7, 284:9,  284:15.  proceeds 60:13,  241:17.  process 12:4, 83:6,  179:22.  processed 178:8.  produce 23:6, 23:22,  24:9, 26:16, 26:18,  35:22, 36:4, 36:9,  36:20.  products 36:5,  233:6.  Professional 1:30,  284:6.  proffer 75:1, 84:22.  proffered 13:6.  profits 14:3, 39:1,  39:14, 39:16, 39:25,  40:25, 41:2, 41:6,  41:16, 41:17, 41:18,  41:23, 41:24, 42:1,  42:10, 44:7, 44:14,  57:6, 84:25, 99:5,  140:5, 171:19,  214:10, 214:19,  215:1, 215:3, 215:5,  215:6, 215:7, 215:9,</p>	<p>273:25, 274:2,  274:6, 275:9.  program 227:15.  prohibit 251:23.  prohibited 15:14.  Project 85:1.  promise 205:2.  promised 155:14.  prompt 142:16.  pronounce 122:11.  proof 11:4, 82:22,  162:23, 272:24.  proper 243:21,  244:23.  properties 39:16,  39:17, 40:1, 40:6,  40:16, 251:2.  Property 4:38, 29:24,  30:7, 30:17, 30:19,  30:20, 30:23, 55:2,  62:8, 87:3, 88:19,  130:20, 130:22,  130:23, 131:7,  131:10, 131:13,  250:19, 250:21,  250:24, 251:3,  251:9.  proposed 14:13, 14:23,  18:23, 20:23,  56:2.  prosecutor 124:8,  124:23.  prosecutors 116:5,  117:9, 118:10.  prospective 18:6.  protect 276:16,  276:19.  protected 11:21.  protective 83:3,  83:10, 83:20.  prove 196:10, 263:21,  269:19, 278:7.  provide 12:12, 63:13,  71:18, 71:24,  270:22, 282:17.  provided 73:14,  123:25, 177:23.  public 120:8, 120:23,  121:6, 226:2, 226:5,  278:23.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>pull 131:8, 195:21.          pulled 146:15.          punch 168:17, 178:16,              182:1, 182:2, 182:3,              182:5, 185:3,              185:5.          punched 178:14,              178:17.          punches 168:20,              178:23.          punching 178:14.          purchase 84:1, 130:17,              130:18, 130:19,              130:20, 131:12,              131:13, 131:14,              131:15, 131:16,              132:13, 132:14.          purchased 29:24,              251:11.          purport 88:1.          purpose 11:13, 56:16,              57:23, 74:3, 84:10,              129:8, 275:7.          purposes 46:15,              175:16.          pursuant 14:1,              225:13.          put 8:16, 25:1, 28:21,              41:18, 41:20, 43:4,              43:10, 43:16, 44:2,              72:6, 72:9, 74:2,              87:12, 137:14,              137:16, 138:4,              138:7, 199:4,              200:15, 203:24,              227:18, 264:24,              270:2, 281:3, 281:5,              282:11.          puts 184:20.          putting 20:24, 238:19,              253:11.          .          .          &lt; Q &gt;.          Q-u-a-d-e-r 48:5.          Quader 48:5.          qualified 74:19.          qualify 7:20, 227:1.          quarrel 262:6.          quarterly 252:21.</p>	<p>questioned 273:6.          questioning 112:23.          questions 97:9, 97:15,              100:20, 141:5,              144:4, 150:23,              157:4, 157:14,              159:13, 159:21,              167:18, 170:22,              179:24, 188:9,              188:16, 203:1,              211:1, 215:12,              215:17, 217:9,              254:20, 259:16,              262:21.          quit 153:17, 153:19.          quite 162:17,              241:24.          quits 272:15.          quo 268:13, 269:1,              269:6, 270:17,              270:19, 281:2.          quote 124:11,              270:13.          quoted 11:7.          .          .          &lt; R &gt;.          raid 39:5, 39:12,              41:9, 41:10, 41:15,              41:22.          raided 137:9,              137:14.          raise 184:21.          raised 165:6.          Randall 115:12.          Randallandreoizzi              111:14, 114:10.          rant 51:22.          ranting 91:11.          Rarely 93:14, 158:17,              163:3.          rates 189:12.          rather 58:11.          rave 51:23.          raving 91:11.          Re 54:13, 60:1,              274:24.          reach 19:14, 181:15.          read 21:12, 21:18,              56:7, 56:12, 57:23,</p>	<p>113:15, 113:18,          118:7, 118:9,          127:21, 136:25,          137:3, 147:23,          156:12, 176:19,          208:10, 208:12,          208:14, 209:1,          209:3, 209:4, 209:5,          232:5, 247:22,          265:5, 265:8,          281:12, 281:13,          281:17, 281:18,          281:19.          reading 21:12, 113:15,              124:25.          ready 181:24,              181:25.          real 55:1, 116:5,              121:14, 131:14,              191:7, 280:10.          really 16:8, 60:8,              98:23, 125:4,              142:18, 150:14,              169:5, 187:10,              255:23, 263:14,              266:13, 273:15.          reared 266:4, 266:6.          reason 52:23, 84:16,              100:23, 113:6,              116:15, 120:13,              136:13, 179:4,              179:21, 243:9,              244:5, 245:1,              274:21, 275:14.          reasonable 169:14,              169:17, 234:23.          rebuild 42:21, 43:5,              44:3, 241:18.          rebuilding 27:6.          rebuilt 42:20.          recall 91:25, 116:2,              118:14, 118:15,              133:21, 133:22,              154:7, 156:18,              156:21, 173:24,              174:2, 176:18,              205:22, 220:10,              224:20, 262:20.          receipt 48:5, 60:16,              133:7.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



receipts 60:15, 60:17, 62:3.	157:25, 160:6, 180:9, 195:12, 211:12, 219:1, 224:7, 226:11, 230:1, 232:6, 270:24, 282:10, 282:14.	refused 78:13, 80:12, 80:15.
receivable 273:3.	record. 61:10, 167:17, 210:11, 233:18, 255:1.	regard 135:23.
receivables 99:6, 171:20.	records 39:6, 77:14, 122:15, 123:3, 149:14, 235:25, 267:15.	regarding 9:14, 67:2, 95:11, 150:1.
receive 173:7, 191:20, 252:19, 273:24.	recross 194:18.	regardless 179:15.
RECEIVED 4:22, 5:7, 22:13, 51:15, 55:14, 58:13, 59:1, 59:25, 60:12, 66:9, 77:8, 82:20, 88:15, 90:13, 90:22, 92:5, 105:1, 113:23, 114:21, 117:25, 122:7, 128:2, 151:3, 177:20, 217:3, 219:14, 241:7, 249:6, 274:1.	Red 130:21, 131:1, 131:3.	regards 84:13.
receiver 138:4, 138:7, 138:11, 138:17, 138:18, 138:20.	REDIRECT 3:10, 3:17, 3:29, 3:36, 134:12, 134:13, 157:5, 157:6, 177:10, 177:12, 194:6, 194:7, 262:23.	Registered 1:30, 284:6.
receiving 26:15, 33:12, 33:13, 120:7.	reduce 63:11.	regular 149:20.
recent 120:15.	reduced 228:16.	regularly 168:16.
recently 41:19, 85:3, 91:23, 120:15, 162:5, 178:2, 256:25.	Refer 14:8, 53:8, 234:3.	rejecting 87:7.
Recess 96:19, 194:23.	reference 12:8, 12:9, 54:14, 68:19, 84:11, 171:6.	relate 159:6.
recessed 283:7.	referenced 126:21.	related 8:2, 16:10, 75:4, 240:2, 264:23.
recognize 45:3, 113:8, 147:2, 229:21, 229:23, 231:25, 276:5, 276:24.	referred 40:14, 106:1, 106:10.	relates 161:11, 167:12.
recognized 46:9.	referring 64:9, 64:17, 90:9, 98:3, 122:23, 130:23, 131:7, 224:15, 237:8, 237:19.	relating 56:19.
Recognizing 82:18.	refers 13:8, 107:10.	relationship 152:8, 152:12, 160:23, 161:3, 200:17, 261:8.
recollection 117:16, 156:23, 173:25, 220:16, 223:15.	reflect 122:15, 192:20, 218:1, 225:6, 233:4, 234:4, 236:7.	relative 70:8, 240:1.
recommending 140:1.	reflected 193:12, 227:24.	relevance 74:22, 78:24, 131:19, 132:6, 159:5, 164:6, 164:13.
record 6:6, 8:24, 9:17, 19:21, 21:13, 21:19, 22:1, 22:16, 56:8, 57:24, 58:5, 58:6, 74:25, 77:19, 109:12, 131:2, 139:1, 141:15,	reflects 104:16, 107:8, 107:25, 112:8, 114:13.	relevant 9:7, 20:20, 79:1, 131:20, 132:8, 282:17.
	refresh 117:16, 156:22, 223:14.	RELIEF 1:12, 132:4, 159:6, 269:16, 269:17.

reminded 96:15.	reporting 133:5, 135:15.	134:1, 219:5, 219:8, 219:17, 221:6, 222:2, 222:19, 223:2, 223:7, 226:4, 227:13, 234:5, 234:18, 240:16.
removal 81:13.	reports 252:21.	respond 8:20, 63:14, 139:10.
remove 77:15, 81:16, 91:8, 94:14, 94:19, 247:1, 250:9, 254:1.	represent 6:7, 6:11, 45:24, 47:24, 121:22, 127:15, 160:17, 244:12.	Response 6:16, 15:6, 61:22, 63:1, 63:4, 63:7, 63:17, 84:14, 93:2, 127:13, 182:22.
removed 165:12, 246:24, 250:7, 250:10, 250:12.	representation 116:14, 116:18, 116:24.	response. 188:19.
Renew 6:15, 52:13, 58:1, 78:20.	representative 10:19, 17:13, 130:6, 167:15, 222:15, 277:22.	responsible 99:4, 99:5, 100:3, 100:5, 109:14, 177:1, 177:3.
Renewed 6:17, 79:16.	representatives 17:16, 18:24, 113:3.	responsive 12:13, 155:17.
renewing 52:22, 79:5, 79:14.	represented 111:13.	rest 34:11, 167:13, 199:21, 283:3.
rent 45:7, 47:18, 48:16, 48:17, 49:10, 49:11, 49:15, 50:5, 50:8, 50:11, 59:1, 59:3, 98:15, 98:18, 196:22, 212:19, 213:24, 214:18, 214:25, 215:6, 215:10, 221:4, 221:6, 221:11, 221:12, 275:16, 275:17, 275:20, 275:24.	representing 18:1, 18:2, 134:19, 135:22.	restitution 224:16, 224:17, 225:6.
Rental 4:28.	represents 160:18.	restocked 120:24.
rents 48:20, 48:21, 49:4.	Republic 189:1.	Restraining 119:5, 230:8, 238:11, 238:23, 263:9, 263:25, 269:17, 280:23.
reopened 29:12, 42:24.	request 121:10, 127:17.	result 66:11, 66:17, 149:10, 152:8, 153:25, 240:19.
Repeat 43:25, 97:17, 102:13, 121:11, 128:14, 139:14, 188:18, 215:8, 215:19, 244:2, 244:3.	requested 48:5, 60:16, 66:13, 72:1, 73:14, 248:14, 268:6.	resulted 274:11.
Rephrase 26:9, 44:12, 97:18, 137:11, 188:18, 215:19.	requests 63:10.	resulting 56:20.
replace 163:12.	required 8:17, 100:13, 178:8.	retail 212:19, 212:25, 214:18, 220:18.
Reply 4:26, 7:6, 22:4, 274:3.	requirements 242:18, 244:23.	retire 172:15.
report 158:14, 158:25, 159:2, 159:11, 176:3.	requires 154:5, 176:21, 225:18.	retired 173:9, 202:20, 207:5.
reported 284:8.	reside 22:18, 141:17, 211:14.	Retraining 263:13.
Reporter 1:30, 27:25, 284:1, 284:6.	resignation 239:15, 240:13.	return 47:21, 48:4, 66:23, 173:18, 223:24, 224:1, 227:21, 242:23, 243:22, 244:9, 266:2.
	resolution 52:18, 170:12, 170:14, 170:21.	returned 66:14, 66:15, 66:16, 75:22, 86:24, 95:7, 173:20,
	resolve 11:11, 14:2, 15:8, 15:9, 15:12, 16:13, 58:18, 223:9.	
	respect 7:15, 7:21, 79:7, 98:8, 100:6, 100:12, 108:7, 109:9, 110:23, 112:5, 116:3, 125:17, 128:4,	

<p>181:4.  returns 134:25, 135:2,  135:5, 135:11,  135:13, 135:18,  135:20, 136:6,  136:14, 136:19,  242:18, 242:19,  242:21, 242:24,  243:3, 243:4, 243:7,  243:10, 243:11,  243:12, 243:17,  244:6, 244:15,  244:24, 245:2,  245:4, 245:8.  Revenue 5:11, 114:15,  115:8, 115:19,  224:18, 225:11.  review 103:21, 133:18,  133:19, 234:20,  238:22.  reviewed 62:4, 179:15,  234:17.  reviewing 103:23,  111:10, 114:5,  216:12.  reviews 184:17.  Rhea 111:14, 114:7,  115:12, 125:1.  rides 268:15.  rift 258:12.  right-hand 218:16.  rights 238:12, 271:16,  271:17, 276:23,  277:1.  rim 269:11.  risk 99:6, 266:16,  266:17, 266:22.  Road 18:22, 250:25,  251:6, 277:3.  Robert 82:24.  role 167:12, 167:13,  215:24, 218:12,  219:17, 235:23,  255:17.  room 10:2, 72:22,  72:25, 73:2, 73:5,  163:25, 256:24,  256:25, 257:2.  route 69:21.  RPR 284:24.</p>	<p>Rule 4:26, 7:5, 7:6,  7:16, 9:1, 9:25,  10:7, 11:12, 11:21,  12:6, 22:3, 22:4,  58:1, 83:18, 157:16,  273:19.  Rules 8:17, 10:13.  rum 39:22.  run 26:6, 99:2,  141:22, 142:2,  221:10, 272:6,  272:7.  running 24:8, 91:16,  132:23, 141:23,  173:17, 194:14,  269:2.  runs 227:3.  .  .  &lt; S &gt;.  safe 33:9.  sailboat 207:2.  salary 181:9.  Sale 4:38, 62:7, 85:6,  87:3, 88:14, 88:19,  88:23, 200:14.  sales 24:7, 24:9,  24:11, 33:1, 161:15,  256:9, 256:12,  256:13.  salesman 197:3,  197:7.  Santa 188:25.  sat 262:3, 264:4,  279:16.  satisfied 279:22.  satisfy 264:8, 270:9,  270:22.  Saturday 239:20.  save 204:24, 205:2.  savings 240:17.  saw 126:18, 149:21,  163:6, 186:20,  223:14, 247:17,  253:5.  saying 19:9, 20:7,  20:15, 93:17, 98:17,  103:4, 122:24,  123:7, 165:7,  201:23, 247:22,</p>	<p>250:7, 252:10,  259:14, 266:8,  269:21, 275:12.  says 13:6, 13:19,  13:22, 52:3, 54:2,  54:12, 57:4, 59:25,  60:18, 63:5, 70:22,  89:4, 94:3, 112:21,  179:16, 247:24,  248:14, 250:5,  254:3, 254:4,  261:23, 272:3,  272:13, 272:20,  272:21, 273:7,  273:13, 273:14,  273:15, 274:1,  274:24, 274:25,  280:1, 281:8.  scared 186:10.  scheduled 178:10.  school 188:24.  scintilla 267:24.  scope 74:20, 157:13,  217:8, 264:6.  Scotia 37:11, 38:6,  38:10, 38:19, 38:25,  104:7, 139:5,  198:23, 207:14,  232:7.  screaming 186:12,  187:8.  screwed 233:16.  Sean 35:11, 72:12.  Second 7:4, 18:5,  30:8, 45:17, 54:21,  56:7, 56:11, 56:14,  57:4, 57:13, 61:5,  68:2, 77:14, 77:15,  83:17, 85:8, 89:3,  90:25, 138:14,  148:19, 163:19,  163:20, 163:22,  207:21, 219:16,  240:4, 256:11.  Secretary 218:13.  Section 224:6,  271:14.  Securities 5:16,  41:21, 42:4, 42:6,  118:19, 119:9,</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>229:24, 230:3.  Security 136:1, 140:9,  230:2.  seeing 73:16, 83:5,  142:18.  seek 67:1, 91:5.  seem 19:3.  seen 32:12, 46:12,  73:12, 76:17, 76:23,  83:19, 108:8, 116:1,  127:12, 156:14,  171:21, 171:23,  193:22, 208:19,  213:15, 217:19,  217:21, 231:21,  235:7, 247:8,  247:14, 257:15.  seized 39:6, 242:21.  selectively 7:18.  Sell 142:4, 197:3,  200:11, 200:12.  sellers 85:18.  selling 145:4.  send 59:3, 63:21,  195:22, 205:4.  sending 13:6, 45:9,  213:24, 214:2,  214:12.  Senhouse 232:10.  Sent 16:22, 27:21,  45:6, 45:13, 45:14,  45:20, 47:18, 47:20,  48:9, 48:10, 48:11,  51:19, 55:21, 55:22,  60:6, 60:15, 63:18,  63:22, 85:23, 87:8,  87:15, 90:10,  274:23, 275:17,  275:23.  sentence 54:16, 64:15,  212:23.  separate 35:14, 35:15,  63:11, 236:4,  245:3.  separated 9:3.  September 39:9, 228:8,  238:23, 269:10,  276:10.  sequestration 9:25,  10:8.</p>	<p>series 97:15, 104:3,  136:24.  serious 56:18, 58:3.  served 8:3, 9:11,  9:12, 83:18.  service 26:18, 33:9,  233:9, 234:11,  276:23.  Services 4:36, 78:1,  78:25, 79:9.  set 28:18, 35:4,  170:15, 170:16,  262:4.  setting 124:18,  155:5.  settle 11:10, 279:7.  Settlement 11:4, 11:9,  11:19, 11:20, 11:23,  11:24, 12:3, 12:10,  12:20, 13:14, 14:13,  16:1, 16:7, 16:13,  16:20, 17:2, 18:10,  18:23, 19:23, 20:17,  95:13.  settlements 16:25,  17:6, 58:19.  settling 16:24.  seventh 120:5,  120:6.  several 13:21, 52:2.  shakes 190:3.  share 99:5, 124:13,  124:18, 171:19,  171:20, 214:9,  215:2.  shared 14:3, 44:7,  44:8, 44:14, 44:17,  57:6, 148:8,  275:9.  shareholder 125:24,  126:1, 274:18.  shareholders 115:22.  shares 124:19,  134:3.  sharing 264:9.  shattered 150:13.  shed 265:7.  sheet 193:12.  sheets 122:20.  shelf 121:2.</p>	<p>shelves 24:10, 151:10,  233:7.  shelving 233:6.  shift 195:23,  219:16.  shipped 36:18.  shocked 164:24.  shoes 264:18,  266:14.  shop 120:3.  Shopping 50:23, 68:3,  68:9, 98:16, 197:16,  197:24, 198:9,  204:3, 204:7,  204:12, 219:20,  219:23, 220:1,  220:3, 220:9,  220:10, 220:13,  220:25, 221:2,  241:14, 243:19,  244:7, 250:15,  250:20.  short 62:9, 247:24.  shorthand 280:11,  280:12.  show 12:7, 50:16,  58:9, 90:1, 117:15,  128:7, 168:19,  208:15, 235:4,  247:2, 267:23.  showed 125:15.  showing 37:13, 44:25,  48:25, 55:7, 68:17,  77:3, 82:13, 85:9,  85:10, 103:20,  111:8, 114:2,  119:17, 216:10.  shown 52:11, 55:8,  59:7, 74:16, 105:19,  146:21, 179:8,  212:3, 213:11,  223:18, 224:23,  229:17, 229:20,  231:20, 232:22,  252:22.  shows 88:19, 168:19.  shut 151:22, 151:25,  152:4, 165:11,  243:1.  shutting 239:2.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>sick 159:4, 192:10, 192:11, 202:22. side 9:23, 12:7, 31:12, 96:21, 142:15, 207:14, 218:16, 267:10. sides 187:10. sign 13:19, 15:23, 16:2, 35:16, 35:18, 51:5, 51:7, 64:24, 78:12, 78:13, 78:14, 78:15, 78:16, 79:24, 80:2, 80:8, 80:23, 81:1, 81:15, 85:24, 86:22, 91:19, 108:12, 108:14, 158:20, 158:21, 207:16, 207:17, 207:20, 207:21, 207:22, 208:8, 225:3, 245:21, 255:24, 255:25. signatory 99:21, 99:24, 265:22, 267:13. signature 47:21, 50:21, 53:14, 65:22, 65:24, 78:11, 84:4, 85:17, 86:15, 86:17, 88:4, 102:3, 104:12, 104:17, 208:23, 212:9, 218:20, 225:1, 228:10, 247:9, 247:10, 248:11. signatures 65:20, 100:14, 100:18, 100:23, 101:21, 102:23, 113:8, 113:9, 113:11, 115:22, 228:4, 228:11, 245:15, 245:20. Signed 4:29, 15:21, 16:17, 19:7, 19:11, 20:3, 27:15, 37:12, 45:11, 50:21, 50:22, 51:2, 51:4, 62:23, 64:23, 69:8, 75:6, 76:13, 76:17, 86:1,</p>	<p>87:9, 103:1, 108:17, 198:23, 207:19, 208:10, 208:12, 209:5, 210:13, 212:6, 246:2, 262:16, 267:15, 276:1. significance 130:3. significant 121:1, 279:13. signing 81:10, 81:14. signs 102:15. silent 266:14. similar 139:2, 174:9. simple 20:6, 67:12. simply 123:12, 270:21. single 18:21, 99:25, 137:20, 228:10, 270:25, 280:25. Sion 23:3, 24:4, 48:12, 55:2, 98:20, 99:12, 99:15, 119:24, 120:2, 120:11, 120:19, 133:3, 160:9, 180:19, 212:21, 219:21, 221:10. sister 196:5, 197:21, 197:22, 203:25. sit 120:20, 148:25, 216:22, 234:7, 266:9. sited 83:2. sits 219:21. sitting 39:21, 118:8, 118:22, 163:23, 195:1, 261:22, 262:4. situation 33:17, 34:2, 93:10, 162:21, 163:2, 165:6, 170:25, 182:8, 182:11, 182:17, 182:24, 187:8, 188:8. situations 167:4. six 60:22, 80:19,</p>	<p>114:10, 115:4. slept 32:13. slow 203:13. slowly 18:7. Smock 76:22, 77:11, 77:24, 79:19, 79:23, 115:7. socks 203:21, 203:22, 203:24, 204:20. Soeffing 148:18, 232:9, 239:10, 240:12. Software 174:14, 174:20, 175:2, 175:11, 175:22, 176:3, 190:12, 234:18. sold 85:4, 85:7, 88:15, 200:6, 205:14, 205:15, 205:17. solution 33:18. solve 20:10. solved 17:3. somebody 132:24, 137:16, 139:6, 150:12, 162:16, 178:25, 201:14, 209:1, 279:18. somehow 101:15, 264:24, 280:18. someone 35:21, 123:7, 138:21, 139:16, 162:25, 168:17, 168:20, 169:6, 169:13, 169:14, 169:20, 259:10, 259:11, 278:6. Sometime 181:15, 181:16, 203:10, 240:11, 274:17. Sometimes 91:22, 192:9, 192:13, 254:3. somewhat 261:9. somewhere 139:1, 196:19. son 29:6, 34:15, 34:16, 51:3, 68:24, 147:14, 159:4,</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>201:2, 201:3, 201:5,  201:6, 201:7,  201:22, 202:1,  202:19, 208:2,  208:3, 209:7,  209:15, 209:17,  209:20, 210:2,  219:18, 240:3,  266:20.  sons 31:23, 182:23,  200:24, 209:18,  264:17, 264:23,  279:25.  soon 121:16.  Sorry 10:12, 23:12,  24:19, 32:18, 39:9,  40:1, 49:8, 53:3,  61:8, 66:20, 69:14,  77:17, 78:6, 86:16,  101:17, 111:22,  117:22, 133:9,  138:11, 139:25,  206:7, 206:9,  206:11, 212:4,  232:18, 243:8.  sort 91:12, 279:5.  sought 50:11, 66:23,  67:1.  sound 191:15.  source 43:8.  Southgate 22:19.  space 121:1, 212:25,  214:18, 220:13.  spaces 220:18.  speaks 7:19, 54:5,  56:9, 74:5, 74:7,  74:9, 88:25.  special 183:5.  specific 9:6, 71:21,  98:2, 104:6, 107:2,  113:7, 116:5, 117:5,  123:17, 130:22,  131:2, 131:14,  134:4, 191:7,  235:12.  specifically 38:1,  111:17, 112:11,  124:2, 239:1,  282:13.  specificity 71:20.</p>	<p>speculation 47:8,  49:12, 49:23, 65:2,  72:24, 86:8, 137:25,  138:2, 139:9,  140:21, 244:10,  246:17, 252:12.  speed 132:7.  spell 27:25, 180:11.  split 88:16, 257:13.  spoke 155:4, 197:13.  spoken 91:6, 158:19.  spreadsheet 158:22.  square 161:14.  stability 150:12.  stack 249:15.  staff 96:6, 150:6.  staffer 226:14.  stage 268:9, 271:3,  282:4.  stake 266:18.  stand 74:11, 76:1,  116:12, 125:2,  129:21, 211:3,  256:9, 264:18,  266:15, 279:16.  standing 144:18,  261:22.  standings 238:19.  stands 54:25, 177:7.  start 16:23, 16:24,  22:23, 23:1, 25:3,  27:9, 28:22, 71:11,  96:1, 182:1, 186:12,  198:3, 199:16,  199:19, 200:24,  204:21, 210:6,  251:2, 271:20.  Started 23:2, 23:25,  24:4, 27:4, 34:22,  67:23, 100:15,  144:9, 164:25,  165:7, 183:2,  196:25, 245:14,  272:4.  starting 120:1, 120:6,  124:2, 124:8.  starts 13:22, 71:12.  State 22:16, 96:21,  141:15, 157:25,  160:6, 180:9,</p>	<p>195:12, 211:12,  234:4, 244:11,  246:18, 255:8,  258:14, 275:2.  stated 63:9, 63:25,  264:11, 264:25.  statement 18:9,  140:13, 155:17,  181:4, 191:5, 191:6,  191:8, 191:11,  191:14, 191:16,  191:17, 191:20,  212:18, 275:24.  statements 11:3,  11:23, 11:24, 14:9,  149:25, 191:4,  227:11.  States 12:16, 262:11,  266:11.  stating 18:9, 19:19.  stationery 147:9.  status 155:14, 268:13,  269:1, 269:6,  270:16, 270:19,  281:2.  statute 265:2, 265:11,  265:12.  stay 10:2, 34:8,  165:4, 187:15,  202:16, 204:10,  210:8, 239:19.  stayed 196:22,  202:15.  staying 28:25.  stead 264:24.  stealing 123:5,  169:21, 185:12.  steals 123:8, 123:22,  168:21.  stenographically  284:8.  stereotype 284:14.  step 20:24, 270:15.  steps 226:6, 234:20.  stipulate 112:21,  122:4, 282:25.  stipulated 112:15.  stock 231:4.  stocked 120:18,  151:10, 151:12,</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>151:14, 168:2, 168:4. stocking 24:10. stockroom 151:14. stocks 85:6. stole 51:23, 169:6, 169:16. stood 116:22, 126:12, 126:13, 176:7, 266:14. Stop 54:2, 138:1, 144:2, 150:3, 172:5, 198:4, 199:18, 202:6, 206:18, 239:12, 245:10, 253:11, 275:21. stopped 99:15, 167:2, 201:8, 202:3, 243:15. stores. 214:19. story 268:23, 279:24, 280:3. straight 96:24, 196:21, 279:24. stranger 281:5. Street 2:8. stricken 58:4, 58:5, 70:16. Strike 30:4, 70:14, 73:9, 79:15, 155:17, 157:1, 174:7, 210:13, 251:19, 259:10, 260:4. struck 27:14. structure 174:10, 221:5. stuff 101:9, 133:14, 181:6, 181:15, 182:4, 182:12, 193:17, 199:22. Subject 22:7, 82:17, 119:4, 224:2, 230:7. submit 59:2. submits 59:2. submitted 7:2, 8:22, 19:10, 37:13, 37:20, 94:17. subpoena 82:24, 83:7, 83:12, 83:17.</p>	<p>subpoenaed 158:6, 180:13. subpoenas 83:19. subsequent 83:20. substantial 96:7, 264:1, 267:23, 268:1. substitute 268:8. Suburb 2:27. succeed 278:18. success 264:2, 267:23, 267:25. sudden 91:15, 148:4. sued 261:3. sues 261:13. sufficient 233:9, 234:10. sugar 36:12. suggested 133:23. suggestion 63:25. suggests 12:14, 12:16. Suite 2:8, 2:27. suits 83:5. summarily 263:10, 271:4. summary 9:5, 147:24, 147:25, 267:19, 267:20. summer 150:22. summery 8:25. sums 64:1. Sunday 181:13. Superior 1:1, 1:31, 7:4, 284:6. Supermarkets 39:2, 40:25, 41:2, 73:22, 140:5, 199:9, 213:22, 241:12, 257:21, 274:1, 275:8. supplement 282:10, 282:13. suppliers 24:8, 26:19, 52:7, 91:9, 91:12, 121:4, 121:12. supply 46:22. support 37:21, 265:10, 281:20. supported 163:7.</p>	<p>supporting 63:13. Supposed 64:18, 88:22, 100:8, 172:1, 182:18, 210:5, 221:11, 233:15, 246:14. surprise 152:6. surprised 155:22. sustain 86:10, 145:21. Sustained 73:10, 92:8, 143:15, 198:13, 254:14, 258:15. SUZANNE 1:29, 284:5, 284:24. swamp 16:5. switch 139:23, 139:25. sworn 21:24, 141:11, 157:21, 160:2, 180:5, 195:4, 211:8, 255:4. SX-12-CV-370 1:8. system 174:17, 175:8, 175:13, 190:6, 190:9, 195:21, 226:21, 226:24, 227:1, 227:2, 238:20. . . &lt; T &gt;. table 117:18. talked 97:21, 106:3, 106:5, 170:20, 207:18, 225:6, 234:9, 241:17, 241:23, 242:4, 252:2, 271:25, 276:10. talks 13:25, 14:3, 14:20, 14:21, 14:25, 20:10, 112:1, 272:11, 275:5, 281:1. Tamarah 115:7. targeted 132:1. tax 133:7, 133:14, 133:18, 133:20, 134:1, 134:25,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

135:2, 135:5, 135:11, 135:13, 135:15, 135:18, 135:20, 136:6, 136:13, 136:19, 223:24, 224:1, 224:15, 225:9, 227:21, 227:23, 242:21, 242:23, 242:24, 243:17, 243:21, 244:6, 244:24, 245:1, 245:3, 245:8, 266:2.	99:1, 99:9, 100:9, 152:20, 152:22, 153:4, 153:12, 153:14, 157:16, 171:6, 171:7, 171:10, 171:16, 223:11, 260:19, 261:18, 261:21, 262:9, 262:18, 264:20.	theoretical 178:13, 179:2.
taxes 133:8, 133:12.	testified 10:4, 10:5, 21:24, 30:11, 52:17, 78:21, 97:20, 99:11, 102:1, 135:12, 135:14, 141:11, 157:21, 160:2, 180:5, 195:4, 203:15, 211:8, 241:11, 242:13, 255:4, 262:4, 264:5, 264:20, 271:23, 271:24.	thereafter 274:2.
team 76:7, 80:3, 243:15, 244:5, 244:12.	testify 15:10, 18:20, 86:17, 270:1, 270:5, 280:9, 280:10.	therein 84:20.
tecum 82:24, 83:1, 83:8, 83:12.	testifying 16:6, 96:16, 203:7.	Thereupon 21:22, 141:9, 157:19, 159:25, 180:3, 195:2, 211:6, 255:2.
teenager 171:24.	testimony 10:3, 10:5, 58:5, 98:25, 100:11, 100:14, 100:17, 100:21, 101:14, 101:19, 102:17, 124:17, 125:9, 125:12, 126:3, 126:8, 137:8, 171:5, 175:23, 212:15, 221:13, 262:25, 263:19, 263:20, 264:3, 264:19, 265:14, 267:2, 273:16, 282:12.	they'll 85:14.
Tele-check 37:4, 38:9, 38:18, 38:24.	text 58:2.	They've 9:8, 12:25, 43:19, 43:21, 69:10, 119:9, 132:1, 242:13, 278:22, 281:4, 281:5.
tells 248:4.	Thanksgiving 192:15, 192:19, 192:21, 193:1, 193:8, 193:12.	thinking 259:10, 259:12.
Temporary 238:10, 238:22, 263:9, 263:12, 263:25, 269:17, 280:22.	them. 183:14.	thinks 132:8.
tenant 213:3, 213:5.	themselves 58:12, 67:4, 82:7, 148:8.	Third 7:6, 13:18, 29:21, 34:2, 48:3, 56:14, 89:22, 106:25, 107:2, 107:3, 107:5, 107:6, 144:21, 146:16, 148:20, 226:2, 240:4, 240:5, 258:14.
tenants 132:18, 132:25.		thorny 170:15.
Tender 241:3.		though 59:1, 59:2, 60:11, 257:5.
tendered 240:12.		thousands 230:25.
tense 165:7, 261:9.		threat 185:15, 228:14, 228:16, 269:7, 269:8, 278:19.
tension 258:17, 258:19, 258:23, 261:14, 271:12.		threatened 91:7, 151:24, 152:1, 277:23.
tension. 258:25.		Threatening 58:22, 58:23, 91:17, 91:18, 91:20.
term 11:17, 173:10, 189:14, 189:17, 189:22, 190:2, 190:4, 191:12, 225:18, 225:24.		threats 228:20.
terminate 182:14.		three 9:8, 12:24, 13:11, 14:5, 14:20, 18:2, 31:6, 31:7, 32:20, 33:3, 34:13, 35:12, 36:13, 39:2, 39:15, 40:25, 41:2, 54:25, 57:16, 76:23, 140:5, 148:22, 189:3, 192:13,
terminated 52:4, 92:23, 149:11, 176:6, 182:15, 185:8.		
terms 91:9, 97:24, 98:11, 98:22, 98:23,		



197:7, 210:23, 221:3, 233:14, 233:15, 234:15, 234:19, 256:8, 275:3. three-part 235:10. three. 107:6. threshold 263:14. throughout 177:22, 274:21, 275:13. throw 278:2. throwing 51:23, 279:12. Thursday 282:6, 282:22, 282:23, 283:5. tie 122:2, 225:5. Till 202:8. Title 129:15, 158:10, 251:1, 251:3, 251:5, 251:8, 271:14. today 6:19, 8:23, 11:14, 23:17, 32:14, 32:15, 34:19, 34:23, 35:8, 82:7, 96:24, 97:3, 97:7, 99:1, 118:8, 118:22, 120:20, 155:12, 155:13, 158:6, 158:8, 159:20, 180:14, 202:5, 216:22, 234:7, 238:21, 263:1, 270:9, 271:24, 273:18, 276:2, 277:19, 282:22. together 6:10, 28:22, 32:1, 32:2, 33:16, 33:17, 35:13, 44:5, 85:2, 98:4, 99:7, 102:19, 142:3, 147:16, 147:17, 165:24, 183:11, 183:12, 188:7, 197:19, 210:8, 256:3, 260:10, 282:23, 282:25. tomorrow 150:14, 198:6, 204:15. took 21:15, 26:14,	27:22, 34:16, 42:24, 51:24, 82:3, 140:4, 148:7, 163:14, 169:12, 172:6, 206:1, 232:25, 251:1, 251:3, 251:5, 251:8, 254:21, 272:18, 276:11, 277:8, 277:10. top 54:7, 54:11, 224:20, 247:12. Tortola 198:22. total 50:11, 88:16, 230:15, 236:12, 236:25. totally 169:14. toward 131:22. track 175:25. trailers 26:18. train 34:11, 117:19. transaction 30:12, 90:4, 132:17, 134:1. transactions 37:8. Transcript 1:19, 5:12, 7:3, 7:15, 9:15, 9:16, 105:17, 107:4, 107:15, 117:15, 118:1, 118:9, 282:16. transcription 284:14. transfer 237:25. transferred 85:11, 134:4, 237:23, 251:12. transmitted 20:21. traveling 172:17, 172:19, 172:25. treasurer 218:13. trees 281:15. TRIAL 1:13, 263:22. tried 19:14, 58:18, 58:22, 82:25, 170:21, 197:23, 257:17. trier 268:6, 280:6. tries 83:7. trips 260:1. TRO 6:15, 6:17, 37:13,	37:21, 41:17, 64:10, 70:11, 81:6, 81:19, 81:20, 81:23, 85:12, 140:10, 239:1, 251:17, 251:23, 251:25, 252:10, 274:9, 276:18. True 18:3, 18:4, 21:20, 136:13, 170:24, 179:14, 243:9, 243:17, 243:18, 244:5, 244:23, 245:1, 245:6, 284:13. truth 8:6, 19:13, 84:19, 121:3, 121:6, 144:21, 208:14. try 14:11, 139:10, 142:16, 150:11, 154:3, 154:18, 172:21, 176:20, 199:8, 203:12, 204:10, 272:16, 279:10. trying 15:12, 16:12, 36:4, 112:23, 144:8, 183:1, 212:13, 242:17, 259:6, 259:7, 271:25, 272:1, 276:19, 278:6, 280:12. Tuesday 182:6. turn 61:5, 83:9, 105:16, 106:23, 106:25, 109:15, 112:11, 115:3, 117:1, 118:18, 122:9, 222:5, 224:5, 224:9, 224:25, 225:17, 228:12, 231:5, 277:4. turning 223:21, 236:10. Tutu 5:15, 27:10, 55:3, 106:2, 107:22, 107:23, 108:7, 156:10, 217:24, 218:3, 236:13. twelve 193:13. type 11:13, 12:9,
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>61:19, 68:21, 162:16, 163:10. . . &lt; U &gt;. ugly 266:4, 266:6. Uh-hum 101:25, 158:5, 189:10. ultimate 105:14. ultimately 106:13, 269:19. Um-hum 190:18, 248:3. unable 56:20. unbelievable 18:11. uncomfortable 167:4. undermine 52:7. understand 25:10, 97:16, 98:24, 103:10, 108:2, 108:24, 108:25, 123:14, 133:9, 140:10, 145:13, 145:15, 152:10, 168:22, 171:10, 171:25, 172:21, 188:16, 188:18, 193:3, 194:9, 214:9, 215:18, 243:13, 262:2. understanding 17:12, 47:10, 47:14, 50:4, 64:11, 70:13, 82:23, 92:22, 108:4, 160:23, 175:10, 200:16, 260:5, 260:8, 260:13. understands 163:16. understood 17:25, 162:4, 203:8, 212:24, 214:17, 224:11. undisputed 269:12. unemployment 185:11. unexecuted 85:17, 87:10. unidentified 89:22. unilateral 58:21, 64:5, 278:20, 278:21.</p>	<p>unilaterally 62:13, 101:14, 102:6, 103:5, 123:24, 276:14, 277:6, 277:20. unless 193:6, 250:8. unquote 270:13. unsigned 19:2, 20:2. until 28:25, 51:25, 62:10, 62:12, 80:23, 96:15, 96:19, 99:20, 102:2, 117:19, 135:25, 155:22, 178:7, 187:14, 194:23, 201:15, 247:25, 278:16, 279:4. untrue 249:18. unwavering 264:20. upcoming 226:4. upper 280:12. urge 268:8. using 11:16, 12:19, 16:10, 40:24, 146:12, 280:4. utilize 175:20. UVI 40:6. . . &lt; V &gt;. vacation 192:12. vacations 192:12. validity 63:8. value 214:18, 270:2. various 124:15, 270:8. vegetable 36:16. vehemently 83:2. Vendor 145:21, 235:11, 235:13, 235:14. Vendors 33:1, 142:4, 142:21, 142:24, 143:1, 143:2, 143:4, 143:18, 143:21, 144:12, 144:16, 145:3, 145:14, 145:16, 145:17, 145:25, 146:1, 146:2, 146:4, 146:6, 146:17, 148:11,</p>	<p>155:7, 158:13, 168:6, 228:24, 229:1, 234:23, 234:25, 236:8, 236:21, 237:1, 237:10, 237:14, 269:11. Venture 107:11, 107:14, 107:20, 107:24, 108:1, 108:5, 265:12, 265:13, 270:12, 271:10, 273:8, 273:23, 274:11, 274:14, 282:14. venturer 107:23. ventures 84:25. version 19:11, 280:11, 280:12. versus 6:4, 17:22. view 231:15, 232:14, 279:1. viewing 10:12, 231:12, 231:14. vigorously 280:17. village 197:19, 199:15. violate 64:6, 64:7, 64:12, 64:16, 248:21, 250:5. violated 252:11. violates 70:11. violating 277:1. violation 75:17, 81:5, 81:7, 249:8, 249:10, 249:12, 251:17. violence 278:5. Virgin 1:1, 1:31, 2:10, 2:17, 2:29, 22:21, 114:15, 115:8, 115:18, 116:7, 128:21, 141:18, 195:14, 195:17, 195:25, 196:1, 196:3, 207:13, 216:18, 216:19, 224:17, 225:10, 284:7. vis-a-vis 154:11. visited 17:4.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

voice 165:6.	239:23.	245:3, 265:18,
voir 25:14.	weeks 34:7, 168:24.	267:16, 268:24.
volume 256:9.	welcome 157:18,	Whim 196:23.
vs 1:11, 284:10.	210:25.	whoever 67:17.
.	West 5:18, 14:7, 31:1,	whole 15:23, 21:14,
.	34:25, 35:21, 36:18,	26:6, 32:25, 249:21,
< W >.	38:20, 39:21, 55:1,	276:20, 280:15,
Wadda 3:32, 91:23,	57:20, 72:10, 72:11,	280:16.
92:5, 92:10, 92:11,	72:16, 91:21,	wholly 268:10.
93:17, 94:14,	161:12, 161:14,	whom 18:1, 48:9,
122:10, 122:23,	173:22, 174:3,	59:14, 61:15, 62:23,
161:20, 161:22,	174:6, 175:7, 175:9,	92:25, 207:12.
161:23, 161:24,	197:20, 211:19,	whomever 67:21.
163:21, 163:23,	230:17, 232:24,	wife 134:5, 196:5,
164:2, 164:9, 165:4,	233:9, 233:12,	198:8, 198:9,
173:11, 175:3,	234:5, 234:21,	203:24, 203:25,
178:6, 178:14,	236:23, 237:1,	204:17, 273:1.
179:4, 180:2, 180:4,	237:6, 237:7,	William 141:8.
180:10, 185:25,	250:25, 251:5,	willing 7:23.
232:10.	255:11, 257:22,	Willy 28:18, 31:11,
wages 122:21.	257:25.	31:19, 31:20, 34:17,
Waheed 3:13, 31:18,	wests 237:5.	69:8, 158:15, 159:1,
34:17, 63:8, 69:8,	Whatever 64:19, 91:15,	159:2, 279:16.
126:6, 126:11,	93:12, 120:12,	winner 206:24.
128:20, 129:18,	144:3, 150:11,	winning 200:19.
129:21, 141:10,	162:22, 181:16,	withdraw 65:7, 67:6,
141:16, 153:5,	201:24, 205:3,	70:17, 89:23,
153:9, 153:13,	205:21, 261:21,	138:25, 139:2,
232:10.	262:7, 263:21,	248:21.
wait 116:22.	273:2, 279:5.	Withdrawal 4:33, 60:1,
waited 155:22.	whatsoever 263:19,	61:23, 62:3, 62:10,
walk 270:11.	263:20.	62:17, 64:5, 64:19,
Wally 104:10.	whenever 102:2.	66:11.
wanted 50:5, 100:25,	Whereas 13:22, 14:24,	withdrawals 60:21,
170:19, 228:9,	14:25, 15:15, 15:17,	60:22, 62:4,
233:25, 252:20.	15:20, 15:24, 56:5,	247:25.
wanting 14:2.	56:7, 56:15, 56:18,	withdrawing 13:25,
wants 8:4, 18:22,	56:23, 57:4, 57:5,	247:19.
19:20, 51:24, 51:25,	57:6, 275:5.	Withdrawn 26:13, 60:8,
52:4, 208:8.	whereby 274:19.	60:11, 62:6, 62:13,
Warehouse 23:23,	wherein 269:23.	69:20, 140:16,
33:11, 36:19, 120:6,	wherever 87:16.	166:7.
168:4, 206:22.	Whether 9:10, 18:24,	withdrawn. 248:15.
water 195:21.	19:22, 44:13, 44:16,	withdrew 60:14,
week 96:22, 97:4,	79:22, 92:17, 95:14,	64:12.
97:5, 181:2, 192:2,	108:1, 118:11,	within 58:18, 74:19,
239:14, 239:23,	125:22, 136:15,	255:21, 282:15.
239:24, 240:14.	140:15, 142:6,	Without 62:14, 82:4,
weekend 34:6, 283:6.	169:7, 187:17,	95:21, 102:25,
weekends 239:20,	237:24, 243:11,	103:11, 113:15,

<p>127:23, 137:5,  137:18, 137:23,  138:18, 138:21,  149:7, 159:10,  187:23, 196:8,  199:24, 201:13,  251:24, 264:13,  267:11, 268:9,  272:3, 272:4, 272:8,  278:21, 282:12,  283:1.  withstanding 249:11.  witnessed 228:19,  228:23.  WITNESSES 3:3, 4:4,  10:1, 10:6, 10:14,  10:16, 16:5, 97:3,  122:3, 157:17,  270:1.  wolf 269:9.  won 198:24.  word 173:20, 258:25,  264:12.  words 15:8, 16:6,  16:11, 97:8, 168:18,  208:24, 209:3,  232:13, 279:13,  280:5.  worked 23:22, 32:12,  49:20, 72:11, 72:15,  99:12, 122:16,  180:22, 193:13,  278:16.  working 23:8, 23:19,  28:19, 28:20, 28:22,  28:24, 31:9, 31:10,  34:22, 70:19, 71:12,  99:15, 133:2, 150:1,  150:4, 163:3, 163:9,  164:2, 164:12,  169:11, 172:5,  182:21, 186:19,  187:9, 187:23,  188:2, 188:4,  195:22, 199:1,  201:9, 202:3, 202:6,  207:4, 210:3,  226:17, 239:18,  239:22, 242:7,  259:2.</p>	<p>works 34:23, 34:24,  92:13, 92:17, 175:1,  177:18, 190:24.  worried 159:12,  276:7.  worry 198:7.  write 78:3, 101:16,  137:4, 137:18,  137:24, 138:18,  138:21, 148:25,  149:3, 149:8,  246:9.  writing 63:12, 82:6,  203:7.  writing. 62:11,  248:1.  written 20:15, 50:23,  50:25, 65:10, 65:14,  66:3, 75:2, 77:11,  100:12, 101:13,  101:20, 102:5,  102:24, 104:5,  104:9, 137:7,  137:13, 137:22,  139:4, 147:7.  wrote 61:17, 61:19,  99:25, 101:14,  102:7, 103:11,  147:9, 209:6.  .  .  &lt; Y &gt;.  year 27:3, 30:1, 47:4,  85:3, 91:25, 129:5,  148:3, 150:21,  168:25, 169:22,  180:23, 184:3,  184:11, 185:5,  192:6, 192:13,  198:25, 224:15,  238:23, 239:20.  years 91:16, 92:12,  105:6, 141:24,  148:2, 160:13,  162:3, 168:13,  176:4, 179:18,  183:4, 187:9, 189:3,  192:13, 193:19,  197:7, 220:11,  221:3, 225:9,</p>	<p>275:13, 281:10.  yelling 150:5.  yellow 279:20,  279:21.  yesterday 9:12.  Yield 134:11, 194:5.  young 184:21,  268:18.  yourself 26:7, 137:22,  138:21, 254:17.  Yusufs 31:10, 31:22,  32:3, 32:19, 81:14,  85:2, 112:16, 137:5,  142:21, 144:24,  145:11, 145:17,  146:7, 146:12,  160:17.  .  .  &lt; Z &gt;.  Zero 236:16, 236:18,  236:19, 236:21,  237:3.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

Thursday, January 31, 2013  
Kingshill, VI 00850

The above-entitled action came on for Hearing on a TRO, before the Honorable DOUGLAS A. BRADY, Judge, in Courtroom Number 211, commencing at approximately 9:12 a.m.

SANDRA HALL  
REGISTERED PROFESSIONAL REPORTER  
OFFICIAL COURT REPORTER II  
(340) 778-9750 EXT. 6701

A P P E A R A N C E S:

ON BEHALF OF THE PLAINTIFF:

JOEL H. HOLT, ESQ.  
Law Offices of Joel H. Holt.  
2132 Company Street, Suite 2  
St. Croix, VI 00820  
(340) 773-8709  
***holtvi@aol.com***

CARL J. HARTMANN, III, ESQ.  
5000 Estate Coakley Bay, L6  
St. Croix, VI 00820  
340-642-4422  
***Carl@carlhartmann.com***

ON BEHALF OF THE DEFENDANT:

CHRISTOPHER M. DAVID, ESQ.  
Fuerst Ittleman David & Joseph, PL  
1001 Brickell Bay Drive, 32nd Floor  
Miami, FL 33131  
305-350-5690  
***cdavid@fuerstlaw.com***

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

Also present:

K. GLENDA CAMERON, ESQ.  
Law Offices of K. G. Cameron  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
340-773-3444  
***kglenda@cameronlawvi.com***

**TABLE OF CONTENTS**

**EXAMINATION**

On Behalf of the Defendant Page

**Yusuf Yusuf**

Direct By Mr. DiRuzzo .....	7
Cross By Mr. Holt.....	33
Re-Direct By Mr. DiRuzzo .....	49
Re-Cross By Mr. Holt .....	50

**Ayman Al-Khaled**

Direct By Mr. David .....	51
Cross By Mr. Holt.....	61

**John Gaffney**

Direct By Mr. DiRuzzo.....	65
Cross By Mr. Holt.....	93

Rebuttal Examination  
On Behalf of the Plaintiff:

**Maher Yusuf**

Direct By Mr. Holt .....	114
--------------------------	-----

**Waleed Hamed**

Direct By Mr. Holt .....	120
--------------------------	-----

TABLE OF CONTENTS (Cont'd)

DEFENDANT'S EXHIBITS

<u>Exhibit</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
Number 13	Group - Time card reports	12	20
Number 14	Group - Weekly Time card reports	20	26
Number 15	Rules and regulations of Plaza Extra for Wadda Charriez	26	30

PLAINTIFF'S EXHIBITS

<u>Exhibit</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
Number 7	Rent notices - January 2012 to January 2013	97	--
Number 9	Rent payment for Plaza Extra	97	--
Number 13	Group exhibit re \$2.7 million withdraw	97	--
Number 15	Checks payable to Yusuf/United lawyers	97	--
Number 20	Rent statement - February 1, 2013	98	113
Number 22	Warranty Deed dated May 18, 2012	114	120
Number 23	Warranty Deed dated June 21, 2012	114	120
Number 24	Warranty Deed dated December 17, 2012	113	120
Number 26	Banco Popular Securities Statement - December 12, 2012	110	113
Number 27	Checks to Fathi Yusuf	121	126



TABLE OF CONTENTS (Cont'd)

Miscellany

Proceedings commenced .....	Page 6
Defendant rests .....	113
Rebuttal examination by plaintiff .....	114
Plaintiff rests .....	126
Proceedings adjourned .....	130
Court reporter's certificate .....	131

P R O C E E D I N G S

(Commenced at approximately 9:12 a.m.)

1  
2  
3 THE CLERK: Hamed -- sorry. Mohammad  
4 Hamed by his authorized agent, Waleed Hamed versus  
5 Yusuf Yusuf -- sorry -- Fathi Yusuf and United  
6 Corporation.

7 THE COURT: We are here for the second  
8 day of the hearing on plaintiff's emergency motion for  
9 temporary restraining order and/or preliminary  
10 injunction. I apologize for the delay and the  
11 confusion in the starting time.

12 Anything we need to know in advance  
13 before we get going with the taking of the defendant's  
14 evidence?

15 MR. HOLT: Your Honor, I do have a  
16 flight 3:30 today, so I'm getting surgery tomorrow  
17 morning, but I talked to them so I think we are going  
18 to finish before noon.

19 THE COURT: Excellent. How many  
20 witnesses, not to pin you down.

21 MR. DAVID: Judge, we have three  
22 witnesses, which we estimate their direct is  
23 approximately going to be rough and dirty, 30,  
24 45 minutes, probably less.

25 THE COURT: Very good.

1 MR. HOLT: I have one or two rebuttal,  
2 possibly, and I will be short on cross I'm sure.

3 THE COURT: Very good. Okay. If there  
4 is nothing else, defense, go ahead and call your first  
5 witness, please.

6 MR. DIRUZZO: Thank you, your Honor.  
7 Defense calls Yusuf Yusuf.

8 THE COURT: Rule on witnesses is still  
9 in effect so counsel, just please monitor them.

10 MR. DIRUZZO: Yes, sir.

11 THE WITNESS: Good morning, everybody.

12 YUSUF YUSUF,

13 having been called as a witness, and having been first  
14 duly sworn by the clerk of the court, was examined and  
15 testified, as follows:

16 DIRECT EXAMINATION

17 BY MR. DIRUZZO:

18 Q Good morning, sir. Could you state your name,  
19 spelling both your first and last name for the record?

20 A Yusuf Yusuf. Y-U-S-U-F; Y-U-S-U-F.

21 Q Thank you. Now, sir, I'm going to ask you  
22 some questions. If you don't understand the questions,  
23 let me know and I will repeat or rephrase the question.

24 A Okay.

25 Q Sir, where are you currently employed?

1 A Plaza Extra.

2 Q And which one?

3 A East location.

4 Q And what is your job title?

5 A Management.

6 Q And how long have you had that position?

7 A Since 2000.

8 Q And do you have that position as you are  
9 sitting here today?

10 A Yes.

11 Q And as part of your job duties, do you  
12 maintain the custody, care and control of the business  
13 records of Plaza Extra East?

14 A Yes.

15 Q And do you have access to all those records?

16 A Yes.

17 Q Sir, do you know an employee -- well, do you  
18 know an individual by the name of Wadda Charriez?

19 A Yes.

20 Q And if you know, could you spell -- do you  
21 know how to spell Charriez?

22 A No.

23 Q Okay. How do you know Ms. Charriez?

24 A She is the office manager.

25 Q At Plaza Extra East?

1 A At Plaza Extra East, yes.

2 Q And do you have any idea how long she's had  
3 that position?

4 A From since -- actually, no.

5 Q Has she been -- has she had that position  
6 during the duration of your employment at Plaza Extra  
7 East?

8 A Yes.

9 Q Sir, I'm going to turn your attention to an  
10 incident that happened recently with Ms. Charriez at  
11 work. Do you know what I'm talking about?

12 A Yes.

13 Q And just briefly, could you describe to the  
14 Court what that incident was about?

15 MR. HOLT: Your Honor, I just object to  
16 foundation because I don't believe this gentleman was  
17 present when the incident took place.

18 MR. DIRUZZO: I will include the  
19 foundation.

20 THE COURT: Okay.

21 Q (MR. DIRUZZO) Sir, were you present at Plaza  
22 Extra East when an incident occurred with Ms. Charriez  
23 regarding her employment status?

24 A Yes.

25 Q Okay. And do you remember when that was?

1 A It was on January 8th.

2 Q And do you remember the cause of that  
3 incident?

4 A Yes.

5 Q And what was that cause?

6 A She was manually entering time.

7 Q And as a -- to lay a little background, when  
8 an employee clocks in and clocks out of work, how does  
9 that happen? How do they do that?

10 A We have a punch-clock system that uses the  
11 handprint of your right hand, and you put in your  
12 social security number and that's the process. You put  
13 in your social security number and put your hand in;  
14 two devices of security so you can identify the  
15 individual that came to work.

16 Q And is every employee supposed do that?

17 A Yes.

18 Q And is there any way that that system of  
19 internal control can be circumvented?

20 A Yes.

21 Q How so?

22 A If someone manually enters the time.

23 Q And how would one manually enter the time?

24 A They have to have a user name and a password  
25 to enter a system called TruTime.

1 Q And is -- could you just briefly describe what  
2 exactly is TruTime?

3 A TruTime gathers the data for that punch-clock  
4 system that generates the employees coming in and  
5 coming out.

6 Q And was there a time where you reviewed the  
7 hours for Ms. Charriez?

8 A Yes.

9 Q And when was that?

10 A It was for the week of Thanksgiving.

11 Q And why was that?

12 A Because I noticed the time change -- the time  
13 did not change for Wadda.

14 Q Could you be a little bit more specific? What  
15 do you mean by that?

16 A Meaning her pay was not different from the  
17 previous weeks.

18 Q And why would you expect that it would be  
19 different?

20 A Because she didn't come in on the day of  
21 Thanksgiving.

22 Q And did Ms. Charriez work on Thanksgiving?

23 A No.

24 Q Is Ms. Charriez a salaried employee?

25 A No.

1 Q Is she paid hourly?

2 A Yes.

3 Q Does she get paid time and a half for  
4 overtime?

5 A Yes.

6 Q Do you have any idea what her salary or what  
7 her hourly pay rate is?

8 A Twelve dollars.

9 Q Okay. Sir, I'm going to show you a composite  
10 exhibit, Defense Exhibit 13?

11 MR. HOLT: Your Honor, I don't mind if  
12 the witness identifies it. I mean, we've never seen  
13 all this stuff, so I don't know if I can stipulate to  
14 the coming in of the exhibit or not yet.

15 (The document was marked Defendant's  
16 Exhibit Number 13 for identification.)

17 Q (MR. DIRUZZO) Sir, take a moment, review that  
18 document, let me know when you've familiarized yourself  
19 with it?

20 A Yes, I know what this is.

21 Q Okay. What is it?

22 A This is her timesheet.

23 Q Well, actually, I'm going to be specific.  
24 Take a look at the first two pages in particular, then  
25 page 3 going forward?



1           A           The first two pages is of another employee  
2 that works in the office.

3           Q           And?

4           A           And the third one is -- that's Wadda's punch  
5 clock.

6           Q           Okay. Sir, are these documents maintained in  
7 normal course of business activity of Plaza Extra East?

8           A           No.

9           Q           These documents aren't maintained normally?

10          A           The documents are, but what we normally don't  
11 practice is the manual punch.

12          Q           Okay. I'm going to turn your attention to the  
13 first page. Could you describe for the Court what  
14 you're looking at here and what information you're able  
15 to obtain based on this first page?

16          A           On the first page indicates one of our  
17 employees that work in the office. I believe this is  
18 Sabrina's time, an individual that works in our cash  
19 room.

20          Q           And does it indicate the date that -- where  
21 she worked, the date that she worked?

22          A           Yes, all the days that she had worked for us.

23          Q           And does it show the time that she punched in  
24 and punched out?

25          A           Yes.

1 Q Okay. I'm turning your attention to the part  
2 that's highlighted. The part that's highlighted has an  
3 asterisk next to the times, specifically 8 a.m. and  
4 4 p.m. Do you have any idea what that asterisk means?

5 A The asterisk means someone manually entered  
6 the time.

7 Q And turning your attention to December 24th,  
8 it was at 8:17 a.m. and 7:05 p.m. There is no asterisk  
9 there. What does that mean?

10 A That means the individual actually went to the  
11 machine, punched in her social security number and her  
12 handprint.

13 Q Okay. Now, turning your attention to the  
14 second page. This employee, a Bartlett, turning your  
15 attention to the 25th where it shows 8 a.m. and 4 p.m.  
16 with an asterisk; is that because that was manually  
17 entered as well?

18 A Yes.

19 Q Okay. Now, turning your attention to the  
20 third page, and the third page going forward is--1, 2,  
21 3, 4--the fourth page. And on the top of the fourth  
22 page it says, Charriez, W. You see that there?

23 A What's the date listed?

24 Q Starting on November 19th, a Monday, going  
25 to --

1 A Yes, I see that.

2 Q Okay. Sir, turning your attention to November  
3 22nd, a Thursday. Do you remember that date?

4 A Yes.

5 Q What was that date?

6 A Thanksgiving day.

7 Q Okay. Sir, you see the times there? Could  
8 you read in the record the times that when Ms. Charriez  
9 clocked in and clocked out?

10 A The time for November 22nd is 7:38 a.m. in the  
11 morning to 7:20 p.m. in the evening.

12 Q And is there an asterisk there indicating that  
13 that was manually entered into the system?

14 A Yes.

15 Q And, sir, is that accurate?

16 A No.

17 Q How do you know that?

18 A I worked there all day and she didn't come to  
19 work.

20 Q Okay. Now, sir, did there come a point in  
21 time where you became suspicious about the total number  
22 of hours that Ms. Charriez was working?

23 A Yes.

24 Q And what happened as a result of your  
25 suspicion; what, if anything, did you do?

1           A           What I did is I printed out the other  
2 employees' timesheet that work in the office, and I  
3 could see that they came in to work and they got paid  
4 for what they manually -- what they actually punched at  
5 the clock, which is the social security number and  
6 their handprint. And then I noticed Wadda was also  
7 paid for that day.

8           Q           Be specific. That day being Thanksgiving?

9           A           Thanksgiving day, 11/22nd.

10          Q           Okay. Turning your attention to the seventh  
11 page of Exhibit 13. Starting on the seventh page going  
12 forward, what is that?

13          A           This is Wadda's timesheet.

14          Q           For what period?

15          A           For the whole year of 2012.

16          Q           And, sir, for the whole year of 2012 is there  
17 anything -- when you reviewed this document, was there  
18 anything that you found to be unusual?

19          A           Yes.

20          Q           And what was that?

21          A           Every time that she indicated, she did not  
22 work. Every time that's listed there, she indicated  
23 that she came in roughly about a half an hour before  
24 eight o'clock and left a half an hour after 7 p.m. in  
25 the evening, and all these times were manually punched

1 in.

2 Q Just so the record is clear, did Ms. Charriez  
3 ever use the normal stick-your-hand-on-the-machine and  
4 your social security number to clock in and clock out  
5 in the calendar year 2012?

6 A The records here never showed that.

7 Q Okay. Sir, the time -- what's the name of  
8 this computer system that keeps all the employees'  
9 time?

10 A TruTime.

11 Q And is TruTime -- the entries in TruTime, are  
12 those kept in the normal course of business of Plaza  
13 Extra East?

14 A Yes.

15 Q And are those kept for every single employee?

16 A Every single employee.

17 Q And does Plaza Extra East rely on the data in  
18 TruTime in order to generate employees' paychecks?

19 A Could you repeat that?

20 Q Does Plaza Extra East rely on the data within  
21 TruTime in order to generate the paychecks for the  
22 employee?

23 A Yes.

24 Q Okay. And are the -- are normally the data  
25 entries within TruTime, do they accurately reflect the

1 events that took place therein?

2 A Yes.

3 Q And, sir, are you the only person that has  
4 access to TruTime?

5 A No.

6 Q Who else has access to TruTime?

7 A There is a few people in management that has  
8 access and office clerk.

9 Q Those few people, who are they?

10 A Wadda, for one office manager; you have  
11 Ms. Bartlett also have access; and Mafi Hamed; and so  
12 do I.

13 Q And did you prepare these reports?

14 A Yes.

15 Q And how did you prepare them?

16 A The --

17 Q Let me ask it this way. How did you generate  
18 these reports?

19 A You enter your passcode into the system and  
20 you generate as far back as the system has been  
21 created.

22 Q And that's just you hit the print button?

23 A Yeah.

24 Q And do you remember when this report was  
25 generated?

1           A           It indicates to the top-right corner January  
2 2nd, 8:18 p.m. at night.

3           Q           And just so we're clear, you're talking about  
4 page 7 going forward, the report for Ms. Charriez for  
5 the entire year of 2012?

6           A           Correct.

7           Q           Now, turning to the front page though, the  
8 front page when you have a comparison to another  
9 employee, when was that generated?

10          A           January 18th.

11          Q           Of this year?

12          A           Of this year. Sorry.

13                       MR. DIRUZZO: Your Honor, defense moves  
14 Exhibit 13 into evidence.

15                       MR. HOLT: Your Honor, we have no  
16 objection. I do just want to make sure it's clear that  
17 you're gonna see a time of January 18th on the first  
18 seven or eight pages, and then you're gonna see the  
19 time of January 2nd after that.

20                       THE COURT: I believe that's the  
21 testimony we just heard.

22                       MR. HOLT: Right. I just wanted to make  
23 clear because it's really not just one document, but I  
24 have no problem it being submitted. No objection.

25                       THE COURT: The Defense 13 is admitted.

1 (The document, heretofore marked  
2 Defendant's Exhibit Number 13 for identification, was  
3 received in evidence.)

4 Q (MR. DIRUZZO) Sir, you're being shown Defense  
5 Exhibit 14 marked for identification. Take a moment to  
6 take a look at that document and let me know when you  
7 are done perusing it?

8 (The document was marked Defendant's  
9 Exhibit Number 14 for identification.)

10 A I'm ready.

11 Q Okay. Sir, could you please identify this  
12 composite exhibit? What is it?

13 A For the month of December.

14 Q What year, sir?

15 A Of 2012. I generated her weekly timesheet.

16 Q And "her," are you referring to Ms. Wadda  
17 Charriez?

18 A Correct.

19 Q And when you generated her weekly timesheet,  
20 what happened?

21 A Along with the weekly timesheet I also  
22 generated on our DVR system, it's called Intellect, the  
23 times when she entered the building and the times when  
24 she left.

25 Q Okay. So starting on page 2, that document is



1 a picture of the video image?

2 A Correct.

3 Q Do these video images that are contained in  
4 composite Exhibit 14, do they fairly and accurately  
5 represent the events that took place therein?

6 A Yes.

7 Q And are these video images maintained and kept  
8 in the normal course of business of Plaza Extra East?

9 A Yes.

10 Q And do you have care, access, and custody and  
11 control of these video images during the course of your  
12 employment?

13 A Yes, sir.

14 Q Okay. Now, sir, let's talk about these video  
15 images. What do those video images portray, let me  
16 start on the second page?

17 A If you look at the second page in reference to  
18 counter check the time that she manually entered into  
19 the system, she indicated that she came in at 7:36 a.m.  
20 in the morning.

21 Q Okay. Just so we're clear, so you're saying  
22 the first page, the first line represents that  
23 Ms. Charriez clocked in at 7:36 a.m. --

24 A On December 3rd.

25 Q -- on December 3rd, and that has an asterisk

1 there, that means that was manually entered?

2 A Yeah.

3 Q And then you're saying the second page shows  
4 video evidence of when she actually arrived to work?

5 A Correct.

6 Q And what time was that, sir?

7 A That's at 8:37.

8 Q Okay. Now, what is the second page -- I'm  
9 sorry -- the third page?

10 A Third page indicates the time that she came  
11 down from the office, which is the end of her work.

12 Q So is the third page, is it also a video of --  
13 it's a picture?

14 A Yes.

15 Q And it's a picture of Ms. Charriez leaving?

16 A Yes.

17 Q And what time does that reflect?

18 A Seven o'clock.

19 Q And just so we're clear, is 19:00 hours the  
20 same as seven o'clock p.m.?

21 A Correct, that's military team.

22 Q And when did -- what time did Ms. Charriez's  
23 time entries reflect when she clocked out?

24 A She manually entered on December 3rd that she  
25 left at 7:25.

1 Q Did Ms. Charriez have, to your knowledge, any  
2 permission to clock out manually, enter her time later  
3 than when she actually left the building?

4 A If she had my permission?

5 Q Well, let's start, did she have your  
6 permission to do that?

7 A No.

8 Q To your knowledge, did she have anyone's  
9 permission?

10 A No.

11 Q Okay. Sir, I'm going to turn your attention  
12 specifically to December 18, 2012. And flipping  
13 through these pictures, let me know when you get to  
14 December 18, 2012?

15 A I'm ready.

16 Q Okay. Sir, what does the first picture  
17 indicate?

18 A The first picture indicate December 18th on  
19 the Intellect's player that Wadda came in to work at  
20 8:45.

21 Q Now, that picture of the person with her back  
22 turned to the camera, is that Ms. Charriez?

23 A Yes.

24 Q And how do you know that that's Ms. Charriez?

25 A When I reviewed the video I saw when she came

1 in. There is couple different angles that indicate  
2 that's her.

3 Q And do you have any doubt that that's actually  
4 Ms. Charriez in that picture right there?

5 A I know it's her.

6 Q Okay. Turn to the next page on December 18th.  
7 What does that picture indicate or reflect?

8 A It indicated the time that she came from the  
9 office; meaning, that that was the end of her shift and  
10 she left on December 18th at 6:20.

11 Q And is that her in the top left corner?

12 A That's her in the top-left corner.

13 Q Just behind the stack of --

14 A Baskets.

15 Q -- baskets? Okay. And flip to the next page,  
16 sir. What does that image show the Court?

17 A That also indicates that at 6:20 she was at  
18 the pizza parlor.

19 Q Okay. And the next page?

20 A The next page indicates on December 18th at  
21 6:40 when she walked out the store.

22 Q And is that her with the -- looks like a  
23 broom?

24 A She did shopping. That's a broom and some  
25 shopping bags.

1 Q Okay. Now, sir, let's flip, go back a couple  
2 pages and you see the time card report for Ms. Charriez  
3 for the calendar week December 17, 2012 through  
4 December 21, 2012?

5 A Yes.

6 Q And for December 18, 2012, what time is  
7 reflected in the system?

8 A She indicated that, which she manually punched  
9 in at 7:36 a.m., she came to work in the morning.

10 Q And did she actually come to work at  
11 7:36 a.m.?

12 A No. The surveillance here indicates she came  
13 in at 8:45.

14 Q And what about when she clocked out?

15 A When she clocked it out it indicates she left  
16 at 7:20 p.m., 7:20 p.m. in the evening.

17 Q And did she actually leave at 7:20 p.m. in the  
18 evening?

19 A No. It indicated that on the Intellect system  
20 that she left at 6:20.

21 MR. DIRUZZO: Your Honor, defense moves  
22 14 into evidence.

23 THE COURT: Any objection?

24 MR. HOLT: I have no objection.

25 THE COURT: Exhibit 14 is admitted.

1 (The document, heretofore marked  
2 Defendant's Exhibit Number 14 for identification, was  
3 received in evidence.)

4 Q (MR. DIRUZZO) Sir, I'm showing you what's  
5 been marked as Defense Exhibit 15 for identification.  
6 Take a moment and let me know when you're done perusing  
7 that document?

8 (The document was marked Defendant's  
9 Exhibit Number 15 for identification.)

10 A Yes, I see it.

11 Q What is this document?

12 A This is for all employees, rules and  
13 regulations of Plaza Extra.

14 Q And does Plaza Extra have these rules and  
15 regulations in the Plaza Extra East store?

16 A Yes.

17 Q And why don't you tell the Court about these  
18 rules and regulations; in general, how do they work?

19 A Before you are employed you have to fill out  
20 -- I'm sorry -- you have to read the rules and  
21 regulations. And what you fill out is you print your  
22 name, you sign it to indicate that you did read it, and  
23 you have to submit it back to the store for filing.

24 Q And are these rules and regulations for  
25 employees in general? Is this kept in a personnel or

1 an HR file?

2 A Yes.

3 Q And does each employee have an HR or personnel  
4 file?

5 A Every single employee that gets hired by Plaza  
6 Extra have to read, acknowledge this, sign it and  
7 return it for filing.

8 Q Okay. And turning your attention to this  
9 document, in particular, what does this document  
10 reflect?

11 A This indicates the rules and regulations for  
12 Wadda, which dated back in January 7, 1998.

13 Q And, sir, do you know where this document came  
14 from?

15 A From her personnel file.

16 Q And do you know who retrieved this document?

17 A I have.

18 Q And when did you retrieve this document?

19 A Yesterday.

20 Q And where was this document -- where was her  
21 personnel file located?

22 A We have a file cabinet for all our employees  
23 in the Plaza East store.

24 Q Okay. Now, sir, I'm going to turn your  
25 attention to Rule 16. Is this Rule 16 where it says,

1 every employee is given a half hour or full hour for  
2 lunch after six hours of work must punch out for lunch.  
3 Lunch hour is to be spent in designated area in the  
4 store lunch room. Does this apply to all the  
5 employees?

6 A Yes.

7 Q All right. What about Rule 17? Any employee  
8 found cheating on her time card will be immediately  
9 dismissed. Does that apply to all the employees?

10 A Yes.

11 Q Rule 18. Time cards must be punched  
12 immediately after you have been relieved of your  
13 duties. Does that apply to all employees?

14 A Yes.

15 Q Rule 19. All employees are expected to leave  
16 the premises within 15 minutes of your punch time  
17 unless you're doing personal shopping. Does that apply  
18 to all employees?

19 A Yes.

20 Q Turning to the next page, sir, Rule 23. Any  
21 employee found stealing would be subject to arrest and  
22 will be immediately dismissed. Does that apply as well  
23 to all employees?

24 A Yes.

25 Q And the next page, 35. Absolutely no shopping



1 while on work hours unless authorized by management.  
2 If you are on lunch hour, any merchandise purchased  
3 must be kept at service desk. Does that apply to all  
4 employees?

5 A All employees.

6 Q Sir, now, did Ms. Wadda Charriez violate these  
7 rules and regulations of Plaza Extra East?

8 A Yes.

9 MR. DIRUZZO: Your honor, defense moves  
10 Exhibit 15 into evidence. Actually, let me lay one  
11 more predicate.

12 THE COURT: Sure.

13 Q (MR. DIRUZZO) Sir, starting on page 19, do  
14 you see a signature there -- I'm sorry, page 9?

15 A Page 9?

16 Q Page 9?

17 A Yes.

18 Q Whose signature is that?

19 A That's Wadda's signature.

20 Q And how are you familiar with that signature?

21 A I have seen the signature before.

22 Q Is that her signature on page 10 as well?

23 A Yes.

24 Q And the next page, page 15, is that her  
25 signature as well?

1 A Yes.

2 Q And page 12, is that her signature as well?

3 A What page?

4 Q Page 12?

5 A Yes.

6 Q And page 14, is that her signature as well?

7 A Yes.

8 MR. DIRUZZO: Defense moves 15 into  
9 evidence.

10 THE COURT: Any objection?

11 MR. HOLT: No objection.

12 THE COURT: Without objection

13 Defendant's 15 is admitted.

14 (The document, heretofore marked  
15 Defendant's Exhibit Number 15 for identification, was  
16 received in evidence.)

17 Q (MR. DIRUZZO) Sir, did management of Plaza  
18 Extra have good cause to terminate Wadda Charriez's  
19 employment?

20 A Yes.

21 Q Now, let's talk about her -- the job role she  
22 has or had. The job role that she had, would you  
23 explain what she did?

24 A She did payroll.

25 Q Okay. Sir, is she an essential employee?

1 A No.

2 Q Why not?

3 A She's not an essential employee because --

4 Q Let me ask you this way. If you wanted to,  
5 could you replace her?

6 A The next day.

7 Q And how difficult would it be to find a  
8 replacement for Ms. Charriez?

9 A It's not difficult.

10 Q Now, sir, I want to turn your attention to the  
11 Plaza Extra East store. Is there current inventory in  
12 the store?

13 A Yes.

14 Q And has any payments to vendors, have any  
15 payments to vendors been stopped out of normal course  
16 of business?

17 A No.

18 Q Has there been any recent disruption with  
19 ordering supplies or ordering merchandise for Plaza  
20 Extra East?

21 A No.

22 Q Have you ever witnesses Fathi Yusuf blocking  
23 or stopping any payments to vendors?

24 A No.

25 Q As far as the back area, the receiving area of

1 Plaza Extra East, is there inventory in the store room?

2 A Yes.

3 Q Is that -- is the inventory level what Plaza  
4 Extra East would normally keep?

5 A Yes.

6 Q Sir, is there any threat to Plaza Extra  
7 supermarkets being closed?

8 A No.

9 Q Have you ever witnessed Fathi Yusuf  
10 intimidating employees?

11 A No.

12 Q Have you ever seen Fathi Yusuf threatening any  
13 of the Hamed family members with physical harm?

14 A No.

15 Q Sir, before you came here today, did you ever  
16 have an opportunity to review the plaintiff's motion  
17 for a temporary restraining order that was filed in  
18 December of 2012?

19 A Yes.

20 Q And, sir, since that time has any of the  
21 allegations that Plaza Extra was gonna close or use  
22 good -- well, anything like that, has that ever come to  
23 pass? Did any of that stuff ever happen?

24 A No.

25 MR. DIRUZZO: Yield the witness.

1 THE COURT: Thank you. Cross examine.

2 CROSS EXAMINATION

3 BY MR. HOLT:

4 Q Good morning.

5 A Good morning.

6 Q You mentioned a Mafi Hamed. Who is he?

7 A He is one of the store managers.

8 Q And can you explain how you work with him in  
9 the store managing the east store?

10 A Can you explain that a little bit better?

11 Q Well, he's a store manager and you're a store  
12 manager?

13 A Yes.

14 Q And you work together?

15 A Yes.

16 Q And both equal managers of the same store?

17 A Yes.

18 Q Okay. And showing you Exhibit Number 15,  
19 which is the -- I think the last one. These are the  
20 rules and regulations that are dated July of 1997, is  
21 that correct?

22 A Yes.

23 Q And these are on the letterhead, Plaza Extra,  
24 is that correct?

25 A Correct.

1 Q And these are for the Plaza Extra store at  
2 Sion Farm?

3 A Correct.

4 Q And when you see the signatures over on the  
5 pages with Wadda's signature on it, these are also on  
6 the Plaza Extra letterhead, is that correct?

7 A Yes.

8 Q It doesn't say United Corporation, does it?

9 A No.

10 Q And who do you understand owns the Plaza Extra  
11 East store?

12 A My dad.

13 Q And he ever told you he has a partner?

14 A Yes.

15 Q And who is the partner in that store?

16 A Mohammad Hamed.

17 Q And that's a partner in that store?

18 A From what I understand there is an agreement.

19 Q What do you understand that agreement is?

20 A I don't know the details of the agreement, but  
21 I understand the agreement is between my dad and  
22 Mohammad Hamed.

23 Q That they are partners in the store?

24 A According to profits.

25 Q And they are partner in profits in the store?

1 A Only profits.

2 Q That's what you understand?

3 A M-hmm.

4 Q And who told you it's only profits?

5 A My dad.

6 Q So other than what your dad told you, anyone  
7 else tell you that?

8 A My brother.

9 Q Which brother is that?

10 A Mike Yusuf.

11 Q And when did he tell you that?

12 MR. DIRUZZO: Objection; hearsay.

13 THE COURT: He can answer.

14 A I don't recall exactly what day it is.

15 Q (MR. HOLT) It was recently wasn't it?

16 A No. I've known this from a very long time.

17 Q Okay. Now, let's talk about Wadda. You mind  
18 if I refer to her as Wadda? It's easier for me to say  
19 that.

20 A Sure.

21 Q Now, you indicated that she did not punch in  
22 with the handprint and the social security number like  
23 the other employees, is that correct?

24 A Correct.

25 Q Okay. As a matter of fact, she just started

1 that within the last two weeks? Is she doing that now?

2 A No.

3 Q Okay. So she still doesn't even check in with  
4 a handprint and a social security number?

5 A After January 8th she's been punching in with  
6 her social security number and handprint.

7 Q Okay?

8 A But prior to that, she never had.

9 Q Okay. And you all got this system in place in  
10 1998, didn't you?

11 A I don't recall exactly when we had it  
12 installed.

13 Q It was years ago, wasn't it?

14 A It was years ago.

15 Q And Wadda's never checked in with a handprint  
16 or social security number until just very recently,  
17 correct?

18 A Correct.

19 Q And you knew that, right?

20 A Yes.

21 Q And when you weren't present in the courtroom  
22 and she testified, I will represent to you that she  
23 testified that she does work banking, going to  
24 different businesses --

25 MR. DIRUZZO: Object --



1                   MR. HOLT: I haven't asked the question  
2 yet.

3           Q           (MR. HOLT) -- both before she comes to the  
4 office and sometimes after she comes to the office.  
5 Now, is that true?

6           A           Can you repeat that question?

7           Q           Are you aware of the fact that Wadda does some  
8 of the financial work for Plaza that she needs to do  
9 with various government agencies and banks before she  
10 comes to work sometimes and sometimes after she leaves,  
11 is that correct?

12          A           That's correct.

13          Q           Okay. And under the Fair Standard Labor's  
14 Act, you've got to pay her for that work, don't you?

15                   MR. DIRUZZO: Objection; calls for legal  
16 conclusion.

17                   MR. HOLT: He's the manager of the  
18 store.

19                   THE COURT: Sustained.

20          Q           (MR. HOLT) As the manager of the store, do  
21 you have to pay her for that time?

22                   MR. DIRUZZO: It's the same objection.

23                   THE COURT: He can answer.

24          A           Yes.

25          Q           (MR. HOLT) Okay. So if she actually did

1 check in with her hand and her social security number  
2 after she had done an hour and a half of banking work,  
3 it wouldn't show up on her timesheet, would it?

4 A Repeat that.

5 Q If she actually worked for an hour and a half  
6 before she came in and then she checked in with her  
7 handprint and her social security number, it wouldn't  
8 show up -- that hour and a half she spent working for  
9 you, it wouldn't show up on the timesheet, would it?

10 A It won't, but to my knowledge I know that she  
11 is supposed to hand punch, put in her social security  
12 number and manually put in her hand punch.

13 Q Okay. But isn't the reason why she doesn't  
14 put it -- hand touch the hand and put in the social  
15 security number is because you know that she does work  
16 both before she comes to the store and after she leaves  
17 the store sometimes in order to do the banking and the  
18 other work she does for Plaza?

19 A Correct.

20 Q Okay. Now, you indicated that something --  
21 you got suspicious, something came to your attention  
22 about her time card. Was it you who noticed that or  
23 Fathi Yusuf?

24 A I did.

25 Q Okay. And what did you do when you got that

1 information?

2 A I generated the timesheet report.

3 Q Okay. Now, the timesheet report I see is for  
4 January 2, 2013, is that correct?

5 A I'd have to look at it again. I'm not too  
6 sure.

7 Q There is a timesheet report we went over in  
8 your testimony, that's what you generated?

9 A Yes.

10 Q Okay. So on that day was the date that you  
11 pulled those records, correct?

12 A Yes.

13 Q And who did you share those records with?

14 A Shared it with my dad.

15 Q Okay. How come you didn't share it with your  
16 co-manager, Mafi Hamed?

17 A I don't need to.

18 Q Sir, I'm not asking you whether you need to.  
19 Why didn't you?

20 A Because I chose to show it to my dad.

21 Q All right. We'll come back to that in a  
22 second.

23 And then the photographs that we saw in  
24 the next exhibits, they were just generated yesterday,  
25 weren't they, that whole punch in?

1 A The photographs?

2 Q Yeah.

3 A No.

4 Q When did you do those?

5 A You would have to look on the date on each  
6 surveillance picture that was taken, it indicates the  
7 time when it was printed.

8 Q At the top --

9 A No, not at the top of the page. You said the  
10 picture --

11 Q Right.

12 A -- on the surveillance shows to the bottom  
13 right.

14 Q Okay. That's shows when it was printed?

15 A Correct.

16 Q Okay. So these documents were generated I see  
17 1/19, January 19th, January 21st. Is that when these  
18 were generated?

19 A Yes.

20 Q Okay. And did you share these with Mafi?

21 A No.

22 Q Okay. And have you ever presented any of this  
23 information you have to the other manager in the store,  
24 Mafi, to see what his input are with these images?

25 A I won't need to because he have access to the

1 same information.

2 Q So if he -- he's to just go generate it on his  
3 own, is what you're saying? You didn't bother to share  
4 this with him?

5 A He can. Just like I said earlier, he have  
6 access to the same system.

7 Q And did you ever discuss with him about what  
8 you should do in addressing the situation with Wadda in  
9 light of the information that you had?

10 A No.

11 Q And isn't it true that this information up  
12 until the time she started punching in would be  
13 inaccurate because it don't reflect the time that she  
14 spent both before she came to work, or the time after  
15 she left when she was still working for Plaza?

16 A Repeat that again.

17 Q Isn't it true that the timesheets that you've  
18 generated and the photographs that you've generated  
19 wouldn't accurately show how much she's worked if she's  
20 doing work both before she comes into the store and  
21 after she leaves the store on behalf of Plaza?

22 A You indicated on the pictures itself or the  
23 whole document?

24 Q The whole time that you did all of this. If  
25 you don't know on that day what work she did before she

1 came in on behalf of Plaza or what work she did after  
2 she left on behalf of Plaza, then this don't really  
3 give you an accurate picture of the amount of hours she  
4 worked, doesn't it?

5 A It gives you a good indication what time she  
6 comes in. It gives you a good indication of what time  
7 she leaves.

8 Q Does it give you a good indication of what  
9 time she actually work if she performs work before she  
10 comes in and after she leaves?

11 A Well, to my knowledge, if she does any work  
12 for Plaza prior to coming in to the work, it's about  
13 maybe two days maximum out of the week. So I would say  
14 yes, it would be accurate.

15 Q So -- well, let me put it like this. None of  
16 these records are gonna show us how much work she did  
17 before she came into the store, are they?

18 A No.

19 Q And none of these records are gonna show what  
20 work she did for Plaza after she left the store, are  
21 they?

22 A She doesn't do any work after Plaza.

23 Q Sometimes she doesn't leave work to go do the  
24 banking for Plaza?

25 A If you look at the times, 6:20 at night, I

1 don't think there is any bank that's opened after 4.

2 Q That's not my question. Are you testifying  
3 that she never does work in the afternoon for Plaza  
4 outside of the store?

5 A After what time?

6 Q Any time. Does she leave the store during the  
7 day to do work?

8 A During the day she does.

9 Q Okay. And so since she's not checking in or  
10 out, we don't really know what hours she actually  
11 worked in the store or out of the store, do we?

12 A Correct.

13 Q And that's why you went ahead and had Wadda as  
14 opposed to any other employee in the store not bother  
15 to check in with a handprint and a social security  
16 number?

17 A That's not true. She's not allowed to do  
18 that.

19 Q Well, you just testified that you've known  
20 since -- or whenever you put in this system that Wadda  
21 doesn't do the handprint or the social security number?

22 A Correct.

23 Q And why do you let her do that?

24 A I didn't allow her to manually punch in her  
25 time.

1 Q So she's been doing that for years, but you  
2 didn't allow it?

3 A No, no, no. I never knew about it until  
4 recently.

5 Q Okay. So the whole time that she's worked  
6 there, you've been the manager of the store, correct?

7 A Correct.

8 Q So if she's been doing this for years and  
9 you're the store manager, you're saying you didn't know  
10 about it?

11 A Correct.

12 Q Okay. And why did that become so important to  
13 come up all of a sudden?

14 A Because recently we had double signature  
15 applied by my dad. I'm not too sure exactly what month  
16 it was, but it was over a year. Ever since that  
17 incident where we're told to have two signatures per  
18 check, I was checking all payroll. I was checking all  
19 of the vendors that's being paid.

20 So from then, that's when I started to notice  
21 around Thanksgiving where the time never changed. Her  
22 payroll, her paycheck never actually changed. So it  
23 indicated right there that something was fishy. So I  
24 looked more into detail and I noticed that she put in  
25 over 11 hours that she worked on the day that she



1 didn't come in to work.

2 Q Okay. So up until the time that you looked at  
3 it, she's been getting a paycheck for years and you  
4 didn't have any questions about it, correct, up until  
5 November?

6 A Because I never used to look at the payroll.

7 Q Okay. Even though you're the manager of the  
8 store, you never looked at the payroll?

9 A Correct.

10 Q All right. And you were present -- you said  
11 there was an incident on January 8th? What was that  
12 incident?

13 A January 8th is the day that my dad spoke to  
14 Wadda and terminate her employment.

15 Q And you were present when that took place?

16 A Yes, sir.

17 Q And did you hear him tell her that he was  
18 coming after her because she'd sold out to Hamed?

19 A No.

20 Q She testified he said that. You didn't hear  
21 it?

22 MR. DIRUZZO: Objection; argumentative.

23 THE COURT: I'll allow it.

24 Q (MR. HOLT) Let me ask you this question.

25 Were you there during all the conversation he had with

1 her?

2 A Yes, sir.

3 Q And isn't it true the reason --

4 THE COURT: Go ahead.

5 Q (MR. HOLT) Isn't it true that the reason why  
6 all of this came up in November is because your father  
7 thought that Wadda was being a favor to the Hameds and  
8 had sold out to them and you decided that you wanted to  
9 get rid of her?

10 MR. DIRUZZO: Objection; foundation;  
11 calls for speculation and mental state.

12 THE COURT: If he knows, he can answer.

13 A No.

14 Q (MR. HOLT) Okay. And as far as Wadda was  
15 concerned when you had all this information, wouldn't  
16 you normally take that to your co-manager, Mafi, to do  
17 it?

18 A Not on all occasions, no.

19 Q But wouldn't that be the normal thing to do?

20 A No.

21 Q Fathi didn't manage the east store, did he?

22 A I don't think he manages any of the stores  
23 because he is the owner.

24 Q Okay. Fathi lives and works in St. Thomas,  
25 doesn't he?

1 A He have over some years.

2 Q And in addition to Mafi, who else worked in  
3 the east store as a manager?

4 A As a manager?

5 Q Yeah.

6 A There is -- in what capacity are you asking?

7 Q In the same capacity that you're in?

8 A There is me, there is Mafi and there is Wally.

9 Q Okay. And you didn't bring any of this up  
10 with Wally Hamed either, did you?

11 A I hardly see Wally at the store.

12 Q So the answer to the question is, no, you did  
13 not bring this up with Wally Hamed, did you?

14 A No.

15 Q But you chose to bring it up with Fathi, not  
16 with the managers that's in the store, Mafi and Wally,  
17 did you?

18 A Correct.

19 Q Now, you weren't in the store on January 9th  
20 when the police came, were you?

21 A No. I was ill.

22 Q And did anyone tell you that Fathi Yusuf fired  
23 Mafi Yusuf and fired Wally Yusuf?

24 MR. DIRUZZO: Objection; hearsay.

25 THE COURT: Sustained.

1 Q (MR. HOLT) When you indicated that you've  
2 never heard your father say that he was firing Mafi or  
3 Wally, is that true?

4 A My dad? No, I never heard that.

5 Q And are you aware of him ever trying to do so?

6 A I was -- it was someone mentioned it to me,  
7 yes.

8 Q Okay. And when did that happen?

9 A They mentioned it to me when I was at home.

10 Q On January 9th?

11 A Yes.

12 Q Okay. And have you ever heard your father say  
13 that he's gonna close out the store?

14 A I don't recall.

15 Q So you've never heard him say that?

16 A I don't recall.

17 Q You've never heard him say that if he can't  
18 get rid of the Hameds, he's gonna close the store?

19 A I don't recall that.

20 Q And you weren't present on the 9th as far as  
21 the witness that the police were doing and all the  
22 things that went on to the store?

23 MR. DIRUZZO: Asked and answered.

24 THE COURT: He can answer.

25 MR. HOLT: I will withdraw the question.

1 THE COURT: Okay.

2 MR. HOLT: I have no other questions.

3 THE COURT: Thank you. Redirect.

4 MR. DIRUZZO: Briefly, your Honor.

5 **REDIRECT EXAMINATION**

6 BY MR. DIRUZZO:

7 Q Mr. Yusuf, does Wadda Charriez -- in calendar  
8 year 2012, did she have business before eight o'clock  
9 to do for Plaza Extra on every single working day?

10 A I don't think there is any work before eight  
11 o'clock because I don't think there is any government  
12 agencies or banks that's opened prior to eight o'clock.

13 Q Okay. What about outside of, let's just say  
14 outside of the establishment, outside of the premises,  
15 did -- was she tasked with doing something outside of  
16 work on every single business day in the calendar year  
17 2012?

18 A No.

19 Q And what about after work? Did she have  
20 something to do after work outside of the premises on  
21 every single business day during calendar year 2012?

22 A No.

23 Q Do you have any idea how much money she has  
24 stolen by falsifying her records during the calendar  
25 year 2012?

1           A           I haven't calculated, but I roughly noticed  
2 that she's been accumulating two hours and I think  
3 18 minutes overtime roughly every week.

4           Q           Okay. And let's run through those  
5 calculations. That's two hours a day of overtime. She  
6 gets paid how much?

7                       MR. HOLT: Your Honor, objection; well  
8 beyond the scope.

9                       THE COURT: That's true, and  
10 mischaracterize the way you just said. Limit your  
11 questioning to the cross examination.

12                      MR. DIRUZZO: That's fine, your Honor.

13           Q           (MR. DIRUZZO) Sir, does Wadda Charriez  
14 prepare the payroll?

15           A           Yes.

16           Q           And just so we're perfectly clear, does  
17 Ms. Charriez on a daily basis have work to do for Plaza  
18 Extra before eight o'clock and after eight o'clock on a  
19 daily basis during calendar year 2012?

20           A           No.

21                      MR. DIRUZZO: Nothing further.

22                               **RECROSS EXAMINATION**

23 BY MR. HOLT:

24           Q           I take it that the only surveillance that  
25 you've looked at is for the month of December, is that

1 correct?

2 A Correct.

3 Q You hadn't done that for the whole year, have  
4 you?

5 A No.

6 MR. HOLT: Thank you.

7 THE COURT: Okay. You may step down,  
8 sir. Thank you very much.

9 Next witness.

10 MR. DAVID: Your Honor, the defense  
11 calls Ayman Al-Khaled.

12 **AYMAN AL-KHALED,**

13 having been called as a witness, and having been first  
14 duly sworn by the clerk of the court, was examined and  
15 testified, as follows:

16 **DIRECT EXAMINATION**

17 BY MR. DAVID:

18 Q Morning, sir. Could you state your name for  
19 the record, please?

20 A My name is Ayman Al-Khaled.

21 Q And, sir, are you currently employed?

22 A Yes.

23 Q By whom?

24 A United Corporation.

25 Q How long have you been employed by United

1 Corporation?

2 A I have been working with the United  
3 Corporation from January of 2012.

4 Q In what capacity, sir?

5 A Okay. I have been hired basically for  
6 Mr. Fathi Yusuf on December of 2011 regarding working  
7 on specific files been presented to him from the FBI.  
8 And he asked me to be looking through these records.  
9 And I was hired again by him on October of 2012 as a  
10 capacity of a controller.

11 Q Okay. Sir, can you give the Court the benefit  
12 of your educational background?

13 A Yes. I got a bachelor degree in accounting.

14 Q From where, sir?

15 A From Amman, Jordan.

16 Q Okay. And when did you achieve that degree?

17 A I graduated in the year of 2000.

18 Q And did you go to work after that in the field  
19 of accounting?

20 A Yes, I was working in the State of Kuwait for  
21 the Kuwait Investment Authority as an accountant. And  
22 prior to Plaza Extra I was working in a company down  
23 here on the island. It's a EDC company called Kazi  
24 Management. I was handed two markets over a total of  
25 33 stores for them.



1 Q Okay. Let's go back for a second. What did  
2 you do in Kuwait?

3 A In Kuwait I was working as a accountant for  
4 the Kuwait Investment Authority. They have investment  
5 all over the world and I was working in their  
6 accounting department.

7 Q And what kind of things you were doing in  
8 their accounting department?

9 A Which is day-to-day operations accounting work  
10 as far as bank reconciliation, producing income  
11 statement, financial statement as balance sheet, cash  
12 flows statement.

13 Q Okay. And when did you come to St. Croix?

14 A I came eight years ago.

15 Q Okay. So that's 2004?

16 A Yes.

17 Q And what did you do in 2004? Let me start.  
18 For Kazi Management?

19 A No, I didn't start with Kazi Management.  
20 Prior to that I was working with a family member. He  
21 owned a gas station. I was in charge of the gas  
22 station and handling the books for the gas station.

23 Q Okay. And how long did you do that?

24 A I did that almost for four or five years.

25 Q Okay. And when did you start with Kazi

1 Management?

2 A Two years ago almost.

3 Q Well, that's 2010?

4 A End of 2010 I believe, if I'm not mistaken.

5 Q Can you spell Kazi Management for us?

6 A K-A-Z-I.

7 Q Okay. And what did you do for Kazi?

8 A In Kazi Management I was working controller  
9 for two market: Market of Louisiana. They have then  
10 stores of K.F.C.; and the State of Hawaii, they have  
11 another 25 or as far as I remember 25 Burger King  
12 locations. I was handling the day-to-day operation for  
13 them as far as the cash reconciliation and internal  
14 controls, and issuing financial statement for the whole  
15 market, and issuing trend report for the market coaches  
16 and the market director to be able to determine what's  
17 the -- how their stores' doing, what they are  
18 performing; if they are losing or making money; and  
19 issuing reports regarding the cost of sales for these  
20 stores.

21 Q Okay. And when you -- you said you started at  
22 the end of 2011 for Mr. Yusuf, Fathi Yusuf for a  
23 project that evolved from the criminal case, is that  
24 correct?

25 A Correct.

1 Q Okay. And how long were you on that project?

2 A Well, Mr. Yusuf give me an offer to work on  
3 that project for a year. And when he decided he want  
4 me to work on that project, he took me to the Plaza  
5 East store location and he introduce me to his son,  
6 Yusuf Yusuf and to Mr. Muffed Hamed. And he told them  
7 that Ayman is going to work on this hard drive that  
8 presented for us, and he is going to look on everything  
9 on this hard drive without specifying any specific  
10 names.

11 Q Okay. And did there come a point in time  
12 where a new opportunity at United Corporation presented  
13 itself?

14 A Correct.

15 Q And do you know someone named Margie Soeffing?

16 A Correct. She used to be I guess -- not she  
17 used to be. She's still as a one-day controller. She  
18 used to be the previous controller for the Plaza Extra  
19 stores.

20 Q And did she work full time to your knowledge?

21 A Prior to that, yes, she was working full time.  
22 Now, she working only one day a week, which is  
23 Saturday.

24 Q Okay. And did there come a point in time  
25 where -- strike at that.

1                   Did you find out that there was an  
2 opening for a controller at United Corporation?

3           A           Correct.

4           Q           How did you find that out?

5           A           Mr. Yusuf approach me and ask me if I know any  
6 controllers around because his controller is leaving  
7 the company within two weeks. So he ask me if I know  
8 somebody. I tell him I would like to take the job, if  
9 it's available, for me.

10          Q           Okay?

11          A           And at that date that Mr. John Gaffney was  
12 available, and he used to be my previous supervisor at  
13 Kazi Management, and he's working right now with us at  
14 the Plaza Extra. And Mr. John voted for me in front of  
15 Mr. Yusuf. He told him that Ayman is capable of taking  
16 care of this job if you wanted to offer it to him.

17          Q           Okay. Now, since -- and you ultimately got  
18 the job?

19          A           Yes.

20          Q           Okay. And what are your duties and  
21 responsibilities in your current position at United?

22          A           Well, after I took the job as a capacity of  
23 controller, I had to --

24          Q           Actually, tell us what a controller does?

25          A           Controller basically -- there is a day-to-day

1 operation and cash reconciliation point, which is we  
2 have to make sure that after the end of day work, there  
3 is some report being generated from the P.O.S. system  
4 and we have to take these numbers from the P.O.S.  
5 system and track it down and drill to it as far as, you  
6 know, we have to know how much sales in cash, how much  
7 sales in credit cards and how much sales in debit.

8 Q What's P.O.S. mean?

9 A P.O.S., which is point of sale.

10 Q Okay. So when a cash register is rung up,  
11 there is data that's created, and your responsibility  
12 is to reconcile that data to make sure all the dollars  
13 in are captured?

14 A Correct.

15 Q Okay. What else do you do?

16 A And then I do also follow-up with the A.P. and  
17 the payroll department, which is the accounts payable  
18 and the A.P. girls, and which is we are working in on  
19 enhancing what the company have prior to this. Because  
20 the minute I work to this company, especially in the  
21 St. Croix location, they used to have typewriters.  
22 They use in these computers that they have as  
23 typewriters. And I explain a little bit more for you.

24 In the east location they have three  
25 stand-alone computers wasn't communicating with each

1 other. Each one of them had a separate database, not  
2 even a single balance could match with another computer  
3 because they wasn't communicating with each other.

4 Q Now, do you know -- are you familiar with a  
5 computer program called the Peachtree?

6 A Yes.

7 Q What is it?

8 A Peachtree, it's a higher, a little bit higher  
9 end than any software that's available for accounting  
10 use, and you could produce from it balance sheets. You  
11 could produce income statement. You could produce cash  
12 flow. You could produce and generate all reports that  
13 you could utilize it. It just need to be utilized  
14 correctly, and it wasn't prior to that utilized  
15 correctly.

16 Q And when you were saying that they were using  
17 the computer systems as typewriters, do you mean that  
18 they weren't using Peachtree to its full potential?

19 A Yes. And also they were using just as a  
20 matter of issuing checks. Not even single deposits  
21 used to be reported in the St. Croix location in these  
22 accounts as far as bank accounts.

23 Q Okay. And are you also working with  
24 Mr. Gaffney?

25 A Yes.

1 Q And what are you doing with Mr. Gaffney?

2 A We are enhancing the accounting procedure that  
3 the company have, and we are working in having each  
4 store to be autonomous and be able to issue corrected  
5 financial statement as far as balance sheet, income  
6 statement and cash flow statement to be presented to  
7 the management, and they will be able to take decisions  
8 on that.

9 Q Okay. Who do you report to?

10 A Mr. Mike Yusuf.

11 Q Have you and Mr. -- or has Mr. Gaffney with  
12 your assistance finished this work?

13 A Not yet.

14 Q Okay. Let me ask you this, sir. Have you  
15 ever witnessed Fathi Yusuf making any types of threat  
16 or harm to any of the Hamed family members?

17 A No.

18 Q Are the vendors being paid timely?

19 A Yes.

20 Q Are orders being made timely?

21 A Yes.

22 Q Are the stores stocked?

23 A The stores well stocked.

24 Q Well stocked?

25 A Yeah.

1 Q Okay.

2 A Although if you don't mind I will mention the  
3 east location, due to a specific employee over there,  
4 they behind on entering their invoices in the system  
5 for almost two months, which is we talking about the  
6 month of October of last year.

7 Q Okay. And is that a reason why the payments  
8 to the vendors from these stores are being delayed?

9 A Correct.

10 Q Tell us about that employee?

11 A Her name is Mary. I don't remember the last  
12 name. Sorry.

13 Q Okay.

14 A And she been with the company for the past  
15 26 years.

16 Q And Mary just happens to move a little slower?

17 A Yes.

18 MR. DAVID: One second, your Honor. I  
19 may be finished.

20 (Pause.)

21 Q Prior to your employment with United  
22 Corporation, were the books and records of United  
23 Corporation and obviously within that supermarket  
24 records, kept in accordance with the generally accepted  
25 accounting principles?



1 A No, not at all.

2 Q And is that one of the things that you've been  
3 hired to fix?

4 A Yes.

5 Q And that's required, to your knowledge, by the  
6 plea agreement that was entered into with the  
7 government?

8 A Correct.

9 Q What is your relationship to Fathi Yusuf?

10 A I'm distance family for Mr. Yusuf.

11 Q Tell us how are you related to Fathi Yusuf?

12 A My mom is Mr. Yusuf niece.

13 MR. DAVID: That's all I have, sir.

14 Thank you.

15 THE COURT: Thank you. Cross exam.

16 **CROSS EXAMINATION**

17 BY MR. HOLT:

18 Q Good afternoon -- good morning.

19 A Good morning.

20 Q Do you know what certified public accounting,  
21 a C.P.A. is?

22 A Yes.

23 Q Are you a C.P.A.?

24 A No, sir.

25 Q And you indicated you started working for

1 Fathi Yusuf in January of 2012?

2 A Yes.

3 Q And was there any type of written engagement  
4 letter defining what your scope is?

5 A Yes, I have a application been filled at the  
6 United stores. And basically not working for Mr. Yusuf  
7 by himself, I'm working for the whole company, which is  
8 the United Corporation.

9 Q Okay. I'm going back to just January 2012 --

10 A Yes.

11 Q -- when you started working doing the work you  
12 described. Did you give him a letter -- or did they  
13 give you a letter called an engagement letter that  
14 we're engaging your services, and give you the scope of  
15 the agreement?

16 A No, I didn't receive that.

17 Q Okay. And you indicated that this work was  
18 related to looking at the information turned over by  
19 the FBI?

20 A Correct. Actually not from the FBI. It been  
21 presented to him from the C.P.A.'s up in Buffalo.

22 Q Okay. And since you work in the store, are  
23 you familiar with the fact that there are different  
24 bank accounts for either the United Corporation  
25 Shopping Center as opposed to the supermarkets?

1 A Correct.

2 Q Okay. And you were paid from where?

3 A Excuse me?

4 Q You were paid from a Plaza Extra supermarket  
5 account?

6 A Yes.

7 Q Okay. Now, in 2012 you said you started being  
8 controller for the company?

9 A Correct.

10 Q And what account, bank account are you being  
11 paid from? A Plaza Extra supermarket account?

12 A Yes, I'm doing controller for Plaza Extra  
13 accounts.

14 Q Okay. And I guess that gets down to my next  
15 question. I should have just gone directly to it. Are  
16 you doing any work on the United Corporation Shopping  
17 Center accounts?

18 A United Corporation? Not yet. I didn't have a  
19 chance to touch it. There is a lot of work in the  
20 stores itself that it's not allowing us to touch  
21 anything else. When I take this job I inherited six  
22 month back work of bank reconciliation need to be done  
23 for the stores.

24 You talking about the St. Croix location, you  
25 have three bank account in each location; multiply six

1 month, that's 18 bank reconciliation for one location  
2 and --

3 Q Okay. Here's my question then. If I asked  
4 you something about the United Corporation Shopping  
5 Center bank accounts, you would say you have not had  
6 time to get to those yet?

7 A Yes.

8 MR. HOLT: Okay. No other question.

9 MR. DAVID: Nothing further, your Honor.

10 THE COURT: Thank you.

11 THE WITNESS: Thank you.

12 THE COURT: You may stand down, sir.

13 Next witness.

14 MR. DIRUZZO: Your Honor, defense calls  
15 Mr. John Gaffney.

16 THE COURT: Excuse me, counsel. Could  
17 you spell that name of the last witness, please?

18 MR. DAVID: Sure.

19 MR. HOLT: The answer is no.

20 MR. DAVID: The answer is no, judge.

21 MR. DIRUZZO: Last name,  
22 A-L-K-H-A-L-E-D; first name Ayman, A-Y-M-A-N.

23 THE COURT: Thank you.

24 MR. DAVID: Madam Reporter, I think we  
25 used the name Margie Soeffing. It's spelling is

1 S-O-E-F-F-I-N-G.

2 **JOHN GAFFNEY,**

3 having been called as a witness, and having been first  
4 duly sworn by the clerk of the court, was examined and  
5 testified, as follows:

6 **DIRECT EXAMINATION**

7 BY MR. DIRUZZO:

8 Q Good morning, sir.

9 A Good morning.

10 Q Could you please state your name spelling your  
11 last name?

12 A John Gaffney. G-A-F-F-N-E-Y.

13 Q And, sir, what is your current job occupation?

14 A I work for United Corporation. I am kind of a  
15 controller.

16 Q Okay. Sir, why don't we start off with your  
17 education. Could you briefly tell us about your  
18 education?

19 A I have a BSBA in accounting from University of  
20 Florida, 1973.

21 Q Okay. And what about your professional  
22 experience?

23 A When I graduated, I went to work for a Big  
24 Eight accounting firm called Haskins & Sells.

25 Q And, sir, could you spell that for the court

1 reporter?

2 A Haskins & Sells, H-A-S-K-I-N-S & S-E-L-L-S.  
3 Our international name was Delloitte Haskins & Sells  
4 and they merged.

5 Q And, sir, is that accounting firm currently  
6 known at Delloitte & Touche?

7 A Yes, it is.

8 Q Okay. And how long did you spend at Haskins &  
9 Sells?

10 A Three years in the audit department, three and  
11 a half years.

12 Q And after your tenure there, what did you do  
13 next?

14 A I went out and began a practice of my own in  
15 the late 70s.

16 Q And your practice consisted of?

17 A It was primarily geared to tax work.

18 Q Okay. And, sir, how many years have you spent  
19 in public accounting?

20 A Well, I've been in an out of private  
21 accounting, but I've spent probably about 15 to 20  
22 years in public.

23 Q What about the private accounting?

24 A Private accounting another 15 years.

25 Q And do you have experience as -- well, are you

1 currently a certified public accountant?

2 A No. I let my license expire. I went inactive  
3 in the mid-80s.

4 Q And were you previously a certified public  
5 accounting?

6 A Yes, I was. I got certified in 1975.

7 Q And you held a license -- or what jurisdiction  
8 issued you that license as a certified public  
9 accountant?

10 A Florida.

11 Q And how long was that license active for?

12 A It was active for six years.

13 Q Sir, do you have any experience in retail  
14 accounting?

15 A Yes, I do.

16 Q Why don't you tell us about that experience?

17 A For about ten years I was part owner of a  
18 retail operation in Florida. We had sixteen stores;  
19 fifteen stores in Florida, one in Georgia.

20 Q Okay. Now, sir, have you ever worked for a  
21 company known as Kazi Management?

22 A Yes, I have.

23 Q And what was your capacity? What were you  
24 doing for Kazi Management?

25 A I was the director of finance for them.

1 Q And just briefly, what were your job duties?

2 A Well, I managed an office of approximately 11  
3 controllers. We had markets throughout the U.S. and  
4 some overseas. It was 275 fast food restaurants,  
5 mostly KFCs, Pizza Huts, Taco Bells, etc.

6 Q Do you know an individual by the name of Ayman  
7 Al-Khaled?

8 A I sure do.

9 Q How do you know him?

10 A He applied for a position as controller in May  
11 of 2010 and I hired him.

12 Q Is that Kazi Management?

13 A Yes, it was; 2011, it was.

14 Q And how would you characterize Mr. Ayman  
15 Al-Khaled's performance as controller?

16 A I characterize it as very good.

17 Q Okay. Sir, let's fast forward to your current  
18 employment with United Corporation. Do you remember  
19 when you were hired?

20 A Yes.

21 Q When was that?

22 A It was late September and I arrived on October  
23 7th.

24 Q And in what capacity were you hired? What  
25 were your job duties supposed to be?



1           A           I was coming in as an outside consultant  
2 initially to evaluate their system of internal  
3 controls.

4           Q           And what are internal controls?

5           A           I'm sorry?

6           Q           Could you define what internal control is?

7           A           Internal controls are basically the policies  
8 and systems in place to ensure that all of the assets  
9 and liabilities are safeguarded in the company.

10          Q           Are you familiar with the term GAAP?

11          A           Yes.

12          Q           What does GAAP stand for?

13          A           Generally accepted principles.

14          Q           And do internal controls have any relationship  
15 to GAAP?

16          A           They sure do.

17          Q           How so?

18          A           Well, basically the reliance on financial  
19 statements was built upon a system of internal  
20 controls.

21          Q           Sir, you said financial statements. Could you  
22 define financial statements for us?

23          A           GAAP financial statements generally consist of  
24 the balance sheet and income statement and statement of  
25 cash flows.

1 Q And just briefly, what is a statement of cash  
2 flows?

3 A Well, statement of cash flows basically takes  
4 all of the components of cash, beginning with net  
5 income of the business, make certain adjustments for  
6 charters, non-cash charters such as depreciation and  
7 amortization. And then what it does is it measures the  
8 activity or the net activity of the various asset and  
9 liability accounts to come up with, first, operational  
10 cash movement; then, financing cash movement; then,  
11 investing cash movement. And then what happens is you  
12 get your net increase and decrease in cash, and you  
13 compare your beginning and ending balances. If they  
14 balance, you've got a statement of cash flows.

15 Q All right. Now, sir, when you arrived and  
16 started working for United Corporation, what did you  
17 initially observe?

18 A Well, I observed that there was essentially  
19 four computers that had an accounting system, but none  
20 of them were integrated. In the west location, for  
21 instance, there were two databases using the Peachtree  
22 accounting system; one was being used for payroll, the  
23 other one was being used for accounts payable, but in  
24 essence what they were was they were being used as word  
25 processing systems to print checks.

1 Q That's in the west location. What about the  
2 east location?

3 A The east location did have a server and it did  
4 have a single database that had been a recent  
5 development. And although they did have a server, the  
6 person doing accounts payable and the person doing  
7 payroll, again, they were using it more or less like a  
8 word processing system because all they were doing was  
9 they were using it to print checks.

10 Q And what about the St. Thomas location?

11 A In St. Thomas there was a controller by the  
12 name of Margie Soeffing. And she basically had a  
13 server also with two people; one person doing payroll,  
14 one person doing accounts payable. And that was the  
15 only system that actually had accounts payable  
16 functioning. She was then in charge of collecting data  
17 from the east and west locations from analysis of bank  
18 accounts at the end of each month, and then posting  
19 them as a journal entry into her system.

20 Q When you started working for United  
21 Corporation, did you initially come up with a plan of  
22 things that had to be done or implemented?

23 A Yes, I did.

24 Q And what was that plan?

25 A Well, after I studied it for a little while, I

1 said we have to get a better accounting system in  
2 because there is no system of internal controls in  
3 existence.

4 Q Okay. Now, you talked about using Peachtree  
5 as a typewriter. Could you briefly describe the  
6 functionality of Peachtree and then contrast it to what  
7 was actually being used?

8 A Well, Peachtree is truly a good accounting  
9 system. It's a low-end system, but it's a very good  
10 accounting system quite capable of accounting for  
11 receivables, payables. You know, it's got the general  
12 ledger. It's capable of printing GAAP financial  
13 statements, balance sheet, income statement and  
14 statement of cash flows when set up properly.

15 When I say it was used as a word processor,  
16 essentially, a bill would come in and they would  
17 literally just go in and write checks. And so there  
18 was really no accounting for accounts payable, if you  
19 will. In other words, they didn't go in, voucher in  
20 the payable and then pay it 30 days later. In some  
21 instances, however, they did. And that was completely  
22 omitted in the accounting that was done over in  
23 St. Thomas and those were some of the weaknesses.

24 Q Are you familiar with the phrase "accrual  
25 accounting"?

1 A Yes, I am.

2 Q What is accrual accounting?

3 A Accrual accounting is basically where you're  
4 matching income and receipts in the same periods.  
5 Essentially when you sell an account, for instance,  
6 what you have, you don't collect cash necessarily in  
7 the month of the sale. What you have is an accounts  
8 receivable. The cash might be collected the following  
9 month, or it might be collected a year from now.  
10 Accrual accounting basically dictates that a sales is  
11 still recognized regardless of when payment is  
12 occurred.

13 Same thing is true on the other side when  
14 you're paying bills. If an electric bill comes in, in  
15 November and it's paid in December, it's still a  
16 November expense. And the accrual accounting is just a  
17 system of recognizing those facts.

18 Q Is accrual accounting consistent with  
19 generally accepted accounting principles?

20 A Yes, it is.

21 Q You heard the phrase or term "cash  
22 accounting"?

23 A Yes, I have.

24 Q What is that?

25 A Well, cash basis accounting is basically, you

1 know, income and expenses are recognized when  
2 collected.

3 Q Now, sir, how would you characterize the  
4 method of accounting of United Corporation at the three  
5 stores when you arrived?

6 A Well, it was meant to be accrual accounting,  
7 but the only accrual accounting that was occurring was  
8 related to accounts payable in St. Thomas. The rest of  
9 the accounting was being done from the analysis of bank  
10 statements. Consequently, it was at best a cash  
11 accounting.

12 I discovered as time went on that at least one  
13 of the locations tended to lag behind. One of the  
14 locations where I was located actually paid bills very  
15 promptly, typically in a month of receipt. So not so  
16 much of an issue there, but in one of the other  
17 locations tended to pay two to three months in arrears.

18 Q Sir, I'm going to turn to or ask you this.  
19 Have you ever heard of the acronym P.O.S.?

20 A Yes.

21 Q What does that stand for?

22 A Point of sale.

23 Q And how does point of sale -- well, what  
24 exactly is point of sale?

25 A Well, point of sale system -- well, in Plaza

1 for instance, the point of sale system is the system  
2 that regulates all the cash registers. And it  
3 typically -- it typically contains all of the detailed  
4 information as to pricing. A good point of sales  
5 system also contains all of the detailed costing, and  
6 is usually capable of some form of inventory  
7 management.

8 Q And was the point of sale system being used,  
9 was that integrated with the accounting systems?

10 A No, it wasn't.

11 Q How was it lacking?

12 A Well, there was no recording of point of sale  
13 in Peachtree. Essentially, what happened was each  
14 month, and it lagged behind probably -- well, when I  
15 arrived and still to this date, 2012 accounting hasn't  
16 been done beyond June of 2012. Okay. But the point of  
17 sale was not being recorded in the accounting system.

18 Instead what they were doing was analyzing  
19 monthly bank statements and they were coming up with  
20 the journal entry to record the effects of what made it  
21 to the bank.

22 Q Is that consistent with GAAP?

23 A No, not at all.

24 Q Now, sir, I'm going to turn your attention to  
25 the inventory. Did you have an opportunity to take a

1 look at the accounting in respect to the inventory?

2 A Yes.

3 Q And did you come up with an initial  
4 observation or conclusion about that inventory?

5 A Well, my observation is very definitely that  
6 they have a periodic inventory method. They don't use  
7 a perpetual method. A periodic is where you basically  
8 just take a physical inventory from time to time. They  
9 do it once a year in February, so we're coming up on  
10 that right now.

11 Q Okay?

12 A Perpetual inventory, on the other hand, is a  
13 system whereby inventory is checked in and checked out.  
14 So when the sale occurs, it actually measures the cost  
15 associated with the particular item, but the P.O.S.  
16 system may be capable of that, but it's not being  
17 utilized for that purpose so what we have truly is a  
18 periodic system.

19 And all of the charges to inventory were going  
20 to inventory on the balance sheet, which made it  
21 practically -- made the income statements useless  
22 throughout the year.

23 Q Let's talk about that. What should have been  
24 done, according to generally accepted accounting  
25 principles, as it relates to the inventory?



1           A           Well, a periodic method is a perfectly  
2 acceptable and accurate form of accounting for  
3 inventory. Essentially you have to acknowledge that  
4 that's what you're doing, is periodic; and you charge  
5 all your purchases to cost of sales purchases. And  
6 then periodically when you do your physical  
7 inventories, you make an inventory adjustment that  
8 trues up the true cost of sales.

9           Q           And was that being done?

10          A           No, it wasn't.

11          Q           What was being done?

12          A           What was being done was everything was being  
13 charged to inventory. So the financial statement, the  
14 only financial statement I've been able to get out of  
15 the system that has any credibility whatsoever is the  
16 June 30, 2012 financial statement. And at the time  
17 that I ran that financial statement inventory was  
18 valued at about \$40 million.

19          Q           And is there any problem with that valuation?

20          A           Yeah, the true inventory is probably closer to  
21 10, maybe as high as 12 million.

22          Q           So you have a \$30 million variance, give or  
23 take?

24          A           Yeah.

25          Q           And is that problematic?

1           A           Well, you know, what it results in is a \$30  
2 million overstatement of income.

3           Q           Okay.  Sir, you ever hear of the acronym  
4 I.T.O.?

5           A           Yes.

6           Q           What is that?

7           A           Inventory turnover.

8           Q           And what -- could you define inventory  
9 turnover for us?

10          A           Well, it's an important metric that management  
11 uses to determine the efficiency of buying and selling  
12 inventory.  I.T.O. in retail operation, especially  
13 something with spoilage, if it's too low it means that  
14 you have a potential for greater spoilage.

15          Q           Okay.  Sir, you ever heard of the phrase "days  
16 sales outstanding"?

17          A           Yes.

18          Q           What is that?

19          A           D.S.O.  Well, sales on account, it's the  
20 amount of time that it takes to collect your sales on  
21 account.

22          Q           And does that relate to accounts receivable?

23          A           Yes.

24          Q           And what did you initially observe regarding  
25 accounts receivable?

1           A           Well, it's not on the system. It's not on the  
2 system. In St. Thomas they do record the receivables.  
3 They are pulled -- they are treated in an incorrect  
4 way. They are actually pulled out of the P.O.S. So  
5 when a sale occurs on an account in St. Thomas, what  
6 they do is they void the sale the moment they complete  
7 it so they've got a cash register statement.

8                       For the sake of example, let's say they sell  
9 \$500. They void that sale and then that paperwork goes  
10 to someone whose responsibilities it is to put it in  
11 the system and then to later collect it. That right  
12 now in St. Thomas has lagged months behind.

13          Q           And is that system -- is there any problems  
14 with the way the system is as you saw it or as you just  
15 described?

16          A           Oh, yeah. Well, it's a severe internal  
17 control weakness. Because if a -- if the accounts  
18 receivable aren't entered or collected, we would never  
19 know about it.

20          Q           Sir, turning your attention to credit cards.  
21 Are you familiar or had an opportunity to review how  
22 credit cards are processed by United Corporation?

23          A           Yes.

24          Q           And what did you observe?

25          A           I mean, it's pretty -- the credit card

1 processing is pretty good. The batch out at the end of  
2 the day sometimes has some left-over moneys that I  
3 monitor now because I'm looking at the P.O.S. on a  
4 daily basis. I monitor it now. So if there is  
5 something that doesn't get included in, let's say,  
6 today's batch, I will look tomorrow to see whether or  
7 not we have a corresponding overage, but generally the  
8 credit card process, it was pretty good.

9 Q Is there anything with regard to the credit  
10 card processing that has come to your attention as  
11 being problematic?

12 A Yes. As a matter of fact, there was a -- an  
13 A.C.H. problem recently with American Express in the  
14 east location, and it resulted in American Express  
15 issuing checks in settlement of the daily batches, and  
16 those checks have been getting mailed to St. Thomas.  
17 And I had to go over to St. Thomas on an emergency  
18 basis this weekend for payroll and I came back with  
19 about 20 checks that probably totalled anywhere -- I  
20 didn't even look at them, but I glanced at a few and  
21 they range between 2 and \$6,000. So I would imagine  
22 there was a pretty good amount of money there. If any  
23 of them had gotten lost in the mail, we wouldn't really  
24 know under the old system.

25 Q Sir, turning your attention to audits of

1 financial statements. Are you familiar with those?

2 A Yes.

3 Q And, sir, when a certified public accountant  
4 audits the management's financial statements, what do  
5 they do?

6 A Well, there is an awful lot of analytic review  
7 being done today. In earlier times there was an awful  
8 lot of selection that was done to verify things at, you  
9 know, to a source document. If, for instance, you  
10 wanted to verify the validity of a particular expense,  
11 you would actually make that selection beginning at the  
12 general ledger and drilling down into, let's say, the  
13 purchases journal. And then what you would do is you  
14 would examine the invoice for that purchase to  
15 determine the validity of it.

16 Income on the other hand was typically audited  
17 from the standpoint of determining where it begins, and  
18 it actually goes kind of opposite direction, but in a  
19 store in a retail operation it's always the P.O.S.

20 Q Okay. Sir, are you familiar with the phrase  
21 or term "audit report"?

22 A Yes.

23 Q What is that?

24 A Well, the audit report usually is the entire  
25 set of financial statements that's accompanied by an

1 opinion from the outside C.P.A. firm.

2 Q And are there -- is there more than one type  
3 of opinion from a C.P.A. firm?

4 A Yes.

5 Q And can you describe what those opinions are?

6 A Well, there is a no opinion. There is an  
7 adverse opinion. Then there is, of course, favorable  
8 opinion, which is what everybody seeks.

9 Q Okay. Let's talk about an adverse opinion.  
10 What is adverse opinion?

11 A An adverse opinion is basically where a  
12 C.P.A. firms comes in, attempts to conduct work and  
13 can't form a conclusion as to the fair presentation of  
14 the financial statements.

15 Q And what is no opinion?

16 A A no opinion is there aren't sufficient books  
17 and records to even begin.

18 Q So when you came in to United Corporation and  
19 started the work, how would you characterize the  
20 ability or the type of opinion that a C.P.A. firm would  
21 be able to render?

22 A Well, having been recently, having gone  
23 through the process recently and having spent \$250,000  
24 on an audit, I can honestly say that we could have  
25 probably spent a half million dollars and probably

1 wound up with either a no opinion or an adverse  
2 opinion.

3 Q Okay. Now, sir, with the work that you're  
4 performing, what is the goal, the end game so to speak  
5 of the work that the consulting with respect to audit  
6 is?

7 A Well, aside from establishing a descent -- a  
8 good system of internal controls, it is to be able to  
9 generate financial statements with very, very good  
10 audit trails. Theoretically, I could see an audit, the  
11 price of audit coming from what I just mentioned down  
12 to \$50,000 with a good set of internal controls and  
13 also audit trails.

14 Q So you're estimating the cost savings of  
15 approximately 450,000 based on when the work that  
16 you're performing is completed?

17 A Yes.

18 Q Sir, have you ever been asked by -- well, let  
19 me go back. Are you familiar with any of the Hamed  
20 brothers?

21 A Yes.

22 Q And have you ever talked to them?

23 A Yes.

24 Q Okay. Have you ever been asked by them to --  
25 for them -- or for you to deliver to them your work

1 product?

2 A Yes.

3 Q And what happened?

4 A Well, I actually haven't -- I don't have a  
5 deliverable product yet. Because we did a conversion  
6 beginning January 1st of 2013, and the end of the month  
7 was yesterday. I have been keeping up with the  
8 P.O.S. entries during this first month. In the two  
9 locations, east and west, they are current through  
10 about the 23rd of the month. I just got the last  
11 documents handed to me last night as a matter of fact.  
12 I have all of the documents through the 27th I believe  
13 from St. Thomas in my possession right now. I intend  
14 to go over there again this week, and I am going to  
15 actually post those into the system.

16 As soon as all those are posted and as soon as  
17 bank statements come in, and they're pretty late here  
18 in the islands, they are beyond mid-month, I would say  
19 that by the end of October I would actually have some  
20 reconciliations and some form of deliverable product.

21 Q Sir, you just said by the end of October?

22 A By the end of October -- I'm sorry. I meant  
23 by the end of February.

24 Q You would expect to have a deliverable product  
25 by the end of February?



1           A           It won't be a perfect statement because I  
2 intend to also encourage Margie, work with Margie in  
3 St. Thomas to bring 2012 to a close. Right now the  
4 St. Thomas accounting for revenue has not been done  
5 since June of 2012. And so I'd asked her to complete  
6 that action.

7                   Ayman has completed all of the analysis work  
8 that allowed me to post the activity from July through  
9 November for the other two locations. And we just  
10 received the bank statements recently and I expect to  
11 have that finished up too, but whether or not I will  
12 have the balance sheet, I won't really have a good  
13 balance sheet by the end of October. That's going to  
14 take some more time because I know in my review of the  
15 2012 work, I see some adjustments that need to be  
16 updated back to 2011.

17          Q           I believe you said the balance sheet to be  
18 ready by October?

19          A           I'm sorry. I keep thinking I'm in September  
20 because -- yeah, by the end of February.

21          Q           Okay?

22          A           It's going to take a few months before the  
23 balance sheet is actually -- it's kind of like building  
24 a bridge across the bay. You're building it together  
25 and it has to meet perfectly in the middle.

1 Q Okay. Sir, have you done any training with  
2 any of the employees?

3 A Yes, I have.

4 Q And what training have you done?

5 A I have trained Lizette and Myra in the west  
6 store in the new system. I have basically educated  
7 them on the chart of accounts and its purpose. They  
8 really -- their understanding of the chart of accounts  
9 was minimal. Their understanding of debits and credits  
10 is nonexistent. I also trained Lavena, Wadda and Mary  
11 in the east store also on the new system.

12 I found that everybody was very cooperative  
13 and very intelligent, but the -- they lacked certain  
14 knowledge of the theory of the accounting system and  
15 how it's best used.

16 Q Sir, you just mentioned the chart of accounts.  
17 What is that?

18 A The chart of accounts is basically the  
19 categories that items are classified as. Cash, for  
20 instance, is an item on the balance sheet, but it's  
21 also cash in the chart of accounts. Revenue is an  
22 income statement item in the chart of accounts.

23 Q Okay. Was there any problems -- well, what  
24 problems, if any, did you observe in the chart of  
25 accounts when you started working?

1           A           Well, the chart of accounts being used over in  
2           St. Thomas had a structure that indicated that someone  
3           was looking toward being able to departmentalize the  
4           three locations. In actuality, they used the suffix,  
5           10, to account for both east and west over here. So  
6           those two -- the operations of east and west were  
7           merged into one. They used the suffix 20 to account  
8           for St. Thomas. And they used the suffix 30 to account  
9           for the tenants with the accounting, which was the  
10          rentals and so forth at the east location.

11                   Essentially there was a lot of cross over.  
12          There was a lot of confusion in the equities section,  
13          meaning, there were multiple. There were four retained  
14          earnings accounts.

15          Q           Is that problematic?

16          A           Yeah, it was pretty problematic. When the  
17          first time -- my first conversation with Margie  
18          Soeffing after I introduced myself, I had asked her  
19          whether or not she had ever done a thorough analysis of  
20          the equities section of the financial statement and she  
21          said, no, she could never figure it out.

22          Q           Have you done it yourself?

23          A           I have. It took me two passes. It took me  
24          two passes and searching for a lot of information, but  
25          I finally did reconcile.

1 Q Okay. Sir, are you familiar with the phrase  
2 "adjusting journal entry"?

3 A Yes.

4 Q And what is an adjusting journal entry?

5 A Well, an adjusting journal entry, it is  
6 typically something that's done by the controller. And  
7 it is a journal entry that is based upon some analysis  
8 to true up, you know, some figure.

9 Q And were adjusting journal entries being done  
10 properly?

11 A In the -- over a long period of time, yes, but  
12 the timeliness was very poor. As I said, the  
13 accounting for United Corporation still to this day  
14 lags behind. We've not reconciled anything since June  
15 of 2012.

16 Q Sir, have you ever heard the phrase FAS 109  
17 accounting for income taxes?

18 A I have heard it, yes.

19 Q And briefly tell us, what does that mean?

20 A Well, I'm not sure. Honestly, I'm not sure  
21 what 109 is because I don't keep them memorized, but  
22 financial accounting standards. And it's basically  
23 pronouncements from the A.I.C.P.A. on the treatment of  
24 certain things.

25 Q And were the -- was the accounting for income

1 taxes being done properly when you arrived at United  
2 Corporation?

3 A Um --

4 Q Let me be specific.

5 A Yeah.

6 Q For accounting purposes, not for income tax  
7 purposes, but for the accounting purposes under  
8 generally accepted accounting principles?

9 A Well, I mean, I have taken exception to some  
10 of the handlings in the financial statements. It may  
11 get a little bit confusing. The significant portion of  
12 the balance sheet of United Corporation is brokerage  
13 accounts with Banco Popular and Merrill Lynch. The  
14 reason those are correct on the income tax returns is  
15 because it was done with great analysis by the outside  
16 C.P.A. firm in the past.

17 The accounting for on the books and records of  
18 United Corporation in my opinion are not as good as  
19 they should be. One of the items that I take exception  
20 to is unrealized gain or loss on investments. And  
21 that's an item that typically is used to track original  
22 basis, meaning, what you originally have invested in  
23 something. And it can be viewed, it's often viewed as  
24 an income statement item, but I usually find that it's  
25 better placed on the balance sheet. Because when it's

1 put into the income statement it closes into retained  
2 earnings and you lose track of what your original basis  
3 was.

4 Q Sir, during the course of your employment have  
5 you had an opportunity to review the plea agreement?

6 A I have.

7 Q Okay. The plea agreement sets out certain  
8 terms or certain requirements for United Corporation.  
9 When you started working for United Corporation,  
10 insofar as it relates to the accounting, was United  
11 Corporation in compliance with the plea agreement?

12 A No.

13 Q And when you're done with the work that you're  
14 performing, do you anticipate United Corporation to be  
15 in compliance with the plea agreement?

16 A Yes.

17 Q Sir, are you familiar with an individual by  
18 the name of Wadda Charriez?

19 A Yes.

20 Q How do you know this individual?

21 A I was introduced to her in the east location.  
22 She does the payroll work.

23 Q Okay. Now, is her position as payroll clerk,  
24 is that a critical or important position?

25 A Payroll clerk is always a critical -- is

1 always an important position because especially in --  
2 we found that out this week in St. Thomas when we  
3 received the resignation of the payroll clerk over  
4 there. It caused me to have to go over there on  
5 basically 24-hours notice, become familiar with it.  
6 And I'll be over there again this Monday to make sure  
7 that payroll gets done.

8 Q Okay. Now, is Wadda Charriez's employment as  
9 a payroll clerk, is she critical?

10 A Um --

11 Q Let me ask it this way. Is she irreplaceable?

12 A No, she is not irreplaceable.

13 Q And how do you know that?

14 A Well, there was about--I forget how many weeks  
15 ago, maybe two weeks ago--she was out sick on the day  
16 payroll was to be done and she said she was going to be  
17 out for a few days. And one of the other girls,  
18 Lavena, she did the payroll on Monday morning. And  
19 from what I recall, it was about two o'clock when she  
20 finished it up on Monday.

21 Q Can you compare the time it took Lavena to  
22 complete the task versus Wadda?

23 A Well, the week before it had been mentioned to  
24 me that the payroll wasn't complete on Monday, and that  
25 it was done sometime Tuesday morning. It was completed

1 by Tuesday morning. Now, I don't really know the  
2 particulars of it, but you know, that was just a for  
3 instance; but to my knowledge for the most part payroll  
4 is typically completed in each of the locations on  
5 Monday.

6 In St. Thomas, Sherry, I forget Sherry's last  
7 name, but Sherry typically comes in early on Monday  
8 mornings and has it completed. Her target for  
9 completing payroll in St. Thomas is noon.

10 Q And as you're sitting here today, would you be  
11 comfortable if Wadda was replaced with Lavena?

12 A I would be.

13 Q And finally, sir, when it's all said and done,  
14 the financial statements that would be produced, how  
15 would you characterize both the timeliness and the  
16 accuracy of those financial statements when all of your  
17 work at the end of the day, when your work as  
18 consultant is completed?

19 A Well, I'm accustomed to and I have experience  
20 having closed financial statements in three and a half  
21 days after the close of a month. That was a  
22 requirement when I worked for Emerson Electric, and it  
23 can be done.

24 A good quality financial statement and a good  
25 quality system will produce not only a good balance



1 sheet and income statement, with all balance sheet  
2 items reconciled every month, it will also produce a  
3 good statement of cash flows because I found that to be  
4 a financial statement that businessmen and  
5 entrepreneurs understand well. They understand that  
6 better than even income statements. And I designed the  
7 chart of accounts to accomplish that.

8 I can actually prove, I can actually prove it  
9 and have. I have run preliminary financial statements  
10 mid-January and the statement of cash flows balance is  
11 perfectly -- and it's really quite an accomplishment.  
12 Because 90 percent of the businesses that C.P.A. firms  
13 go in to audit can't produce a statement of cash flows.

14 MR. DIRUZZO: Nothing further at this  
15 time.

16 THE WITNESS: Okay.

17 THE COURT: Thank you. Mr. Holt.

18 **CROSS EXAMINATION**

19 BY MR. HOLT:

20 Q Let me start off with Wadda Charriez?

21 A Yes.

22 Q You've worked with her?

23 A Yes.

24 Q You've worked with the person in her position  
25 in all three of the stores, correct?

1 A Yes.

2 Q And you would describe her work as excellent,  
3 wouldn't you?

4 A I would.

5 Q She's a very good worker, isn't she?

6 A I think she is.

7 Q She's better than the ones in her position in  
8 the others stores, isn't she?

9 A I wouldn't say. Perhaps one of them she is;  
10 the one that I most recently worked with, yes.

11 Q And you've never had any problems in the  
12 performance of her job, have you?

13 A No.

14 Q Now, you started work in this store -- you  
15 started working for Plaza in September of 2012?

16 A October 8th was my first day.

17 Q Okay. 2012?

18 A 2012.

19 Q Okay. And you knew Ayman before you came to  
20 work there?

21 A Yes, I did.

22 Q Was he the one who actually introduced you to  
23 Mr. Yusuf to get you the job?

24 A I was introduced -- I actually was introduced  
25 to them back in 2012 when I was still on the island

1 before I moved back to Florida.

2 Q And who introduced you to them?

3 A Ayman did.

4 Q So your contact with the store came through  
5 Ayman, is that correct?

6 A Yes.

7 Q Okay. And did you, when you started work in  
8 October of 2012, did you actually have a formal  
9 engagement letter which listed what you would do?

10 A No, I didn't.

11 Q And then you've talked here about all the work  
12 you've done. Am I correct in understanding that there  
13 is an accounting system for each of the Plaza Extra  
14 stores?

15 A Yes.

16 Q Okay. And then, is there an accounting system  
17 for the United Shopping Center?

18 A There is going to be, yes. It hasn't been set  
19 up yet.

20 Q Okay. Have you done any work on the accounts  
21 for the United Shopping Center?

22 A Other than I have segregated the department I  
23 referred to earlier as with the suffix 30. I've  
24 segregated those numbers as they exist in 2012. As I  
25 said, they're not complete yet, but I've segregated

1       them, and because there is not too much activity in  
2       that I have kind of put that to the side because the  
3       Plaza stores and, you know, departments 10 and 20 are  
4       so much more important.

5       Q       So you have some familiarity with the United  
6       Shopping Center financial bank accounts, but you've  
7       concentrated primarily on the three stores?

8       A       Correct.

9       Q       Okay. And when we say the three stores, I  
10      take it then there is a separate bank account system,  
11      payrolls, invoicing, purchasing, separate system for  
12      the Sion Farm east store -- I mean -- excuse me -- the  
13      Plaza Extra East store, the Plaza Extra West store and  
14      the St. Thomas store?

15     A       Yes, that's what we're putting in now.

16     Q       And you've done nothing to merge any of these  
17     together, correct?

18     A       The intention is when the accounting is being  
19     done in all three on a monthly basis, we will combine  
20     all three.

21     Q       But during the day as they are working, they  
22     still work as three separate stores?

23     A       Exactly.

24     Q       And even when you merge them, will you also  
25     merge them with the United Shopping Center account?

1 A Yes.

2 Q So right now they're totally separate?

3 A Correct.

4 Q Okay. Now, which account are you paid from?

5 Are you paid from one of the Plaza Extra accounts?

6 A Yeah, I'm paid from Plaza West.

7 Q The store that's located in Plaza Extra West?

8 A Yes.

9 MR. HOLT: Let me have the witness shown  
10 Exhibit 7, 9, 13, 15.

11 THE COURT: This is plaintiff's?

12 MR. HOLT: Yeah, Plaintiff's Exhibit 7,  
13 9, 13 and 15.

14 (The documents were marked Plaintiff's  
15 Exhibit Numbers 7, 9, 13 and 15 for identification.)

16 MR. DIRUZZO: Your Honor, we object;  
17 beyond the scope.

18 MR. HOLT: They talked about the  
19 accounting. I'm going to ask him how he books these  
20 accounts.

21 THE COURT: I'll permit it, at least at  
22 this stage.

23 Q (MR. HOLT) Looking at Exhibit Number 7,  
24 you'll see that these are statement of rents due for  
25 Plaza Extra East from United Corporation. Are you

1 familiar with those documents?

2 A I don't think that I've seen this one, this  
3 Number 7.

4 Q Can you just look through all of the documents  
5 and see if you've seen any of the composite exhibit?

6 A I think I have seen one of these, yes.

7 Q Okay. And this shows United Corporation  
8 sending a rent-due statement to Plaza Extra?

9 A Yes.

10 Q So as an accountant, do you plan on entering  
11 this as a debit on the Plaza Extra account and a sum  
12 owed on the United Corporation account?

13 A That was my intention, yes.

14 Q Okay. And showing you Exhibit Number 9, this  
15 is a check for 5.4 million. You know, before I leave  
16 that, let me have the witness shown Exhibit 20. This  
17 is the most recent rent statement of February 1, 2013.  
18 Have you seen this one?

19 (The document was marked Plaintiff's  
20 Exhibit Number 20 for identification.)

21 A No, I haven't.

22 Q Would you have entered it the same way as the  
23 other ones?

24 A Yes, I would.

25 Q Before doing that, would you consult with

1 anyone to see if in fact Plaza Extra supermarket has  
2 agreed to pay this rent?

3 A Well, I would certainly question whether or  
4 not it was collectible before entering.

5 Q But before you list an account payable on one  
6 company and due to the other company, would you at  
7 least inquire as to whether or not there's really been  
8 an agreement to pay these sums of money?

9 A Yes, I would.

10 Q And if the Hamed family told you that they  
11 hadn't agreed to pay this rent, how would you enter it?

12 A Well, I don't know that I would consider that  
13 I would have to get their approval.

14 Q Whose approval would you have to get?

15 A I'd get Mike Yusuf, president of United  
16 Corporation.

17 Q Well, he's the landlord?

18 A No, he is not. He's the president of United  
19 Corporation --

20 Q Well, United --

21 A -- doing business as Plaza Extra. If he says  
22 it's a good payable receivable, then it is.

23 Q So if United Corporation sends a rent notice  
24 to Plaza, you see that as the same entity?

25 A Yeah, United Corporation doing business as

1 Plaza, yes.

2 Q In your accounting business have you ever seen  
3 a company send a rent notice to itself?

4 A Well, as a matter of fact, I have seen  
5 intercompany do two forms where you have one bookkeeper  
6 sending it to another one, yes.

7 Q And has anyone ever told you that Plaza is  
8 actually a partnership that operates separately from  
9 Mohammad Hamed and Fathi Yusuf?

10 MR. DIRUZZO: Hearsay.

11 THE COURT: You can answer it.

12 THE WITNESS: I'm sorry.

13 THE COURT: You can answer it.

14 A I have heard the term partnership used as more  
15 of a joint venture splitting the profits of Plaza.

16 Q (MR. HOLT) Okay. If in fact there is a joint  
17 venture or a partnership, you would have to change the  
18 accounting on how you treated these, wouldn't you?

19 MR. DIRUZZO: Your Honor, beyond the  
20 scope of direct.

21 THE COURT: I'm sorry. Could you ask  
22 the question again.

23 Q (MR. HOLT) If you had to -- if in fact there  
24 is a joint venture or a partnership, you would then  
25 have to change how you would enter the accounting of



1 this document as rent being owed and rent being paid?

2 MR. DIRUZZO: Objection.

3 THE COURT: Objection is overruled.

4 A No. It is -- it's basically an intra-company  
5 payable due to/from. And it really, in the final  
6 analysis on the tax returns of United Corporation,  
7 washed.

8 Q (MR. HOLT) But if there was a partnership in  
9 place that existed, then you would have to have a  
10 separate entity -- let me rephrase.

11 Partnerships have to file tax returns,  
12 don't they?

13 MR. DIRUZZO: Objection; outside the  
14 scope of direct.

15 THE COURT: I will allow it.

16 MR. DIRUZZO: Objection; calls for legal  
17 conclusion.

18 MR. HOLT: He is an accountant.

19 THE COURT: I'm going to allow it.

20 A If there is a partnership where tax returns  
21 are being filed. But what's been consistently done and  
22 typically the safe route is that there is  
23 S Corporations for United Corporation that's been a  
24 consistency for a long time. There is no evidence of  
25 partnership.

1 Q (MR. HOLT) Do you know if the Hameds are  
2 shareholders in United?

3 A I know they are not.

4 Q And do you know though that they've received  
5 profit from United?

6 A The answer to that is that I know of an  
7 agreement that they are to -- that there is going to be  
8 a split of the Plaza operations, but the answer is that  
9 I know they receive payroll checks. They don't receive  
10 profits though.

11 Q All right. But you testified that you know  
12 that there's supposed to be a split of the profits from  
13 the Plaza store, correct?

14 A Correct, yeah.

15 Q And that would be a separate type of  
16 accounting entry, won't it?

17 A Not necessarily. It could be a 1099  
18 recognition, and I've seen that happen.

19 Q And it could also be partnership which would  
20 then be part and separate taxes?

21 A It could be.

22 Q It could be either one, couldn't it?

23 A Could be.

24 Q And before you get to the final end of your  
25 work, you're going to have to figure that out, aren't

1 you?

2 A No. As far as I'm concerned that's an already  
3 forgone conclusion. There is a consistency of how tax  
4 returns have been filed now for many, many years and  
5 there is no question about how they are going to  
6 continue to be filed.

7 Q Have any tax returns been filed since 2002?

8 A They have been prepared.

9 Q They have not been file, have they?

10 A That's the subject of the plea agreement, is  
11 protected under the plea agreement. They have been  
12 prepared with the intent to file them.

13 Q And you're not a registered C.P.A. in the  
14 Virgin Islands, are you?

15 A No, I'm not.

16 Q So you couldn't sign those tax returns, could  
17 you?

18 A I could as a controller.

19 Q You're not the controller of the company, are  
20 you?

21 A I would say that probably I am. I would say I  
22 am.

23 Q Okay. And what is Ayman's position?

24 A I'm sorry?

25 Q What is Ayman's position. Mr. Ayman, what is

1 his position?

2 A What's his position? Mohammad?

3 Q No, no. Hamed Al-Khaled?

4 MS. CAMERON: Ayman.

5 Q (MR. HOLT) Ayman?

6 A Oh, Ayman Al-Khaled. Ayman Al-Khaled is also  
7 a controller.

8 Q So the company has two controllers?

9 A As a matter of fact it has three at the  
10 moment.

11 Q Who is the third one?

12 A Margie.

13 Q Okay. And has anyone every told you actually  
14 you get that title, controller?

15 MR. DIRUZZO: Objection; hearsay.

16 MR. HOLT: Well --

17 Q (MR. HOLT) Why do you call yourself the  
18 controller?

19 A Well, I've been referred to that, you know, by  
20 people in Plaza.

21 Q Who?

22 A Mike, and even some of the people in the  
23 accounting department.

24 Q Okay. Something funny?

25 A No, no.

1 Q Looking at Exhibit Number 9, you see a check  
2 from United Corporation on the Plaza Extra account?

3 A Yes, I do.

4 Q To United Shopping Plaza of \$5.4 million?

5 A Yes, I do.

6 Q How would you treat that in the books?

7 A I didn't. This was in February of 2012 and I  
8 did see an entry in the accounting records. This is  
9 the first time I've seen the check though.

10 Q So you haven't gotten so far as to figure out  
11 how you're going to do that check?

12 A It's already accounted in the accounting  
13 records as I'm so sure it must be under rent.

14 Q And so United Corporation owns the shopping  
15 center where they collect rents, correct?

16 A M-hmm.

17 Q And so the rents they collect would be income  
18 to them, won't it?

19 A Yeah.

20 Q So this 5.4 million would actually be income  
21 to United Corporation, won't it?

22 A Yes, and it would be offset by an expense in  
23 the United Corporation too, so it's a wash.

24 Q Oh, so it's just writing this \$5.4 million  
25 checks so they can do a wash on it's income tax return?

1           A           Yes. The net effect on the United tax return  
2 is zero. The character of the income though could be  
3 that it's passive income to the real estate. However,  
4 in closely related entities, the character remain. It  
5 has to be the same on both sides, so it's typically  
6 just a wash.

7           Q           So if the IRB determines that the supermarket  
8 is in fact a partnership, then this would be income to  
9 United and a deduction to the partnership, wouldn't it?

10                   MR. DIRUZZO: Objection; calls for  
11 speculation and calls for legal conclusion as to what  
12 the IRB would determine.

13                   THE COURT: Well, I think it's a  
14 hypothetical as to whether the IRB -- if the IRB did  
15 that. I think you can answer.

16           A           If the IRB determined that it was a  
17 partnership?

18           Q           (MR. HOLT) If the supermarkets were a  
19 partnership separate from United, then would this be  
20 income to United and a deduction to the partnership?

21           A           I'm not sure I can really answer that question  
22 because it isn't a partnership.

23           Q           I asked you a hypothetical, so assume it is a  
24 partnership. Assume IRB determines it's a partnership?

25           A           Well, you know, whenever you're talking about

1 rental income, you're talking about a different  
2 character of income. And that's -- you know, when you  
3 have related parties from a tax point of view, from a  
4 tax point of view it typically has to be the same  
5 character on both sides of the transaction.

6 So in other words, you couldn't have, you  
7 couldn't have earned income and write a check to  
8 yourself for rent on, let's say, business property and  
9 have it be treated as passive income, you know, on one  
10 part of your tax return and active income, earned  
11 income as a deduction on the other side. In this case  
12 we're talking about an intra-company payment.

13 Q Okay. That's not my question. If the  
14 IRS determines that the Plaza Extra East store is a  
15 partnership between Mr. Yusuf and Mr. Hamed, and it's  
16 not United Corporation, then this would be a deduction  
17 to the partnership and income to the corporation,  
18 wouldn't it?

19 A Yes, it would.

20 Q All right?

21 A If the IRS did that, yes.

22 Q All right. Showing you Exhibit Number 13.  
23 This is a series of checks dated August 15th of 2012  
24 and I believe the last document is a check for  
25 2.7 million. Do you see that?

1 A M-hmm.

2 Q Have you dealt with that check yet?

3 A No. I've heard about it. I haven't seen this  
4 check.

5 Q So you haven't gotten to the part of the  
6 records -- first of all, what account is that written  
7 on?

8 A United Corporation d/b/a Plaza Extra.

9 Q That's one of the shopping -- one of the  
10 supermarket accounts?

11 A It looks like it, yes.

12 Q Okay. And it was then paid over to United  
13 Corporation?

14 A Yes.

15 Q Okay. And do you know where it was deposited?

16 A This would have had to have been deposited  
17 into Department 30, the tenant account.

18 Q The tenant account, which is the shopping  
19 center account?

20 A Yes.

21 Q Okay. And have you dealt with how that check  
22 is gonna be treated on the books of --

23 A I have to correct myself.

24 Q One second?

25 A I have to correct myself. I think -- I assume



1 that because I think that's where I saw the number up  
2 here in 2012.

3 Q Okay. So my question to you, have you gotten  
4 to the point where you're doing the accounting on that  
5 check and how it is going to be treated on the  
6 supermarket accounts?

7 A No. I'm actually planning that work this  
8 month now that we've finished up the W-2's and all the  
9 year-end reporting for payroll.

10 Q And have you actually gotten to the point on  
11 how that would be treated on United's book assuming it  
12 is deposited in the tenant account?

13 A No, I haven't.

14 Q Okay. And have you been involved in all and  
15 how the money in the United Corporation shopping center  
16 account is dispersed?

17 MR. DIRUZZO: Objection; outside the  
18 scope of direct.

19 THE COURT: The question is, have you  
20 been involved?

21 MR. HOLT: Yeah.

22 THE COURT: You can answer.

23 A No. I mean, I see some affects of the  
24 accounting for it, but the answer is, is that I don't  
25 have current day-to-day. I don't have current

1 day-to-day vision on the cash receipts and  
2 disbursements on all of the accounts. The main,  
3 primary thing that I've been focusing on this month in  
4 particular has been gathering and putting in a system  
5 that accounts for the P.O.S. records.

6 Q So you can't tell me how the money that was  
7 put into the United account has been spent?

8 A At this point, no.

9 Q Even though you are the controller?

10 A At this point I haven't gotten to that point  
11 yet.

12 Q Okay. Showing you Plaintiff's Exhibit Number  
13 26. Do you recognize this document?

14 (The document was marked Plaintiff's  
15 Exhibit Number 26 for identification.)

16 A Yes, I do.

17 Q And this is a Banco Popular Securities  
18 document?

19 A Yes.

20 Q And it has United Corporation d/b/a Plaza  
21 Extra on it?

22 A M-hmm.

23 Q And what money goes into this account?

24 A Well, this is the -- what month is this? This  
25 is as of 12/31? You know, of course this is accounted

1 for on the balance sheet of United Corporation.

2 Q That's not what I asked you. What money goes  
3 into this account?

4 A It's the money of the United Corporation.

5 Q Isn't it true that the money that goes into  
6 this account are the profits from the three  
7 supermarkets?

8 A It could be that. It could be the profits  
9 also from the rental corporation.

10 Q So you think -- you don't know whether or not  
11 the profits of the rental go into this account?

12 A I don't have specific knowledge, but it could  
13 very easily be that, yes.

14 Q You don't know, do you?

15 A No. I've looked at combined financial  
16 statements and they're all merged. There is no -- the  
17 ability to segregate exactly where it comes from. It's  
18 sort of like having a single dollar bill in your left  
19 pocket and a single dollar bill in your right pocket  
20 and switching what has just occurred.

21 Q You don't know, do you?

22 A I do know.

23 Q So now you're telling me that United  
24 Corporation Shopping --

25 A I do know that it's entirely possible that

1 some of the profits of the rental operation could be  
2 sitting in there, yes.

3 Q I didn't ask you if it's possible. Do you  
4 know if in fact they're in there?

5 A I don't know that any money -- I don't know of  
6 any transfers directly from the United Corporation  
7 rental account that went in there. The answer to that  
8 is, no, I don't know that.

9 Q And do you know why this money is in that  
10 account?

11 MR. DIRUZZO: Objection; calls for --  
12 well outside the scope of direct.

13 MR. HOLT: He is the controller of the  
14 company.

15 THE COURT: Well, he's talked about his  
16 role and just examined his role, so I will let him  
17 answer, if he knows.

18 A Well, the answer is, is that this investment  
19 account has been around for quite a while, long before  
20 I got here, but it's not uncommon for people with  
21 excess cash to put them in a good solid earning  
22 investment.

23 Q (MR. HOLT) So you have no knowledge about  
24 whether or not this was formed as part of the criminal  
25 case, or the profits would all be escrowed under the

1 TRO in the criminal case?

2 A Sounds vaguely familiar, but the answer is I  
3 don't know that for sure.

4 MR. HOLT: Your Honor, we move Exhibits  
5 20 and 26 into evidence.

6 MR. DIRUZZO: No objection.

7 THE COURT: Plaintiff's 20 and 26 are  
8 admitted without objection.

9 (The documents, heretofore marked  
10 Plaintiff's Exhibit Number 20 and 26 for  
11 identification, were received in evidence.)

12 MR. HOLT: Nothing further.

13 THE COURT: That concludes the cross  
14 exam. Is there any redirect?

15 MR. DIRUZZO: No.

16 THE COURT: Thank you very much, sir.  
17 You may stand down.

18 Any other witnesses?

19 MR. DIRUZZO: No, your Honor. We  
20 rest.

21 THE COURT: Any rebuttal?

22 MR. HOLT: Yes, your Honor. Your Honor,  
23 we planned on calling as our first witness Fathi Yusuf,  
24 but I don't know if he's here.

25 (Pause.)

1 MR. DAVID: Your Honor, I'm not sure  
2 what the purpose of the exercise is, but Mr. Yusuf is  
3 not here.

4 MR. HOLT: Okay.

5 MR. DAVID: And I'm not aware that he  
6 was under subpoena to be here, and in fact, I know he  
7 wasn't under subpoena to be here.

8 THE COURT: Was Mr. Yusuf subpoenaed?

9 MR. HOLT: No, he was not. I will call  
10 Mike Yusuf instead.

11 MAHER YUSUF,  
12 having been called as a witness, and having been first  
13 duly sworn by the clerk of the court, was examined and  
14 testified, as follows:

15 DIRECT EXAMINATION

16 BY MR. HOLT:

17 Q Mr. Yusuf, you testified earlier in this case,  
18 is that correct?

19 A Yes.

20 Q Last week? Showing you what I'm going to mark  
21 as Exhibits 22, 23 and 24. These are certified copies  
22 of deeds from the recorder's office. Do you recognize  
23 them?

24 (The documents were marked Plaintiff's  
25 Exhibit Numbers 22, 23 and 24 for identification.)

1 A Yes -- oh -- yes, I do.

2 Q Are these deeds the deeds for the three  
3 properties that you indicated 2.7 million was used to  
4 purchase?

5 A Yes.

6 Q And showing you the first deed as dated May  
7 18th of 2012 from the Robert Merwin Trust for the  
8 La Grange property, do you see that, September 22?

9 A What page is that?

10 Q The first page of Exhibit Number 22 at the  
11 top. It says indentured made this 18th day of March  
12 2002?

13 A Yes.

14 Q Do you see that?

15 A Yes.

16 Q And the recording on the side says May 25,  
17 2012, do you see that?

18 A Yes, May 25th.

19 Q Okay. And on Exhibit 23, it says June 21,  
20 2012; and the recording document on the side say July  
21 6, 2012. Do you see that?

22 A Same Exhibit 23?

23 Q No. Exhibit 23?

24 A Repeat that again.

25 Q Exhibit Number 23, it's a warranty deed from

1 Frederick Side, Inc. to United Corporation dated June  
2 1, 2012. Do you see that?

3 A You talking about Armstrong?

4 Q Armstrong is Exhibit Number 22. It's dated  
5 May 18th of 2012; recorded May 25, 2012. You see that?

6 A You got it wrong. Number 23 --

7 Q I apologize. Tell me what exhibit numbers you  
8 have and what are the dates of the deeds? I apologize.

9 A Number 23 is the La Grange.

10 Q La Grange. And that's a property from the  
11 Armstrong?

12 A Yeah.

13 Q And what is the date of that deed?

14 A May 18.

15 Q 2012?

16 A 2012, yeah.

17 Q You see the recording on the side of May 25,  
18 2012?

19 A Correct.

20 Q And then what is the next document you have?

21 A Exhibit 24.

22 Q What about the other one before that?

23 A Exhibit 22?

24 Q What is the date of that deed?

25 A Which one?



1 Q 22?

2 A June 21, 2012.

3 Q You see the recorder's stamp indicating it was  
4 recorded on July 6, 2012?

5 A Correct.

6 Q Okay. And the last exhibit, Exhibit 24, what  
7 is the date of that document?

8 A December 17, 2012.

9 Q And that's for the Enfield Green property near  
10 the airport?

11 A Correct.

12 Q Okay. And these are the three properties that  
13 you say that you used 2.7 million to purchase?

14 A Yes.

15 Q Any other properties?

16 A No.

17 Q Can you explain to me how you can take a check  
18 out of the United Corporation supermarket account on  
19 August 15th or 20th, whatever day it was, and purchase  
20 property that had closed in May of 2012 and June of  
21 2012?

22 A Repeat that again.

23 Q When you testified at this court that the  
24 funds that were removed from the shopping center were  
25 used to purchase these three parcels of land; and my

1 question to you is, how did you use the 2.7 million  
2 that you took out of the account in August of 2012 to  
3 purchase property in May and June of 2012?

4 A Well, I used upon the account to pay for  
5 property when the funds was available.

6 Q So when you bought the property in May of  
7 2012 from the Armstrong Trust, and then you bought the  
8 property in June of 2012 from the Frederick C. Company,  
9 you didn't use any part of the 2.7 million you took out  
10 in August 2012, did you?

11 A I used whatever funds was in United.

12 Q Okay. So let's back to the real question.  
13 What happened to the 2.7 million that you removed from  
14 the account in August of 2012?

15 A It should be -- I used for property and  
16 whatever else.

17 Q Okay. So you testified in front of this Court  
18 last week that you used it to buy three pieces of  
19 property?

20 A Yes, I did.

21 Q You would agree now that that isn't true, is  
22 it? You couldn't use it to purchase these three pieces  
23 of property, could you?

24 A It was part of either one or two properties.

25 Q Well, we see one property that's dated in --

1 the last property dated in December 17th of 2012. So  
2 you could have used it to purchase that property,  
3 correct?

4 A Yeah, I could have.

5 Q But that's the only property that you could  
6 have used those funds to purchase, isn't that true?

7 A I wasn't looking if it was the 2.7 to replace  
8 properties. I wasn't doing that. The property was  
9 available, I had funds and I paid for it.

10 Q Okay. So let's get back to the question.  
11 What did you do with the 2.7 million that you removed,  
12 that was removed from the Plaza Extra supermarket  
13 account into the United account? What was it used for?

14 A Some properties and whatever else.

15 Q What is the whatever else?

16 A I don't know. I'm not -- I haven't used it  
17 for anything.

18 Q You haven't used it to purchase properties  
19 overseas?

20 A Oh, no.

21 Q Have you used it to invest in other  
22 businesses, like the mattress business or things like  
23 that?

24 A Yes, I did.

25 Q And were those businesses in the name of

1 United Corporation?

2 A No.

3 MR. HOLT: No other questions.

4 MR. HOLT: Your Honor, I would like to  
5 introduce those exhibits into evidence, 22, 23 and 24.

6 THE COURT: Any objections?

7 MR. DIRUZZO: No objection and no  
8 questions.

9 THE COURT: Okay. 23 -- I'm sorry --  
10 22, 23 and 24 are admitted without objection, and you  
11 may stand down, Mr. Yusuf.

12 (The documents, heretofore marked  
13 Plaintiff's Exhibit Numbers 22, 23 and 24 for  
14 identification, were received in evidence.)

15 MR. HOLT: We call Waleed Hamed.

16 **WALEED HAMED,**

17 having been called as a witness, and having been first  
18 duly sworn by the clerk of the court, was examined and  
19 testified, as follows:

20 **DIRECT EXAMINATION**

21 BY MR. HOLT:

22 Q Can you state your name for the record again?

23 A Waleed Hamed.

24 MR. HOLT: And may I have the witness  
25 shown Exhibit 27.

1 (The document was marked Plaintiff's  
2 Exhibit Number 27 for identification.)

3 Q Showing you Exhibit Number 27, what is this?

4 A These are checks made out to Fathi Yusuf  
5 signed by Fathi Yusuf from the Plaza Extra account.

6 MR. DIRUZZO: Your Honor, we would  
7 object to this line of questioning as being outside the  
8 scope of defense's case. I know I didn't talk about  
9 any checks with Fathi Yusuf in respect to Ayman  
10 Al-Khaled, John Gaffney, or Yusuf Yusuf.

11 THE COURT: What's the purpose?

12 MR. HOLT: Well, on cross examination  
13 they showed him checks that were made out to him during  
14 the same time period. I was just trying to clarify to  
15 the Court that both parties took checks from the same  
16 account.

17 MR. DIRUZZO: May I respond?

18 THE COURT: Yes.

19 MR. DIRUZZO: Your Honor, the time for  
20 this exercise should have been done on redirect; not as  
21 rebuttal.

22 MR. HOLT: If I had known what exhibits  
23 they were gonna use, it would have been easier to use  
24 them on cross examine.

25 MR. DIRUZZO: It's been working both

1 ways.

2 THE COURT: Okay. Well, let's let it  
3 work both ways. I will allow it.

4 Q (MR. HOLT) Now, can you tell me what the time  
5 period is for these checks?

6 A They go from 2001 through 2004.

7 Q And these predate the Feds seizing these  
8 accounts?

9 A Some of them, sir.

10 Q Okay. And was it acceptable for Mr. Yusuf to  
11 write these checks?

12 A Yes.

13 Q Why?

14 A Because it was agreed by both families to do  
15 so.

16 Q If that's true, then why was the 2.7 million  
17 removed by Mr. Yusuf in August of 2012 not acceptable?

18 MR. DIRUZZO: Objection; asked and  
19 answered. He's already gone over this on direct.

20 THE COURT: He can answer the question.

21 A Could you repeat the question, please?

22 Q (MR. HOLT) If it's true that it was  
23 acceptable for Mr. Yusuf to write those checks, then  
24 why was the 2.7 million removed by Mr. Yusuf in August  
25 of 2012 not the same thing?

1           A           Because the amount that Mr. Yusuf withdrew is  
2 really excessive. It's 2.7 million. And at the same  
3 time we didn't agree to it. I mean, we didn't have an  
4 opportunity to do such a thing.

5           Q           And prior to the withdrawal of the  
6 2.7 million, can you tell me whether or not any member  
7 of the Hamed or Yusuf family had ever withdrawn funds  
8 that were not agreed to?

9           A           No.

10          Q           Now, can you tell me what prevents Mr. Yusuf  
11 from withdrawing these funds again?

12                       MR. DIRUZZO: Same question, your Honor.

13                       THE COURT: I'm sorry. Objection is  
14 what?

15                       MR. DIRUZZO: Asked and answered and  
16 outside the scope of our case; legal conclusion.

17                       THE COURT: I will allow the one  
18 question.

19          A           Could you repeat the question again, please?

20          Q           (MR. HOLT) What prevents Mr. Yusuf from doing  
21 this again tomorrow, if anything?

22          A           Nothing whatsoever.

23                       MR. HOLT: Can I have the witness shown  
24 Exhibit 28 -- I'm sorry -- 27 -- I'm sorry -- 26. I  
25 apologize.

1 MR. DIRUZZO: Your Honor, this is  
2 clearly beyond the scope. And this document just came  
3 in to evidence through Maher, who was called on  
4 rebuttal.

5 MR. HOLT: You know, I'll withdraw the  
6 questions, your Honor.

7 THE COURT: All right.

8 Q (MR. HOLT) We've heard about the criminal  
9 TRO. Can you tell me whether or not the Hamed family  
10 believed the 2.7 million violated the criminal TRO?

11 MR. DIRUZZO: Objection; asks for a  
12 legal conclusion.

13 MR. HOLT: This is what they believed.

14 THE COURT: Rephrase the question again.

15 Q (MR. HOLT) Are you familiar with what we call  
16 the TRO in the criminal case?

17 A Yes, sir.

18 Q And does that TRO have restrictions on removal  
19 of funds?

20 A Yes, it does.

21 Q And did your father, Mr. Hamed, consider the  
22 withdrawal of those funds to be in violation of the  
23 TRO?

24 MR. DIRUZZO: Objection.

25 THE COURT: Sustained.



1 Q (MR. HOLT) Did you consider the withdrawal of  
2 those funds to be in violation of the TRO?

3 MR. DIRUZZO: Objection; relevance and  
4 legal conclusion.

5 THE COURT: I'll allow it. He said what  
6 he understood.

7 MR. DIRUZZO: And one problem, your  
8 Honor. Commenting on a legally operative document is  
9 not on the record.

10 MR. HOLT: Just what his belief is.  
11 He's a defendant in the case.

12 THE COURT: Commenting on the plea  
13 agreement?

14 MR. DIRUZZO: No. The temporary  
15 restraining order that's currently in place. That's a  
16 legally operative document.

17 THE COURT: We have had a lot of  
18 testimony about the effect of the TRO. He can answer  
19 the question what he understood.

20 A Can you ask the question again, please?

21 Q (MR. HOLT) Did you believe that the  
22 withdrawal of the 2.7 million in the supermarket  
23 accounts by Mr. Yusuf violated the criminal TRO?

24 A Yes, sir.

25 Q And why didn't you or your father move to

1 enforce that TRO?

2 MR. DIRUZZO: Objection; speculation as  
3 to his father.

4 THE COURT: Don't ask as to the father.

5 Q (MR. HOLT) Why didn't you move to enforce  
6 that TRO?

7 A Because I'm no longer a party to the criminal  
8 case. My charges have been dismissed.

9 Q And has your father ever been a part of the  
10 criminal case?

11 A No, he hasn't.

12 MR. HOLT: No other questions. And I  
13 will move Exhibit 27 into evidence.

14 THE COURT: Any objection to 27?

15 MR. DIRUZZO: No objection, your Honor.

16 THE COURT: 27 is admitted.

17 (The document, heretofore marked  
18 Plaintiff's Exhibit Number 27 for identification, was  
19 received in evidence.)

20 MR. DIRUZZO: No cross.

21 THE COURT: No cross examination. Thank  
22 you very much. Any other --

23 MR. HOLT: We have no other witnesses,  
24 your Honor.

25 THE COURT: Very well. That concludes

1 the taking of evidence.

2 MR. HOLT: And, your Honor, one thing.  
3 We did have a transcript of Mike Yusuf's testimony. I  
4 don't know if the Court wants us to submit it or not.  
5 We provided a transcript to the other side.

6 MR. DIRUZZO: Well, your Honor, we are  
7 or we have ordered all the testimony from the first  
8 day, and we're going to be ordering all the testimony  
9 from this day as well. So obviously the record and  
10 transcripts are what they are.

11 THE COURT: Is it fair to assume that  
12 both sides would like to have the opportunity to  
13 present something in writing?

14 MR. DIRUZZO: Yeah, we would.

15 MR. DAVID: Yes, sir.

16 THE COURT: And do you require the  
17 transcript to do that?

18 MR. DIRUZZO: Exactly, your Honor, post  
19 findings of fact and conclusions of law.

20 THE COURT: Okay. We have very hard  
21 working court reporters who are overworked. There are  
22 three court reporters for the court, but Ms. Burke says  
23 -- I'm sorry -- says in two weeks she should be able to  
24 have that. How much time do you need after that?

25 MR. DAVID: Your Honor, I think another

1 week, ten days after we get the transcript we can get  
2 this done because then we can do a lot of work without  
3 it, but we obviously are going to need to punch things  
4 in.

5 MR. HARTMANN: That's acceptable.

6 THE COURT: So if we look out two weeks  
7 from now, so by February 22 both sides have the  
8 opportunity to present their arguments as to what was  
9 heard and what is to be done.

10 MR. DAVID: That's acceptable, judge.

11 MR. HOLT: It's acceptable. I just want  
12 to make sure. The transcript will be done in two  
13 weeks, that's around February 15th.

14 MR. HOLT: 14th.

15 THE COURT: 14th, 15th.

16 MR. HOLT: So then you are talking about  
17 trying to have the --

18 THE COURT: I thought that's what  
19 Mr. Hartmann was suggesting.

20 MR. HOLT: Okay. February 22nd. I'm  
21 sorry. I wasn't paying attention to --

22 THE COURT: Well, I know that two-week  
23 period you're going to use well anyway, and you don't  
24 need to wait for the transcript to put your legal  
25 arguments together and to gather the facts as you

1 recall.

2 MR. DIRUZZO: One more point, your  
3 Honor. Yesterday Mr. Holt was so kind as to provide  
4 Exhibit 7 to deposition transcript that we received and  
5 entered into evidence. And I made the mistake of  
6 forgetting to bring it today, so I'll just be filing it  
7 with the court.

8 THE COURT: I'm sorry. I didn't really  
9 follow that.

10 MR. DIRUZZO: The Exhibit 7 to  
11 Plaintiff's Exhibit 1, the deposition transcript had  
12 certain exhibits.

13 THE COURT: Oh, right, right, right.

14 MR. DIRUZZO: And Mr. Holt was so kind  
15 as to provide that document yesterday via e-mail and I  
16 just forgot to bring it out today, so I will just be  
17 filing it on paper with the court and get back to --

18 THE COURT: That's fine. That's the  
19 exhibit referenced in Plaintiff's Exhibit Number 1.  
20 The deposition transcript of Mr. Yusuf included Exhibit  
21 7 to that deposition.

22 MR. DIRUZZO: Exactly.

23 THE COURT: And that has been provided  
24 and will be added to the record and will be accepted as  
25 part of the evidence as a part of Exhibit 1.

1                   MR. HOLT: And if we can find somebody  
2 to get those exhibits, can we just submit them as well?

3                   MR. DIRUZZO: I have no problem with  
4 that.

5                   THE COURT: That's fine. It's better to  
6 have a more complete record than not. Okay. If there  
7 is nothing else, then we will adjourn.

8                   MR. HARTMANN: Thank you, your Honor.

9                   MR. DAVID: Thank you.

10                  MR. DIRUZZO: Thank you.

11                  (Hearing concluded at approximately  
12 11:40 a.m.)

13

14

15

\*\*\*\*\*

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

I, SANDRA HALL, RPR, Official Court Reporter II of the Superior Court of the Virgin Islands, Division of St. Croix, do hereby certify that I reported by machine shorthand, in my official capacity, the TRO Hearing in the case of *Mohammad Hamed v. Fathi Yusuf and United Corporation, SX-12-CV-370*, in said Court, on the 31st day of January, 2013.

I FURTHER CERTIFY that the foregoing 130 pages are a true and accurate computer-aided transcription of my stenotype notes of said proceedings.

I HAVE HEREUNTO subscribed my name, this 1st day of February, 2013.

**Sandra Hall, RPR**

Digitally signed by Sandra Hall, RPR  
DN: CN = Sandra Hall, RPR, C = US, O = Superior Court  
of the Virgin Islands, OU = Court Reporters Division  
Date: 2013.02.01 17:06:34 -04'00'

\_\_\_\_\_  
Sandra Hall, RPR  
Official Court Reporter II

< Dates >

1/19, January 19th, January 21st 40:17  
August 15th 107:23, 117:19  
August 2012 118:10  
December 12, 2012 110:113 4:42  
December 17, 2012 25:3, 117:8  
December 17, 2012 113:120 4:39  
December 17th 119:1  
December 18, 2012 23:12, 23:14, 25:6  
December 18th 23:18, 24:6, 24:10, 24:20  
December 21, 2012 25:4  
December 24th 14:7  
December 3rd 21:24, 21:25, 22:24  
February 1, 2013 98:17  
February 1, 2013 98:113 4:32  
February 15th 128:13  
February 22 128:7  
February 22nd 128:20  
February, 2013. 131:13  
January 18th 19:10, 19:17  
January 1st 84:6  
January 2, 2013 39:4  
January 2012 4:21, 62:9  
January 2013 97 4:22  
January 2nd 19:19  
January 2nd, 8:18 19:1  
January 31, 2013 1:18  
January 7, 1998 27:12  
January 8th 10:1, 36:5, 45:11, 45:13  
January 9th 47:19, 48:10  
January, 2013. 131:8  
July 6, 2012 115:20, 117:4  
June 1, 2012 116:1  
June 21, 2012 115:19, 117:2  
June 21, 2012 114:120 4:36  
June 30, 2012 77:16  
March 2002 115:11  
May 18 116:14  
May 18, 2012 114:120 4:34  
May 18th 115:6, 116:5  
May 25, 2012 115:16, 116:5,

116:17  
May 25th 115:18  
November 19th 14:24  
November 22nd 15:2, 15:10  
October 7th 68:22  
October 8th 94:16  
September 22 115:8  
\$2.7 4:26  
\$250,000 82:23  
\$30 77:22, 78:1  
\$40 77:18  
\$5.4 105:4, 105:24  
\$50,000 83:12  
\$500. 79:9  
\$6,000. 80:21  
)ACTION 1:7  
)CIVIL 1:5  
)DECLARATORY 1:9  
)INJUNCTIVE 1:8  
)JURY 1:14  
.O. 57:3, 57:4, 57:8, 57:9, 74:19, 76:15, 78:4, 78:12, 78:19, 79:4, 80:3, 81:19, 84:8, 110:5

< 0 >

00820 2:9, 2:16, 2:43  
00850 1:19

< 1 >

1 129:11, 129:25  
1. 129:19  
1/19 40:17  
10 29:22, 77:21, 87:5, 96:3  
1001 2:25, 2:32  
101 2:42  
109 88:16, 88:21  
1099 102:17  
11 44:25, 68:2  
11/22nd 16:9  
113 5:8  
114 5:10  
11:40 130:12  
12 30:2, 30:4, 77:21  
12/31 110:25  
121126 4:44  
1220 4:8  
126 4:44, 5:12

13 4:8, 4:26, 12:10, 12:16, 19:14, 19:25, 20:2, 97:10, 97:13, 97:15  
13. 16:11, 107:22  
130 5:14, 131:9  
131 5:16  
14 4:10, 20:5, 20:9, 21:4, 25:22, 25:25, 26:2, 30:6  
14th 128:14, 128:15  
15 4:12, 4:29, 26:5, 26:9, 28:16, 29:10, 29:24, 30:8, 30:13, 30:15, 33:18, 66:21, 66:24, 97:10, 97:13, 97:15  
15th 128:15  
16 27:25  
16. 27:25  
17 28:7  
18 50:3, 64:1  
18. 28:11  
18th 115:11  
19 29:13  
19. 28:15  
1973 65:20  
1975 67:6  
1997 33:20  
1998 36:10  
19:00 22:19  
1st 131:12

< 2 >

2 2:8, 14:20, 20:25, 80:21  
2.7 107:25, 115:3, 117:13, 118:1, 118:9, 118:13, 119:7, 119:11, 122:16, 122:24, 123:2, 123:6, 124:10, 125:22  
20 4:8, 4:32, 66:21, 80:19, 87:7, 96:3, 98:20, 113:5, 113:7, 113:10  
20. 98:16  
2000 8:7, 52:17  
2001 122:6  
2002 103:7  
2004 53:15, 53:17, 122:6  
2006 2:42  
2010 54:3, 54:4, 68:11  
2011 52:6, 54:22, 68:13, 85:16



**2012** 16:15, 16:16, 17:5,  
19:5, 32:18, 49:8, 49:17,  
49:21, 49:25, 50:19, 52:3,  
52:9, 62:1, 63:7, 75:15,  
85:3, 85:15, 88:15, 94:15,  
94:17, 94:18, 94:25, 95:8,  
105:7, 107:23, 109:2,  
115:7, 116:5, 116:15,  
116:16, 117:20, 117:21,  
118:2, 118:3, 118:7,  
118:8, 118:14, 122:17,  
122:25  
**2012.** 20:15, 75:16, 85:5,  
95:24, 119:1  
**2013** 84:6  
**2026** 4:10  
**20th** 117:19  
**211** 1:31  
**2132** 2:8  
**22** 4:34, 114:21, 114:25,  
115:10, 116:23, 117:1,  
120:5, 120:10, 120:13  
**22.** 116:4  
**23** 4:36, 114:21, 114:25,  
115:19, 115:22, 115:23,  
115:25, 116:6, 116:9,  
120:5, 120:9, 120:10,  
120:13  
**23.** 28:20  
**23rd** 84:10  
**24** 4:38, 114:25, 116:21,  
117:6, 120:5, 120:10,  
120:13  
**24-hours** 91:5  
**24.** 114:21  
**25** 54:11  
**25th** 14:15  
**26** 4:10, 4:41, 60:15, 110:15,  
113:5, 113:7, 113:10  
**26.** 110:13, 123:24  
**2630** 4:13  
**27** 4:44, 120:25, 121:2,  
121:3, 123:24, 126:13,  
126:14, 126:16, 126:18  
**275** 68:4  
**27th** 84:12  
**28** 123:24

< 3 >

**3** 12:25, 14:21  
**30** 4:13, 6:23, 72:20, 87:8,  
108:17  
**30.** 95:23  
**305-350-5690** 2:27, 2:34  
**31st** 131:7  
**32nd** 2:25, 2:32  
**33** 52:25  
**33131** 2:26, 2:33  
**340** 1:49, 2:10  
**340-642-4422** 2:17  
**340-773-3444** 2:44  
**35.** 28:25  
**3:30** 6:16

< 4 >  
**4** 14:4, 14:15, 43:1  
**4--the** 14:21  
**45** 6:24  
**450,000** 83:15

< 5 >  
**5.4** 98:15, 105:20  
**5000** 2:15

< 6 >  
**6** 5:6  
**6701** 1:49  
**6:20** 24:10, 24:17, 25:20,  
42:25  
**6:40** 24:21

< 7 >  
**7** 3:7, 4:21, 16:24, 19:4,  
97:10, 97:12, 97:15,  
97:23, 98:3, 129:4,  
129:10, 129:21  
**70s** 66:15  
**773-8709** 2:10  
**778-9750** 1:49  
**7:05** 14:8  
**7:20** 15:11, 25:16, 25:17  
**7:25** 22:25  
**7:36** 21:19, 21:23, 25:9,  
25:11  
**7:38** 15:10

< 8 >  
**8** 14:3, 14:15  
**8:17** 14:8  
**8:37** 22:7  
**8:45** 23:20, 25:13

< 9 >  
**9** 4:24, 29:14, 29:15, 29:16,  
97:10, 97:13, 97:15,  
98:14, 105:1  
**90** 93:12  
**97** 4:24, 4:27, 4:30  
**9:12** 1:32, 6:2  
**9th** 48:20

< A >  
**A-L-K-H-A-L-E-D** 64:22  
**A-Y-M-A-N** 64:22  
**A.** 1:30, 2:30  
**a.m.** 1:32, 6:2, 14:3, 14:8,  
14:15, 15:10, 21:19,  
21:23, 25:9, 25:11,  
130:12  
**ability** 82:20, 111:17  
**able** 13:14, 54:16, 59:4,  
59:7, 77:14, 82:21, 83:8,  
87:3, 127:23  
**about--i** 91:14  
**above-entitled** 1:29  
**Absolutely** 28:25  
**acceptable** 77:2, 122:10,  
122:17, 122:23, 128:5,  
128:10, 128:11  
**accepted** 60:24, 69:13,  
73:19, 76:24, 89:8,  
129:24  
**access** 8:15, 18:4, 18:6,  
18:8, 18:11, 21:10, 40:25,  
41:6  
**accompanied** 81:25  
**accomplish** 93:7  
**accomplishment** 93:11  
**accordance** 60:24  
**According** 34:24, 76:24  
**account** 63:5, 63:10, 63:11,  
63:25, 73:5, 78:19, 78:21,

79:5, 87:5, 87:7, 87:8,  
96:10, 96:25, 97:4, 98:11,  
98:12, 99:5, 105:2, 108:6,  
108:17, 108:18, 108:19,  
109:12, 109:16, 110:7,  
110:23, 111:3, 111:6,  
111:11, 112:7, 112:10,  
112:19, 117:18, 118:2,  
118:4, 118:14, 119:13,  
121:5, 121:16  
**accountant** 52:21, 53:3,  
67:1, 67:9, 81:3, 98:10,  
101:18  
**accounted** 105:12, 110:25  
**accounts** 57:17, 58:22,  
62:24, 63:13, 63:17, 64:5,  
70:9, 70:23, 71:6, 71:14,  
71:15, 71:18, 72:18, 73:7,  
74:8, 78:22, 78:25, 79:17,  
86:7, 86:8, 86:16, 86:18,  
86:21, 86:22, 86:25, 87:1,  
87:14, 89:13, 93:7, 95:20,  
96:6, 97:5, 97:20, 108:10,  
109:6, 110:2, 110:5,  
122:8, 125:23  
**Accrual** 72:24, 73:2, 73:3,  
73:10, 73:16, 73:18, 74:6,  
74:7  
**accumulating** 50:2  
**accuracy** 92:16  
**accurate** 15:15, 42:3, 42:14,  
77:2, 131:10  
**accurately** 17:25, 21:4,  
41:19  
**accustomed** 92:19  
**achieve** 52:16  
**acknowledge** 27:6, 77:3  
**acronym** 74:19, 78:3  
**across** 85:24  
**Act** 37:14  
**action** 1:29, 85:6  
**active** 67:11, 67:12, 107:10  
**activity** 13:7, 70:8, 85:8,  
96:1  
**actuality** 87:4  
**Actually** 9:4, 12:23, 14:10,  
16:4, 22:4, 23:3, 24:3,  
25:10, 25:17, 29:10,  
37:25, 38:5, 42:9, 43:10,  
44:22, 56:24, 62:20,

71:15, 72:7, 74:14, 76:14,  
79:4, 81:11, 81:18, 84:4,  
84:15, 84:19, 85:23, 93:8,  
94:22, 94:24, 95:8, 100:8,  
104:13, 105:20, 109:7,  
109:10  
**added** 129:24  
**addition** 47:2  
**addressing** 41:8  
**adjourn** 130:7  
**adjourned** 5:14  
**adjusting** 88:2, 88:4, 88:5,  
88:9  
**adjustment** 77:7  
**adjustments** 70:5, 85:15  
**admitted** 19:25, 25:25,  
30:13, 113:8, 120:10,  
126:16  
**advance** 6:12  
**adverse** 82:7, 82:9, 82:10,  
82:11, 83:1  
**affects** 109:23  
**afternoon** 43:3, 61:18  
**agencies** 37:9, 49:12  
**Agent** 1:6, 6:4  
**ago** 36:13, 36:14, 53:14,  
54:2, 91:15  
**ago--she** 91:15  
**agree** 118:21, 123:3  
**agreed** 99:2, 99:11, 122:14,  
123:8  
**agreement** 34:18, 34:19,  
34:20, 34:21, 61:6, 62:15,  
90:5, 90:7, 90:11, 90:15,  
99:8, 102:7, 103:10,  
103:11, 125:13  
**ahead** 7:4, 43:13, 46:4  
**airport** 117:10  
**Al-khaled** 3:15, 51:11,  
51:12, 51:20, 68:7, 68:15,  
104:3, 104:6, 121:10  
**allegations** 32:21  
**allow** 43:24, 44:2, 45:23,  
101:15, 101:19, 122:3,  
123:17, 125:5  
**allowed** 43:17, 85:8  
**allowing** 63:20  
**almost** 53:24, 54:2, 60:5  
**already** 103:2, 105:12,  
122:19

**Although** 60:2, 71:5  
**American** 80:13, 80:14  
**Amman** 52:15  
**amortization** 70:7  
**amount** 42:3, 78:20, 80:22,  
123:1  
**analysis** 71:17, 74:9, 85:7,  
87:19, 88:7, 89:15, 101:6  
**analytic** 81:6  
**analyzing** 75:18  
**and/or** 6:9  
**angles** 24:1  
**answer** 35:13, 37:23, 46:12,  
47:12, 48:24, 64:19,  
64:20, 100:11, 100:13,  
102:6, 102:8, 106:15,  
106:21, 109:22, 109:24,  
112:7, 112:17, 112:18,  
113:2, 122:20, 125:18  
**answered** 48:23, 122:19,  
123:15  
**anticipate** 90:14  
**anyway** 128:23  
**apologize** 6:10, 116:7,  
116:8, 123:25  
**application** 62:5  
**applied** 44:15, 68:10  
**apply** 28:4, 28:9, 28:13,  
28:17, 28:22, 29:3  
**approach** 56:5  
**approval** 99:13, 99:14  
**approximately** 1:31, 6:2,  
6:23, 68:2, 83:15, 130:11  
**area** 28:3, 31:25  
**argumentative** 45:22  
**arguments** 128:8, 128:25  
**Armstrong** 116:3, 116:4,  
116:11, 118:7  
**around** 44:21, 56:6, 112:19,  
128:13  
**arrears** 74:17  
**arrest** 28:21  
**arrived** 22:4, 68:22, 70:15,  
74:5, 75:15, 89:1  
**aside** 83:7  
**asks** 124:11  
**asset** 70:8  
**assets** 69:8  
**assistance** 59:12  
**associated** 76:15

**Assume** 106:23, 106:24,  
108:25, 127:11  
**assuming** 109:11  
**asterisk** 14:3, 14:4, 14:5,  
14:8, 14:16, 15:12, 21:25  
**attempts** 82:12  
**attention** 9:9, 13:12, 14:1,  
14:7, 14:13, 14:15, 14:19,  
15:2, 16:10, 23:11, 27:8,  
27:25, 31:10, 38:21,  
75:24, 79:20, 80:10,  
80:25, 128:21  
**audit** 66:10, 81:21, 81:24,  
82:24, 83:5, 83:10, 83:11,  
83:13, 93:13  
**audited** 81:16  
**audits** 80:25, 81:4  
**August** 118:2, 118:14,  
122:17, 122:24  
**Authority** 52:21, 53:4  
**Authorized** 1:6, 6:4, 29:1  
**autonomous** 59:4  
**available** 56:9, 56:12, 58:9,  
118:5, 119:9  
**aware** 37:7, 48:5, 114:5  
**awful** 81:6, 81:7  
**Ayman** 3:15, 51:11, 51:12,  
51:20, 55:7, 56:15, 64:22,  
68:6, 68:14, 85:7, 94:19,  
95:3, 95:5, 103:23,  
103:25, 104:4, 104:5,  
104:6, 121:9

< B >  
**bachelor** 52:13  
**back** 18:20, 23:21, 25:1,  
26:23, 27:12, 31:25,  
39:21, 53:1, 62:9, 63:22,  
80:18, 83:19, 85:16,  
94:25, 95:1, 118:12,  
119:10, 129:17  
**background** 10:7, 52:12  
**bags** 24:25  
**balance** 53:11, 58:2, 58:10,  
59:5, 69:24, 70:14, 72:13,  
76:20, 85:12, 85:13,  
85:17, 85:23, 86:20,  
89:12, 89:25, 92:25, 93:1,  
93:10, 111:1

**balances** 70:13  
**Banco** 4:41, 89:13, 110:17  
**bank** 43:1, 53:10, 58:22,  
62:24, 63:10, 63:22,  
63:25, 64:1, 64:5, 71:17,  
74:9, 75:19, 75:21, 84:17,  
85:10, 96:6, 96:10  
**banking** 36:23, 38:2, 38:17,  
42:24  
**banks** 37:9, 49:12  
**Bartlett** 14:14, 18:11  
**based** 13:15, 83:15, 88:7  
**basically** 52:5, 56:25, 62:6,  
69:7, 69:18, 70:3, 71:12,  
73:3, 73:10, 73:25, 76:7,  
82:11, 86:6, 86:18, 88:22,  
91:5, 101:4  
**basis** 50:17, 50:19, 73:25,  
80:4, 80:18, 89:22, 90:2,  
96:19  
**Baskets** 24:14, 24:15  
**batch** 80:1, 80:6  
**batches** 80:15  
**Bay** 2:15, 2:25, 2:32, 85:24  
**became** 15:21  
**become** 44:12, 91:5  
**began** 66:14  
**begin** 82:17  
**beginning** 70:4, 70:13,  
81:11, 84:6  
**begins** 81:17  
**Behalf** 2:4, 2:21, 3:4, 3:31,  
41:21, 42:1, 42:2  
**behind** 24:13, 60:4, 74:13,  
75:14, 79:12, 88:14  
**belief** 125:10  
**believe** 9:16, 13:17, 19:20,  
54:4, 84:12, 85:17,  
107:24, 125:21  
**believed** 124:10, 124:13  
**Bells** 68:5  
**benefit** 52:11  
**best** 74:10, 86:15  
**better** 33:10, 72:1, 89:25,  
93:6, 94:7, 130:5  
**beyond** 50:8, 75:16, 84:18,  
97:17, 100:19, 124:2  
**Big** 65:23  
**bill** 72:16, 73:14, 111:18,  
111:19

**bills** 73:14, 74:14  
**bit** 11:14, 33:10, 57:23,  
58:8, 89:11  
**blocking** 31:22  
**book** 109:11  
**bookkeeper** 100:5  
**books** 53:22, 60:22, 82:16,  
89:17, 97:19, 105:6,  
108:22  
**bother** 41:3, 43:14  
**bottom** 40:12  
**bought** 118:6, 118:7  
**BRADY** 1:30  
**Brickell** 2:25, 2:32  
**bridge** 85:24  
**Briefly** 9:13, 11:1, 49:4,  
65:17, 68:1, 70:1, 72:5,  
88:19  
**bring** 47:9, 47:13, 47:15,  
85:3, 129:6, 129:16  
**brokerage** 89:12  
**broom** 24:23, 24:24  
**brother** 35:8, 35:9  
**brothers** 83:20  
**BSBA** 65:19  
**Buffalo** 62:21  
**building** 20:23, 23:3, 85:23,  
85:24  
**built** 69:19  
**Burger** 54:11  
**Burke** 127:22  
**business** 8:12, 13:7, 17:12,  
21:8, 31:16, 49:8, 49:16,  
49:21, 70:5, 99:21, 99:25,  
100:2, 107:8, 119:22  
**businesses** 36:24, 93:12,  
119:22, 119:25  
**businessmen** 93:4  
**button** 18:22  
**buy** 118:18  
**buying** 78:11

< C >  
**C.** 118:8  
**C.P.A.** 62:21  
**cabinet** 27:22  
**calculated** 50:1  
**calculations** 50:5  
**calendar** 17:5, 25:3, 49:7,

49:16, 49:21, 49:24,  
50:19  
**call** 7:4, 104:17, 114:9,  
120:15, 124:15  
**called** 7:13, 10:25, 20:22,  
51:13, 52:23, 58:5, 62:13,  
65:3, 65:24, 114:12,  
120:17, 124:3  
**calling** 113:23  
**calls** 7:7, 37:15, 46:11,  
51:11, 64:14, 101:16,  
106:10, 106:11, 112:11  
**camera** 23:22  
**CAMERON** 2:40, 2:41,  
104:4  
**capable** 56:15, 72:10,  
72:12, 75:6, 76:16  
**capacity** 47:6, 47:7, 52:4,  
52:10, 56:22, 67:23,  
68:24, 131:5  
**captured** 57:13  
**card** 4:8, 4:10, 25:2, 28:8,  
38:22, 79:25, 80:8, 80:10  
**cards** 28:11, 57:7, 79:20,  
79:22  
**care** 8:12, 21:10, 56:16  
**CARL** 2:14  
**Carl@carlhartmann.com**  
2:18  
**case** 54:23, 107:11, 112:25,  
113:1, 114:17, 121:8,  
123:16, 124:16, 125:11,  
126:8, 126:10, 131:6  
**Cash** 13:18, 53:11, 54:13,  
57:1, 57:6, 57:10, 58:11,  
59:6, 69:25, 70:1, 70:3,  
70:4, 70:10, 70:11, 70:12,  
70:14, 72:14, 73:6, 73:8,  
73:21, 73:25, 74:10, 75:2,  
79:7, 86:19, 86:21, 93:3,  
93:10, 93:13, 110:1,  
112:21  
**categories** 86:19  
**cause** 10:2, 10:5, 30:18  
**caused** 91:4  
**cdavid@fuerstlaw.com**  
2:28  
**Center** 62:25, 63:17, 64:5,  
95:17, 95:21, 96:6, 96:25,  
105:15, 108:19, 109:15,

117:24  
**certain** 70:5, 86:13, 88:24,  
90:7, 90:8, 129:12  
**certainly** 99:3  
**CERTIFICATE** 5:16, 131:1  
**certified** 61:20, 67:1, 67:4,  
67:6, 67:8, 81:3, 114:21  
**CERTIFY** 131:4, 131:9  
**chance** 63:19  
**change** 11:12, 11:13,  
100:17, 100:25  
**changed** 44:21, 44:22  
**character** 106:2, 106:4,  
107:2, 107:5  
**characterize** 68:14, 68:16,  
74:3, 82:19, 92:15  
**charge** 53:21, 71:16, 77:4  
**charged** 77:13  
**charges** 76:19, 126:8  
**Charriez** 4:13, 8:18, 8:21,  
8:23, 9:10, 9:22, 11:7,  
11:22, 11:24, 14:22, 15:8,  
15:22, 17:2, 19:4, 20:17,  
21:23, 22:15, 22:22, 23:1,  
23:22, 23:24, 24:4, 25:2,  
29:6, 30:18, 31:8, 49:7,  
50:13, 50:17, 90:18, 91:8,  
93:20  
**chart** 86:7, 86:8, 86:16,  
86:18, 86:21, 86:22,  
86:24, 87:1, 93:7  
**charters** 70:6  
**cheating** 28:8  
**check** 21:18, 36:3, 38:1,  
43:15, 44:18, 98:15,  
105:1, 105:9, 105:11,  
107:7, 107:24, 108:2,  
108:4, 108:21, 109:5,  
117:17  
**checked** 36:15, 38:6, 76:13  
**checking** 43:9, 44:18  
**Checks** 4:29, 4:44, 58:20,  
70:25, 71:9, 72:17, 80:15,  
80:16, 80:19, 102:9,  
105:25, 107:23, 121:4,  
121:9, 121:13, 121:15,  
122:5, 122:11, 122:23  
**chose** 39:20, 47:15  
**Christiansted** 2:43  
**CHRISTOPHER** 2:23

**circumvented** 10:19  
**clarify** 121:14  
**classified** 86:19  
**clear** 17:2, 19:3, 19:16,  
19:23, 21:21, 22:19,  
50:16  
**clearly** 124:2  
**CLERK** 6:3, 7:14, 18:8,  
51:14, 65:4, 90:23, 90:25,  
91:3, 91:9, 114:13,  
120:18  
**clock** 13:5, 16:5, 17:4, 23:2  
**clocked** 15:9, 21:23, 22:23,  
25:14, 25:15  
**clocks** 10:8  
**close** 32:21, 48:13, 48:18,  
85:3, 92:21  
**closed** 32:7, 92:20, 117:20  
**closely** 106:4  
**closer** 77:20  
**closes** 90:1  
**co-manager** 39:16, 46:16  
**coaches** 54:15  
**Coakley** 2:15  
**collect** 73:6, 78:20, 79:11,  
105:15, 105:17  
**collected** 73:8, 73:9, 74:2,  
79:18  
**collectible** 99:4  
**collecting** 71:16  
**combine** 96:19  
**combined** 111:15  
**comes** 37:3, 37:4, 37:10,  
38:16, 41:20, 42:6, 42:10,  
73:14, 82:12, 92:7, 111:17  
**comfortable** 92:11  
**coming** 11:4, 11:5, 12:14,  
42:12, 45:18, 69:1, 75:19,  
76:9, 83:11  
**Commenced** 5:6, 6:2  
**commencing** 1:31  
**Commenting** 125:8, 125:12  
**communicating** 57:25, 58:3  
**Company** 2:8, 52:22, 52:23,  
56:7, 57:19, 57:20, 59:3,  
60:14, 62:7, 63:8, 67:21,  
69:9, 99:6, 100:3, 103:19,  
104:8, 112:14, 118:8  
**compare** 70:13, 91:21  
**comparison** 19:8

**complete** 79:6, 85:5, 91:22,  
91:24, 95:25, 130:6  
**completed** 83:16, 85:7,  
91:25, 92:4, 92:8, 92:18  
**completely** 72:21  
**completing** 92:9  
**compliance** 90:11, 90:15  
**components** 70:4  
**composite** 12:9, 20:12,  
21:4, 98:5  
**computer** 17:8, 58:2, 58:5,  
58:17  
**computer-aided** 131:10  
**computers** 57:22, 57:25,  
70:19  
**concentrated** 96:7  
**concerned** 46:15, 103:2  
**concluded** 130:11  
**concludes** 113:13, 126:25  
**conclusion** 37:16, 76:4,  
82:13, 101:17, 103:3,  
106:11, 123:16, 124:12,  
125:4  
**conclusions** 127:19  
**conduct** 82:12  
**confusing** 89:11  
**confusion** 6:11, 87:12  
**Consequently** 74:10  
**consider** 99:12, 124:21,  
125:1  
**consist** 69:23  
**consisted** 66:16  
**consistency** 101:24, 103:3  
**consistent** 73:18, 75:22  
**consistently** 101:21  
**consult** 98:25  
**consultant** 69:1, 92:18  
**consulting** 83:5  
**Cont'd** 4:1, 5:1  
**contact** 95:4  
**contained** 21:3  
**contains** 75:3, 75:5  
**CONTENTS** 3:1, 4:1, 5:1  
**continue** 103:6  
**contrast** 72:6  
**control** 8:12, 10:19, 21:11,  
69:6, 79:17  
**Controller** 52:10, 54:8,  
55:17, 55:18, 56:2, 56:6,  
56:23, 56:24, 56:25, 63:8,

63:12, 65:15, 68:10,  
68:15, 71:11, 88:6,  
103:18, 103:19, 104:7,  
104:14, 104:18, 110:9,  
112:13  
**controllers** 56:6, 68:3,  
104:8  
**controls** 54:14, 69:3, 69:4,  
69:7, 69:14, 69:20, 72:2,  
83:8, 83:12  
**conversation** 45:25, 87:17  
**conversion** 84:5  
**cooperative** 86:12  
**copies** 114:21  
**corner** 19:1, 24:11, 24:12  
**Corporations** 101:23  
**corrected** 59:4  
**correctly** 58:14, 58:15  
**corresponding** 80:7  
**cost** 54:19, 76:14, 77:5,  
77:8, 83:14  
**costing** 75:5  
**counsel** 7:9, 64:16  
**counter** 21:18  
**couple** 24:1, 25:1  
**course** 13:7, 17:12, 21:8,  
21:11, 31:15, 82:7, 90:4,  
110:25  
**Courtroom** 1:31, 36:21  
**created** 18:21, 57:11  
**credibility** 77:15  
**credit** 57:7, 79:20, 79:22,  
79:25, 80:8, 80:9  
**credits** 86:9  
**criminal** 54:23, 112:24,  
113:1, 124:8, 124:10,  
124:16, 125:23, 126:7,  
126:10  
**critical** 90:24, 90:25, 91:9  
**Croix** 1:2, 2:9, 2:16, 53:13,  
57:21, 58:21, 63:24,  
131:4  
**CROSS** 3:8, 3:17, 3:24, 7:2,  
33:1, 33:2, 50:11, 61:15,  
61:16, 87:11, 93:18,  
113:13, 121:12, 121:24,  
126:20, 126:21  
**current** 31:11, 56:21, 65:13,  
68:17, 84:9, 109:25  
**currently** 7:25, 51:21, 66:5,

67:1, 125:15  
**custody** 8:12, 21:10  
**< D >**  
**d/b/a** 108:8, 110:20  
**dad** 34:12, 34:21, 35:5,  
35:6, 39:14, 39:20, 44:15,  
45:13, 48:4  
**daily** 50:17, 50:19, 80:4,  
80:15  
**DAMAGES** 1:7  
**data** 11:3, 17:17, 17:20,  
17:24, 57:11, 57:12,  
71:16  
**database** 58:1, 71:4  
**databases** 70:21  
**date** 13:20, 13:21, 14:23,  
15:3, 15:5, 39:10, 40:5,  
56:11, 75:15, 116:13,  
116:24, 117:7  
**dated** 4:34, 4:36, 4:38,  
27:12, 33:20, 107:23,  
115:6, 116:1, 116:4,  
118:25, 119:1  
**dates** 116:8  
**DAVID** 2:23, 2:24, 2:31,  
3:16, 6:21, 51:10, 51:17,  
60:18, 61:13, 64:9, 64:18,  
64:20, 64:24, 114:1,  
114:5, 127:15, 127:25,  
128:10, 130:9  
**David51** 3:16  
**day** 6:8, 11:20, 15:6, 15:18,  
16:7, 16:8, 16:9, 31:6,  
35:14, 39:10, 41:25, 43:7,  
43:8, 44:25, 45:13, 49:9,  
49:16, 49:21, 50:5, 55:22,  
57:2, 80:2, 88:13, 91:15,  
92:17, 94:16, 96:21,  
115:11, 117:19, 127:8,  
127:9, 131:8, 131:12  
**day-to-day** 53:9, 54:12,  
56:25, 109:25, 110:1  
**days** 13:22, 42:13, 72:20,  
78:15, 91:17, 92:21,  
128:1  
**dealt** 108:2, 108:21  
**debit** 57:7, 98:11  
**debits** 86:9

**December** 20:13, 32:18,  
50:25, 52:6, 73:15  
**decided** 46:8, 55:3  
**decisions** 59:7  
**decrease** 70:12  
**deduction** 106:9, 106:20,  
107:11, 107:16  
**Deed** 4:34, 4:36, 4:38,  
115:6, 115:25, 116:13,  
116:24  
**deeds** 114:22, 115:2, 116:8  
**Defendant** 2:21, 3:4, 5:8,  
6:13, 12:15, 20:2, 20:8,  
26:2, 26:8, 30:13, 30:15,  
125:11  
**DEFENDANT'S** 4:5  
**Defendants** 1:15  
**Defense** 7:4, 7:7, 12:10,  
19:13, 19:25, 20:4, 25:21,  
26:5, 29:9, 30:8, 51:10,  
64:14, 121:8  
**define** 69:6, 69:22, 78:8  
**defining** 62:4  
**definitely** 76:5  
**degree** 52:13, 52:16  
**delay** 6:10  
**delayed** 60:8  
**deliver** 83:25  
**deliverable** 84:5, 84:20,  
84:24  
**Deloitte** 66:3, 66:6  
**DEMANDED** 1:14  
**Department** 53:6, 53:8,  
57:17, 66:10, 95:22,  
104:23, 108:17  
**departmentalize** 87:3  
**departments** 96:3  
**deposited** 108:15, 108:16,  
109:12  
**deposition** 129:4, 129:11,  
129:20, 129:21  
**deposits** 58:20  
**depreciation** 70:6  
**descent** 83:7  
**describe** 9:13, 11:1, 13:13,  
72:5, 82:5, 94:2  
**described** 62:12, 79:15  
**Description** 4:7, 4:20  
**designated** 28:3  
**designed** 93:6

**desk** 29:3  
**detail** 44:24  
**detailed** 75:3, 75:5  
**details** 34:20  
**determine** 54:16, 78:11,  
81:15, 106:12  
**determined** 106:16  
**determines** 106:7, 106:24,  
107:14  
**determining** 81:17  
**development** 71:5  
**devices** 10:14  
**dictates** 73:10  
**different** 11:16, 11:19, 24:1,  
36:24, 62:23, 107:1  
**difficult** 31:7, 31:9  
**DIRECT** 3:7, 3:16, 3:23,  
3:34, 3:40, 6:22, 7:16,  
51:16, 65:6, 100:20,  
101:14, 109:18, 112:12,  
114:15, 120:20, 122:19  
**direction** 81:18  
**directly** 63:15, 112:6  
**director** 54:16, 67:25  
**dirty** 6:23  
**Diruzzo49** 3:9  
**Diruzzo65** 3:23  
**disbursements** 110:2  
**discovered** 74:12  
**discuss** 41:7  
**dismissed** 28:9, 28:22,  
126:8  
**dispersed** 109:16  
**disruption** 31:18  
**distance** 61:10  
**Division** 1:2, 131:3  
**document** 12:15, 12:18,  
16:17, 19:23, 20:1, 20:6,  
20:8, 20:25, 26:1, 26:7,  
26:8, 26:11, 27:9, 27:13,  
27:16, 27:18, 27:20,  
30:14, 41:23, 81:9, 98:19,  
101:1, 107:24, 110:13,  
110:14, 110:18, 115:20,  
116:20, 117:7, 121:1,  
124:2, 125:8, 125:16,  
126:17, 129:15  
**documents** 13:6, 13:9,  
13:10, 40:16, 84:11,  
84:12, 97:14, 98:1, 98:4,

113:9, 114:24, 120:12  
**doing** 28:17, 36:1, 41:20,  
44:1, 44:8, 48:21, 49:15,  
53:7, 54:17, 59:1, 62:11,  
63:12, 63:16, 67:24, 71:6,  
71:8, 71:13, 71:14, 75:18,  
77:4, 98:25, 99:21, 99:25,  
109:4, 119:8, 123:20  
**dollar** 111:18, 111:19  
**dollars** 12:8, 57:12, 82:25  
**done** 20:7, 26:6, 38:2, 51:3,  
63:22, 71:22, 72:22, 74:9,  
75:16, 76:24, 77:9, 77:11,  
77:12, 81:7, 81:8, 85:4,  
86:1, 86:4, 87:19, 87:22,  
88:6, 88:9, 89:1, 89:15,  
90:13, 91:7, 91:16, 91:25,  
92:13, 92:23, 95:12,  
95:20, 96:16, 96:19,  
101:21, 121:20, 128:2,  
128:9, 128:12  
**double** 44:14  
**doubt** 24:3  
**DOUGLAS** 1:30  
**down** 6:20, 22:11, 51:7,  
52:22, 57:5, 63:14, 64:12,  
81:12, 83:11, 113:17,  
120:11  
**drill** 57:5  
**drilling** 81:12  
**Drive** 2:25, 2:32, 55:7, 55:9  
**due** 60:3, 97:24, 99:6, 101:5  
**duly** 7:14, 51:14, 65:4,  
114:13, 120:18  
**duration** 9:6  
**During** 9:6, 21:11, 43:6,  
43:8, 45:25, 49:21, 49:24,  
50:19, 84:8, 90:4, 96:21,  
121:13  
**duties** 8:11, 28:13, 56:20,  
68:1, 68:25  
**DVR** 20:22  
  
< E >  
**e-mail** 129:15  
**earlier** 41:5, 81:7, 95:23,  
114:17  
**early** 92:7  
**earned** 107:7, 107:10

**earning** 112:21  
**earnings** 87:14, 90:2  
**easier** 35:18, 121:23  
**easily** 111:13  
**East** 8:3, 8:13, 8:25, 9:1,  
9:7, 9:22, 13:7, 17:13,  
17:17, 17:20, 21:8, 26:15,  
27:23, 29:7, 31:11, 31:20,  
32:1, 32:4, 33:9, 34:11,  
46:21, 47:3, 55:5, 57:24,  
60:3, 71:2, 71:3, 71:17,  
80:14, 84:9, 86:11, 87:5,  
87:6, 87:10, 90:21, 96:12,  
96:13, 97:25, 107:14  
**Eastern** 2:42  
**EDC** 52:23  
**educated** 86:6  
**education** 65:17, 65:18  
**educational** 52:12  
**effect** 7:9, 106:1, 125:18  
**effects** 75:20  
**efficiency** 78:11  
**Eight** 16:24, 19:18, 49:8,  
49:10, 49:12, 50:18,  
53:14, 65:24  
**either** 47:10, 62:24, 83:1,  
102:22, 118:24  
**Electric** 73:14, 92:22  
**emergency** 6:8, 80:17  
**Emerson** 92:22  
**employed** 7:25, 26:19,  
51:21, 51:25  
**employee** 8:17, 10:8, 10:16,  
11:24, 13:1, 14:14, 17:15,  
17:16, 17:22, 19:9, 27:3,  
27:5, 28:1, 28:7, 28:21,  
30:25, 31:3, 43:14, 60:3,  
60:10  
**employees** 11:4, 13:17,  
16:2, 17:8, 17:18, 26:12,  
26:25, 27:22, 28:5, 28:9,  
28:13, 28:15, 28:18,  
28:23, 29:4, 29:5, 32:10,  
35:23, 86:2  
**employment** 9:6, 9:23,  
21:12, 30:19, 45:14,  
60:21, 68:18, 90:4, 91:8  
**encourage** 85:2  
**End** 22:11, 24:9, 54:4,  
54:22, 57:2, 58:9, 71:18,  
80:1, 83:4, 84:6, 84:19,  
84:21, 84:22, 84:23,  
84:25, 85:13, 85:20,  
92:17, 102:24  
**ending** 70:13  
**Enfield** 117:9  
**enforce** 126:1, 126:5  
**engagement** 62:3, 62:13,  
95:9  
**engaging** 62:14  
**enhancing** 57:19, 59:2  
**ensure** 69:8  
**enter** 10:23, 10:25, 18:19,  
23:2, 99:11, 100:25  
**entered** 14:5, 14:17, 15:13,  
20:23, 21:18, 22:1, 22:24,  
61:6, 79:18, 98:22, 129:5  
**entering** 10:6, 60:4, 98:10,  
99:4  
**enters** 10:22  
**entire** 19:5, 81:24  
**entirely** 111:25  
**entities** 106:4  
**entity** 99:24, 101:10  
**entrepreneurs** 93:5  
**entries** 17:11, 17:25, 22:23,  
84:8, 88:9  
**entry** 71:19, 75:20, 88:2,  
88:4, 88:5, 88:7, 102:16,  
105:8  
**equal** 33:16  
**equities** 87:12, 87:20  
**escrowed** 112:25  
**especially** 57:20, 78:12,  
91:1  
**ESQ** 2:6, 2:14, 2:23, 2:30,  
2:40  
**essence** 70:24  
**essential** 30:25, 31:3  
**Essentially** 70:18, 72:16,  
73:5, 75:13, 77:3, 87:11  
**establishing** 83:7  
**establishment** 49:14  
**Estate** 2:15, 106:3  
**estimate** 6:22  
**estimating** 83:14  
**etc** 68:5  
**evaluate** 69:2  
**evening** 15:11, 16:25,  
25:16, 25:18  
**events** 18:1, 21:5  
**everybody** 7:11, 82:8, 86:12  
**everything** 55:8, 77:12  
**evidence** 6:14, 19:14, 22:4,  
25:22, 29:10, 30:9,  
101:24, 113:5, 120:5,  
124:3, 126:13, 127:1,  
129:5, 129:25  
**evidence.** 20:3, 26:3, 30:16,  
113:11, 120:14, 126:19  
**evolved** 54:23  
**Exactly** 11:2, 35:14, 36:11,  
44:15, 74:24, 96:23,  
111:17, 127:18, 129:22  
**exam** 61:15, 113:14  
**EXAMINATION** 3:2, 3:30,  
5:10, 7:16, 33:2, 49:5,  
50:11, 50:22, 51:16,  
61:16, 65:6, 93:18,  
114:15, 120:20, 121:12,  
126:21  
**examine** 33:1, 81:14,  
121:24  
**examined** 7:14, 51:14, 65:4,  
112:16, 114:13, 120:18  
**example** 79:8  
**Excellent** 6:19, 94:2  
**exception** 89:9, 89:19  
**excess** 112:21  
**excessive** 123:2  
**Excuse** 63:3, 64:16, 96:12  
**exercise** 114:2, 121:20  
**Exhibits** 4:5, 4:18, 39:24,  
113:4, 114:21, 120:5,  
121:22, 129:12, 130:2  
**exist** 95:24  
**existed** 101:9  
**existence** 72:3  
**expect** 11:18, 84:24, 85:10  
**expected** 28:15  
**expense** 73:16, 81:10,  
105:22  
**expenses** 74:1  
**experience** 65:22, 66:25,  
67:13, 67:16, 92:19  
**expire** 67:2  
**explain** 30:23, 33:8, 33:10,  
57:23, 117:17  
**Express** 80:13, 80:14  
**EXT.** 1:49

< F >

**fact** 35:25, 37:7, 62:23,  
80:12, 84:11, 99:1, 100:4,  
100:16, 100:23, 104:9,  
106:8, 112:4, 114:6,  
127:19  
**facts** 73:17, 128:25  
**Fair** 37:13, 82:13, 127:11  
**fairly** 21:4  
**falsifying** 49:24  
**familiar** 29:20, 58:4, 62:23,  
69:10, 72:24, 79:21, 81:1,  
81:20, 83:19, 88:1, 90:17,  
91:5, 98:1, 113:2, 124:15  
**familiarity** 96:5  
**familiarized** 12:18  
**families** 122:14  
**family** 32:13, 53:20, 59:16,  
61:10, 99:10, 123:7,  
124:9  
**far** 18:20, 31:25, 46:14,  
48:20, 53:10, 54:11,  
54:13, 57:5, 58:22, 59:5,  
103:2, 105:10  
**Farm** 34:2, 96:12  
**FAS** 88:16  
**fast** 68:4, 68:17  
**father** 46:6, 48:2, 48:12,  
124:21, 125:25, 126:3,  
126:4, 126:9  
**Fathi** 1:12, 4:44, 6:5, 31:22,  
32:9, 32:12, 38:23, 46:21,  
46:24, 47:15, 47:22, 52:6,  
54:22, 59:15, 61:9, 61:11,  
62:1, 100:9, 113:23,  
121:4, 121:5, 121:9,  
131:6  
**favor** 46:7  
**favorable** 82:7  
**FBI** 52:7, 62:19, 62:20  
**February** 76:9, 84:23,  
84:25, 85:20, 105:7  
**Feds** 122:7  
**few** 18:7, 18:9, 80:20,  
85:22, 91:17  
**field** 52:18  
**fifteen** 67:19  
**figure** 87:21, 88:8, 102:25,

105:10  
**file** 27:1, 27:4, 27:15, 27:21,  
27:22, 101:11, 103:9,  
103:12  
**filed** 32:17, 101:21, 103:4,  
103:6, 103:7  
**files** 52:7  
**filing** 26:23, 27:7, 129:6,  
129:17  
**fill** 26:19, 26:21  
**filled** 62:5  
**final** 101:5, 102:24  
**finally** 87:25, 92:13  
**finance** 67:25  
**financial** 37:8, 53:11, 54:14,  
59:5, 69:18, 69:21, 69:22,  
69:23, 72:12, 77:13,  
77:14, 77:16, 77:17, 81:1,  
81:4, 81:25, 82:14, 83:9,  
87:20, 88:22, 89:10,  
92:14, 92:16, 92:20,  
92:24, 93:4, 93:9, 96:6,  
111:15  
**financing** 70:10  
**find** 31:7, 56:1, 56:4, 89:24,  
130:1  
**findings** 127:19  
**fine** 50:12, 129:18, 130:5  
**finish** 6:18  
**finished** 59:12, 60:19,  
85:11, 91:20, 109:8  
**fired** 47:22, 47:23  
**firing** 48:2  
**firm** 65:24, 66:5, 82:1, 82:3,  
82:20, 89:16  
**firms** 82:12, 93:12  
**first** 7:4, 7:13, 7:19, 12:24,  
13:1, 13:13, 13:15, 13:16,  
19:17, 21:22, 23:16,  
23:18, 51:13, 64:22, 65:3,  
70:9, 84:8, 87:17, 94:16,  
105:9, 108:6, 113:23,  
114:12, 115:6, 115:10,  
120:17, 127:7  
**fishy** 44:23  
**five** 53:24  
**fix** 61:3  
**FL** 2:26, 2:33  
**flight** 6:16  
**flip** 24:15, 25:1

**flipping** 23:12  
**Floor** 2:25, 2:32  
**Florida** 65:20, 67:10, 67:18,  
67:19, 95:1  
**flow** 58:12, 59:6  
**flows** 53:12, 69:25, 70:2,  
70:3, 70:14, 72:14, 93:3,  
93:10, 93:13  
**focusing** 110:3  
**follow** 129:9  
**follow-up** 57:16  
**following** 73:8  
**follows** 7:15, 51:15, 65:5,  
114:14, 120:19  
**food** 68:4  
**foregoing** 131:9  
**forget** 91:14, 92:6  
**forgetting** 129:6  
**forgone** 103:3  
**forgot** 129:16  
**form** 75:6, 77:2, 82:13,  
84:20  
**formal** 95:8  
**formed** 112:24  
**forms** 100:5  
**forth** 87:10  
**forward** 12:25, 14:20,  
16:12, 19:4, 68:17  
**found** 16:18, 28:8, 28:21,  
86:12, 91:2, 93:3  
**foundation** 9:16, 9:19,  
46:10  
**four** 53:24, 70:19, 87:13  
**fourth** 14:21  
**Frederick** 116:1, 118:8  
**front** 19:7, 19:8, 56:14,  
118:17  
**Fuerst** 2:24, 2:31  
**full** 28:1, 55:20, 55:21,  
58:18  
**functionality** 72:6  
**functioning** 71:16  
**funds** 117:24, 118:5, 118:11,  
119:6, 119:9, 123:7,  
123:11, 124:19, 124:22,  
125:2  
**funny** 104:24

< G >



**G-A-F-F-N-E-Y** 65:12  
**G.** 2:41  
**GAAP** 69:10, 69:12, 69:15,  
69:23, 72:12, 75:22  
**Gaffney** 3:22, 56:11, 58:24,  
59:1, 59:11, 64:15, 65:2,  
65:12, 121:10  
**gain** 89:20  
**game** 83:4  
**gas** 53:21, 53:22  
**gather** 128:25  
**gathering** 110:4  
**gathers** 11:3  
**geared** 66:17  
**general** 26:18, 26:25, 72:11,  
81:12  
**Generally** 60:24, 69:13,  
69:23, 73:19, 76:24, 80:7,  
89:8  
**generate** 17:18, 17:21,  
18:17, 18:20, 41:2, 58:12,  
83:9  
**generated** 18:25, 19:9,  
20:15, 20:19, 20:22, 39:2,  
39:8, 39:24, 40:16, 40:18,  
41:18, 57:3  
**generates** 11:4  
**gentleman** 9:16  
**Georgia** 67:19  
**gets** 27:5, 50:6, 63:14, 91:7  
**getting** 6:16, 45:3, 80:16  
**girls** 57:18, 91:17  
**give** 42:3, 42:8, 52:11, 55:2,  
62:12, 62:13, 62:14,  
77:22  
**given** 28:1  
**gives** 42:5, 42:6  
**glanced** 80:20  
**GLENDIA** 2:40  
**goal** 83:4  
**gonna** 19:17, 19:18, 32:21,  
42:16, 42:19, 48:13,  
48:18, 108:22, 121:23  
**gotten** 80:23, 105:10, 108:5,  
109:3, 109:10, 110:10  
**government** 37:9, 49:11,  
61:7  
**graduated** 52:17, 65:23  
**Grange** 115:8, 116:9, 116:10  
**great** 89:15

**greater** 78:14  
**Green** 117:9  
**Group** 4:8, 4:10, 4:26  
**guess** 55:16, 63:14  
  
< H >  
**H-A-S-K-I-N-S** 66:2  
**H.** 2:6, 2:7  
**half** 12:3, 16:23, 16:24,  
28:1, 38:2, 38:5, 38:8,  
66:11, 82:25, 92:20  
**Hall** 1:46, 131:2, 131:18  
**Hamed** 1:5, 1:6, 3:39, 6:3,  
6:4, 18:11, 32:13, 33:6,  
34:16, 34:22, 39:16,  
45:18, 47:10, 47:13, 55:6,  
59:16, 83:19, 99:10,  
100:9, 104:3, 107:15,  
120:15, 120:16, 120:23,  
123:7, 124:9, 124:21,  
131:6  
**Hameds** 46:7, 48:18, 102:1  
**hand** 10:11, 10:13, 38:1,  
38:11, 38:12, 38:14,  
76:12, 81:16  
**handed** 52:24, 84:11  
**handling** 53:22, 54:12  
**handlings** 89:10  
**handprint** 10:11, 14:12,  
16:6, 35:22, 36:4, 36:6,  
36:15, 38:7, 43:15, 43:21  
**happen** 10:9, 32:23, 48:8,  
102:18  
**happened** 9:10, 15:24,  
20:20, 75:13, 84:3,  
118:13  
**happens** 60:16, 70:11  
**hard** 55:7, 55:9, 127:20  
**hardly** 47:11  
**harm** 32:13, 59:16  
**HARTMANN** 2:14, 128:5,  
128:19, 130:8  
**Haskins** 65:24, 66:2, 66:3,  
66:8  
**Hawaii** 54:10  
**hear** 45:17, 45:20, 78:3  
**heard** 19:21, 48:2, 48:4,  
48:12, 48:15, 48:17,  
73:21, 74:19, 78:15,

88:16, 88:18, 100:14,  
108:3, 124:8, 128:9  
**Hearing** 1:29, 6:8, 130:11,  
131:5  
**Hearsay** 35:12, 47:24,  
100:10, 104:15  
**held** 67:7  
**hereby** 131:4  
**heretofore** 20:1, 26:1,  
30:14, 113:9, 120:12,  
126:17  
**HEREUNTO** 131:12  
**high** 77:21  
**higher** 58:8  
**highlighted** 14:2  
**hired** 27:5, 52:5, 52:9, 61:3,  
68:11, 68:19, 68:24  
**hit** 18:22  
**Holt114** 3:34  
**Holt120** 3:40  
**Holt33** 3:8  
**Holt50** 3:10  
**Holt61** 3:17  
**Holt93** 3:24  
**holtvi@aol.com** 2:11  
**home** 48:9  
**Honestly** 82:24, 88:20  
**Honor** 6:15, 7:6, 9:15,  
12:11, 19:13, 19:15,  
25:21, 29:9, 49:4, 50:7,  
50:12, 51:10, 60:18, 64:9,  
64:14, 97:16, 100:19,  
113:4, 113:19, 113:22,  
114:1, 120:4, 121:6,  
121:19, 123:12, 124:1,  
124:6, 125:8, 126:15,  
126:24, 127:2, 127:6,  
127:18, 127:25, 129:3,  
130:8  
**Honorable** 1:30  
**hour** 16:23, 16:24, 28:1,  
28:3, 29:2, 38:2, 38:5,  
38:8  
**hourly** 12:1, 12:7  
**hours** 11:7, 15:22, 22:19,  
28:2, 29:1, 42:3, 43:10,  
44:25, 50:2, 50:5  
**HR** 27:1, 27:3  
**Huts** 68:5  
**hypothetical** 106:14,

106:23

< I >

**idea** 9:2, 12:6, 14:4, 49:23

**identification** 20:2, 20:5,  
26:2, 26:5, 30:15, 113:11,  
120:14, 126:18

**identification.** 12:16, 20:9,  
26:9, 97:15, 98:20,  
110:15, 114:25, 121:2

**identifies** 12:12

**identify** 10:14, 20:11

**II** 1:48, 131:2, 131:19

**III** 2:14, 2:30

**ill** 47:21

**image** 21:1, 24:16

**images** 21:3, 21:7, 21:11,  
21:15, 40:24

**imagine** 80:21

**immediately** 28:8, 28:12,  
28:22

**implemented** 71:22

**important** 44:12, 78:10,  
90:24, 91:1, 96:4

**in.** 24:1, 42:6

**inaccurate** 41:13

**inactive** 67:2

**Inc.** 116:1

**incident** 9:10, 9:14, 9:17,  
9:22, 10:3, 44:17, 45:11,  
45:12

**include** 9:18

**included** 80:5, 129:20

**Income** 53:10, 58:11, 59:5,  
69:24, 70:5, 72:13, 73:4,  
74:1, 76:21, 78:2, 81:16,  
86:22, 88:17, 88:25, 89:6,  
89:14, 89:24, 90:1, 93:1,  
93:6, 105:17, 105:20,  
105:25, 106:2, 106:3,  
106:8, 106:20, 107:1,  
107:2, 107:7, 107:9,  
107:10, 107:11, 107:17

**incorrect** 79:3

**increase** 70:12

**indentured** 115:11

**indicate** 13:20, 23:17,  
23:18, 24:1, 24:7, 26:22

**indicated** 16:21, 16:22,  
21:19, 24:8, 25:8, 25:19,  
35:21, 38:20, 41:22,  
44:23, 48:1, 61:25, 62:17,  
87:2, 115:3

**indicates** 13:16, 19:1,  
22:10, 24:17, 24:20,  
25:12, 25:15, 27:11, 40:6

**indicating** 15:12, 117:3

**indication** 42:5, 42:6, 42:8

**individual** 8:18, 10:15,  
13:18, 14:10, 68:6, 90:17,  
90:20

**information** 13:14, 39:1,  
40:23, 41:1, 41:9, 41:11,  
46:15, 62:18, 75:4, 87:24

**inherited** 63:21

**initial** 76:3

**initially** 69:2, 70:17, 71:21,  
78:24

**injunction** 6:10

**input** 40:24

**inquire** 99:7

**insofar** 90:10

**installed** 36:12

**instance** 70:21, 73:5, 75:1,  
81:9, 86:20, 92:3

**instances** 72:21

**Instead** 75:18, 114:10

**integrated** 70:20, 75:9

**Intellect** 20:22, 23:19, 25:19

**intelligent** 86:13

**intend** 84:13, 85:2

**intent** 103:12

**intention** 96:18, 98:13

**intercompany** 100:5

**Internal** 10:19, 54:13, 69:2,  
69:4, 69:6, 69:7, 69:14,  
69:19, 72:2, 79:16, 83:8,  
83:12

**international** 66:3

**intimidating** 32:10

**intra-company** 101:4,  
107:12

**introduce** 55:5, 120:5

**introduced** 87:18, 90:21,  
94:22, 94:24, 95:2

**inventories** 77:7

**Inventory** 31:11, 32:1, 32:3,  
75:6, 75:25, 76:1, 76:4,  
76:6, 76:8, 76:12, 76:13,  
76:19, 76:20, 76:25, 77:3,  
77:7, 77:13, 77:17, 77:20,  
78:7, 78:8, 78:12

**invest** 119:21

**invested** 89:22

**investing** 70:11

**Investment** 52:21, 53:4,  
112:18, 112:22

**investments** 89:20

**invoice** 81:14

**invoices** 60:4

**invoicing** 96:11

**involved** 109:14, 109:20

**IRB** 106:7, 106:12, 106:14,  
106:16, 106:24

**irreplaceable** 91:11, 91:12

**IRS** 107:14, 107:21

**is--1** 14:20

**island** 52:23, 94:25

**Islands** 1:1, 84:18, 103:14,  
131:3

**issue** 59:4, 74:16

**issued** 67:8

**issuing** 54:14, 54:15, 54:19,  
58:20, 80:15

**item** 76:15, 86:20, 86:22,  
89:21, 89:24

**items** 86:19, 89:19, 93:2

**itself** 41:22, 55:13, 63:20,  
100:3

**ittleman** 2:24, 2:31

< J >

**J.** 2:14

**January** 52:3, 62:1

**jdiruzzo@fuerstlaw.com**  
2:35

**job** 8:4, 8:11, 30:21, 30:22,  
56:8, 56:16, 56:18, 56:22,  
63:21, 65:13, 68:1, 68:25,  
94:12, 94:23

**Joel** 2:6, 2:7

**John** 3:22, 56:11, 56:14,  
64:15, 65:2, 65:12,  
121:10

**joint** 100:15, 100:16, 100:24

**Jordan** 52:15

**Joseph** 2:24, 2:30, 2:31

**journal** 71:19, 75:20, 81:13,

88:2, 88:4, 88:5, 88:7,  
88:9  
**Judge** 1:30, 6:21, 64:20,  
128:10  
**July** 33:20, 85:8  
**June** 75:16, 85:5, 88:14,  
117:20, 118:3, 118:8  
**jurisdiction** 67:7

< K >

**K-A-Z-I** 54:6  
**K.** 2:40, 2:41  
**Kazi** 52:23, 53:18, 53:19,  
53:25, 54:5, 54:7, 54:8,  
56:13, 67:21, 67:24,  
68:12  
**keep** 32:4, 85:19, 88:21  
**keeping** 84:7  
**keeps** 17:8  
**kept** 17:12, 17:15, 21:7,  
26:25, 29:3, 60:24  
**Kfcs** 68:5  
**kglanda@cameronlawvi.c**  
**om** 2:45  
**kind** 53:7, 65:14, 81:18,  
85:23, 96:2, 129:3,  
129:14  
**King** 54:11  
**Kingshill** 1:19  
**knowledge** 23:1, 23:8,  
38:10, 42:11, 55:20, 61:5,  
86:14, 92:3, 111:12,  
112:23  
**known** 35:16, 43:19, 66:6,  
67:21, 121:22  
**knows** 46:12, 112:17  
**Kuwait** 52:20, 52:21, 53:2,  
53:3, 53:4

< L >

**L6** 2:15  
**La** 115:8, 116:9, 116:10  
**Labor** 37:13  
**lacked** 86:13  
**lacking** 75:11  
**lag** 74:13  
**lagged** 75:14, 79:12  
**lags** 88:14

**land** 117:25  
**landlord** 99:17  
**Last** 7:19, 33:19, 36:1, 60:6,  
60:11, 64:17, 64:21,  
65:11, 84:10, 84:11, 92:6,  
107:24, 114:20, 117:6,  
118:18, 119:1  
**late** 66:15, 68:22, 84:17  
**later** 23:2, 72:20, 79:11  
**Lavena** 86:10, 91:18, 91:21,  
92:11  
**Law** 2:7, 2:41, 127:19  
**lawyers** 4:30  
**lay** 10:7, 29:10  
**least** 74:12, 97:21, 99:7  
**leave** 25:17, 28:15, 42:23,  
43:6, 98:15  
**leaves** 37:10, 38:16, 41:21,  
42:7, 42:10  
**leaving** 22:15, 56:6  
**ledger** 72:12, 81:12  
**left** 16:24, 20:24, 22:25,  
23:3, 24:10, 24:11, 25:15,  
25:20, 41:15, 42:2, 42:20,  
111:18  
**left-over** 80:2  
**legal** 37:15, 101:16, 106:11,  
123:16, 124:12, 125:4,  
128:24  
**legally** 125:8, 125:16  
**less** 6:24, 71:7  
**letter** 62:4, 62:12, 62:13,  
95:9  
**letterhead** 33:23, 34:6  
**level** 32:3  
**liabilities** 69:9  
**liability** 70:9  
**license** 67:2, 67:7, 67:8,  
67:11  
**light** 41:9  
**Limit** 50:10  
**line** 21:22, 121:7  
**list** 99:5  
**listed** 14:23, 16:22, 95:9  
**literally** 72:17  
**little** 10:7, 11:14, 33:10,  
57:23, 58:8, 60:16, 71:25,  
89:11  
**lives** 46:24  
**Lizette** 86:5

**located** 27:21, 74:14, 97:7  
**location** 8:3, 55:5, 57:21,  
57:24, 58:21, 60:3, 63:24,  
63:25, 64:1, 70:20, 71:1,  
71:2, 71:3, 71:10, 80:14,  
87:10, 90:21  
**locations** 54:12, 71:17,  
74:13, 74:14, 74:17, 84:9,  
85:9, 87:4, 92:4  
**long** 8:6, 9:2, 35:16, 51:25,  
53:23, 55:1, 66:8, 67:11,  
88:11, 101:24, 112:19  
**longer** 126:7  
**look** 12:24, 20:6, 21:17,  
39:5, 40:5, 42:25, 45:6,  
55:8, 76:1, 80:6, 80:20,  
98:4, 128:6  
**looked** 44:24, 45:2, 45:8,  
50:25, 111:15  
**Looking** 13:14, 52:8, 62:18,  
80:3, 87:3, 97:23, 105:1,  
119:7  
**looks** 24:22, 108:11  
**lose** 90:2  
**losing** 54:18  
**loss** 89:20  
**lost** 80:23  
**lot** 63:19, 81:6, 81:8, 87:11,  
87:12, 87:24, 125:17,  
128:2  
**Louisiana** 54:9  
**low** 78:13  
**low-end** 72:9  
**Lunch** 28:2, 28:3, 28:4, 29:2  
**Lynch** 89:13

< M >

**M-hmm** 35:3, 105:16, 108:1,  
110:22  
**M.** 2:23  
**machine** 14:11, 131:4  
**Madam** 64:24  
**Mafi** 18:11, 33:6, 39:16,  
40:20, 40:24, 46:16, 47:2,  
47:8, 47:16, 47:23, 48:2  
**Maher** 3:33, 114:11, 124:3  
**mail** 80:23  
**mailed** 80:16  
**main** 110:2

**maintain** 8:12  
**maintained** 13:6, 13:9, 21:7  
**manage** 46:21  
**managed** 68:2  
**Management** 8:5, 18:7,  
29:1, 30:17, 52:24, 53:18,  
53:19, 54:1, 54:5, 54:8,  
56:13, 59:7, 67:21, 67:24,  
68:12, 75:7, 78:10, 81:4  
**manager** 8:24, 18:10, 33:11,  
33:12, 37:17, 37:20,  
40:23, 44:6, 44:9, 45:7,  
47:3, 47:4  
**managers** 33:7, 33:16,  
47:16  
**manages** 46:22  
**managing** 33:9  
**manual** 13:11  
**manually** 10:6, 10:22,  
10:23, 14:5, 14:16, 15:13,  
16:4, 16:25, 21:18, 22:1,  
22:24, 23:2, 25:8, 38:12,  
43:24  
**Margie** 55:15, 64:25, 71:12,  
85:2, 87:17, 104:12  
**mark** 114:20  
**Marked** 4:7, 4:20, 12:15,  
20:1, 20:5, 20:8, 26:1,  
26:5, 26:8, 30:14, 97:14,  
98:19, 110:14, 113:9,  
114:24, 120:12, 121:1,  
126:17  
**Market** 54:9, 54:15, 54:16  
**markets** 52:24, 68:3  
**Mary** 60:11, 60:16, 86:10  
**match** 58:2  
**matching** 73:4  
**matter** 35:25, 58:20, 80:12,  
84:11, 100:4, 104:9  
**mattress** 119:22  
**maximum** 42:13  
**mean** 11:15, 12:12, 14:9,  
57:8, 58:17, 79:25, 88:19,  
89:9, 96:12, 109:23,  
123:3  
**Meaning** 11:16, 24:9, 87:13,  
89:22  
**means** 14:4, 14:5, 14:10,  
22:1, 78:13  
**meant** 74:6, 84:22

**measures** 70:7, 76:14  
**meet** 85:25  
**member** 53:20, 123:6  
**members** 32:13, 59:16  
**memorized** 88:21  
**mental** 46:11  
**mention** 60:2  
**mentioned** 33:6, 48:6, 48:9,  
83:11, 86:16, 91:23  
**merchandise** 29:2, 31:19  
**merge** 96:16, 96:24, 96:25  
**merged** 66:4, 87:7, 111:16  
**Merrill** 89:13  
**Merwin** 115:7  
**method** 74:4, 76:6, 76:7,  
77:1  
**metric** 78:10  
**Miami** 2:26, 2:33  
**mid-80s** 67:3  
**mid-january** 93:10  
**mid-month** 84:18  
**middle** 85:25  
**Mike** 35:10, 59:10, 99:15,  
104:22, 114:10, 127:3  
**military** 22:21  
**million** 4:26, 77:18, 77:21,  
77:22, 78:2, 82:25, 98:15,  
105:4, 105:20, 105:24,  
107:25, 115:3, 117:13,  
118:1, 118:9, 118:13,  
119:11, 122:16, 122:24,  
123:2, 123:6, 124:10,  
125:22  
**mind** 12:11, 35:17, 60:2  
**minimal** 86:9  
**minute** 57:20  
**minutes** 6:24, 28:16, 50:3  
**Miscellany** 5:3  
**mischaracterize** 50:10  
**mistake** 129:5  
**mistaken** 54:4  
**Mohammad** 6:3, 34:16,  
34:22, 100:9, 104:2,  
131:6  
**MOHAMMED** 1:5  
**mom** 61:12  
**moment** 12:17, 20:5, 26:6,  
79:6, 104:10  
**Monday** 14:24, 91:6, 91:18,  
91:20, 91:24, 92:5, 92:7

**money** 49:23, 54:18, 80:22,  
99:8, 109:15, 110:6,  
110:23, 111:2, 111:4,  
111:5, 112:5, 112:9  
**moneys** 80:2  
**monitor** 7:9, 80:3, 80:4  
**month** 20:13, 44:15, 50:25,  
60:6, 63:22, 64:1, 71:18,  
73:7, 73:9, 74:15, 75:14,  
84:6, 84:8, 84:10, 92:21,  
93:2, 109:8, 110:3, 110:24  
**monthly** 75:19, 96:19  
**months** 60:5, 74:17, 79:12,  
85:22  
**Morning** 6:17, 7:11, 7:18,  
15:11, 21:20, 25:9, 33:4,  
33:5, 51:18, 61:18, 61:19,  
65:8, 65:9, 91:18, 91:25,  
92:1  
**mornings** 92:8  
**mostly** 68:5  
**motion** 6:8, 32:16  
**move** 60:16, 113:4, 125:25,  
126:5, 126:13  
**moved** 95:1  
**movement** 70:10, 70:11  
**moves** 19:13, 25:21, 29:9,  
30:8  
**Ms** 8:23, 9:10, 9:22, 11:7,  
11:22, 11:24, 15:8, 15:22,  
17:2, 18:11, 19:4, 20:16,  
21:23, 22:15, 22:22, 23:1,  
23:22, 23:24, 24:4, 25:2,  
29:6, 31:8, 50:17, 104:4,  
127:22  
**Muffed** 55:6  
**multiple** 87:13  
**multiply** 63:25  
**Myra** 86:5  
**myself** 87:18, 108:23,  
108:25  
  
< N >  
**name** 7:18, 7:19, 8:18,  
10:24, 17:7, 26:22, 51:18,  
51:20, 60:11, 60:12,  
64:17, 64:21, 64:22,  
64:25, 65:10, 65:11, 66:3,  
68:6, 71:12, 90:18, 92:7,

119:25, 120:22, 131:12  
**named** 55:15  
**names** 55:10  
**near** 117:9  
**necessarily** 73:6, 102:17  
**need** 6:12, 39:17, 39:18,  
40:25, 58:13, 63:22,  
85:15, 127:24, 128:3,  
128:24  
**needs** 37:8  
**net** 70:4, 70:8, 70:12, 106:1  
**new** 55:12, 86:6, 86:11  
**Next** 14:3, 24:6, 24:15,  
24:19, 24:20, 28:20,  
28:25, 29:24, 31:6, 39:24,  
51:9, 63:14, 64:13, 66:13,  
116:20  
**niece** 61:12  
**night** 19:2, 42:25, 84:11  
**No.** 1:5, 25:12, 25:19, 35:16,  
44:3, 47:21, 67:2, 101:4,  
103:2, 104:3, 108:3,  
109:7, 109:23, 111:15,  
115:23, 125:14  
**non-cash** 70:6  
**None** 42:15, 42:19, 70:19  
**nonexistent** 86:10  
**noon** 6:18, 92:9  
**normal** 13:7, 17:3, 17:12,  
21:8, 31:15, 46:19  
**normally** 13:9, 13:10, 17:24,  
32:4, 46:16  
**notes** 131:11  
**Nothing** 7:4, 50:21, 64:9,  
93:14, 96:16, 113:12,  
123:22, 130:7  
**notice** 44:20, 91:5, 99:23,  
100:3  
**noticed** 11:12, 16:6, 38:22,  
44:24, 50:1  
**notices** 4:21  
**November** 45:5, 46:6,  
73:15, 73:16, 85:9  
**Numbers** 57:4, 95:24,  
97:15, 114:25, 116:7,  
120:13  
  
< O >  
**o'clock** 16:24, 22:18, 22:20,

49:8, 49:11, 49:12, 50:18,  
91:19  
**Object** 9:15, 36:25, 97:16,  
121:7  
**Objection** 19:16, 19:24,  
25:23, 25:24, 30:10,  
30:11, 30:12, 35:12,  
37:15, 37:22, 45:22,  
46:10, 47:24, 50:7, 101:2,  
101:3, 101:13, 101:16,  
104:15, 106:10, 109:17,  
112:11, 113:6, 113:8,  
120:7, 120:10, 122:18,  
123:13, 124:11, 124:24,  
125:3, 126:2, 126:14,  
126:15  
**objections** 120:6  
**observation** 76:4, 76:5  
**observe** 70:17, 78:24,  
79:24, 86:24  
**observed** 70:18  
**obtain** 13:15  
**obviously** 60:23, 127:9,  
128:3  
**occasions** 46:18  
**occupation** 65:13  
**occurred** 9:22, 73:12,  
111:20  
**occurring** 74:7  
**occurs** 76:14, 79:5  
**October** 52:9, 60:6, 84:19,  
84:21, 84:22, 85:13,  
85:18, 95:8  
**offer** 55:2, 56:16  
**office** 8:24, 13:2, 13:17,  
16:2, 18:8, 18:10, 22:11,  
24:9, 37:4, 68:2, 114:22  
**Offices** 2:7, 2:41  
**Official** 1:48, 131:2, 131:5,  
131:19  
**offset** 105:22  
**often** 89:23  
**old** 80:24  
**omitted** 72:22  
**once** 76:9  
**one-day** 55:17  
**one.** 33:19, 87:7  
**ones** 94:7, 98:23  
**opened** 43:1, 49:12  
**opening** 56:2

**operates** 100:8  
**operation** 54:12, 57:1,  
67:18, 78:12, 81:19,  
112:1  
**operational** 70:9  
**operations** 53:9, 87:6,  
102:8  
**operative** 125:8, 125:16  
**opinion** 82:1, 82:3, 82:6,  
82:7, 82:8, 82:9, 82:10,  
82:11, 82:15, 82:16,  
82:20, 83:1, 83:2, 89:18  
**opinions** 82:5  
**opportunity** 32:16, 55:12,  
75:25, 79:21, 90:5, 123:4,  
127:12, 128:8  
**opposed** 43:14, 62:25  
**opposite** 81:18  
**order** 6:9, 17:18, 17:21,  
32:17, 38:17, 125:15  
**ordered** 127:7  
**ordering** 31:19, 127:8  
**orders** 59:20  
**original** 89:21, 90:2  
**originally** 89:22  
**others** 94:8  
**outside** 43:4, 49:13, 49:14,  
49:15, 49:20, 69:1, 82:1,  
89:15, 101:13, 109:17,  
112:12, 121:7, 123:16  
**outstanding** 78:16  
**overage** 80:7  
**overruled** 101:3  
**overseas** 68:4, 119:19  
**overstatement** 78:2  
**overtime** 12:4, 50:3, 50:5  
**overworked** 127:21  
**owed** 98:12, 101:1  
**own** 41:3, 66:14  
**owned** 53:21  
**owner** 46:23, 67:17  
**owns** 34:10, 105:14  
  
< P >  
**p.m.** 14:4, 14:8, 14:15,  
15:11, 16:24, 19:2, 22:20,  
25:16, 25:17  
**pages** 12:24, 13:1, 19:18,  
25:2, 34:5, 131:9

**paid** 12:1, 12:3, 16:3, 16:7,  
44:19, 50:6, 59:18, 63:2,  
63:4, 63:11, 73:15, 74:14,  
97:4, 97:5, 97:6, 101:1,  
108:12, 119:9  
**paper** 129:17  
**paperwork** 79:9  
**parcels** 117:25  
**parlor** 24:18  
**part** 8:11, 14:1, 14:2, 67:17,  
92:3, 102:20, 107:10,  
108:5, 112:24, 118:9,  
118:24, 126:9, 129:25  
**particular** 12:24, 27:9,  
76:15, 81:10, 110:4  
**particulars** 92:2  
**parties** 107:3, 121:15  
**partner** 34:13, 34:15, 34:17,  
34:25  
**partners** 34:23  
**partnership** 100:8, 100:14,  
100:17, 100:24, 101:8,  
101:20, 101:25, 102:19,  
106:8, 106:9, 106:17,  
106:19, 106:20, 106:22,  
106:24, 107:15, 107:17  
**Partnerships** 101:11  
**party** 126:7  
**pass** 32:23  
**passcode** 18:19  
**passes** 87:23, 87:24  
**passive** 106:3, 107:9  
**password** 10:24  
**past** 60:14, 89:16  
**Pause.** 60:20, 113:25  
**pay** 11:16, 12:7, 37:14,  
37:21, 72:20, 74:17, 99:2,  
99:8, 99:11, 118:4  
**payable** 4:29, 57:17, 70:23,  
71:6, 71:14, 71:15, 72:18,  
72:20, 74:8, 99:5, 99:22,  
101:5  
**payables** 72:11  
**paycheck** 44:22, 45:3  
**paychecks** 17:18, 17:21  
**paying** 73:14, 128:21  
**payment** 4:24, 73:11,  
107:12  
**payments** 31:14, 31:15,  
31:23, 60:7

**Payroll** 30:24, 44:18, 44:22,  
45:6, 45:8, 50:14, 57:17,  
70:22, 71:7, 71:13, 80:18,  
90:22, 90:23, 90:25, 91:3,  
91:7, 91:9, 91:16, 91:18,  
91:24, 92:3, 92:9, 102:9,  
109:9  
**payrolls** 96:11  
**Peachtree** 58:5, 58:8,  
58:18, 70:21, 72:4, 72:6,  
72:8, 75:13  
**people** 18:7, 18:9, 71:13,  
104:20, 104:22, 112:20  
**per** 44:17  
**percent** 93:12  
**perfect** 85:1  
**perfectly** 50:16, 77:1, 85:25,  
93:11  
**performance** 68:15, 94:12  
**performing** 54:18, 83:4,  
83:16, 90:14  
**performs** 42:9  
**Perhaps** 94:9  
**period** 16:14, 88:11, 121:14,  
122:5, 128:23  
**periodic** 76:6, 76:7, 76:18,  
77:1, 77:4  
**periodically** 77:6  
**periods** 73:4  
**permission** 23:2, 23:4,  
23:6, 23:9  
**permit** 97:21  
**Perpetual** 76:7, 76:12  
**person** 18:3, 23:21, 71:6,  
71:13, 71:14, 93:24  
**personal** 28:17  
**personnel** 26:25, 27:3,  
27:15, 27:21  
**perusing** 20:7, 26:6  
**photographs** 39:23, 40:1,  
41:18  
**phrase** 72:24, 73:21, 78:15,  
81:20, 88:1, 88:16  
**physical** 32:13, 76:8, 77:6  
**picture** 21:1, 22:13, 22:15,  
23:16, 23:18, 23:21, 24:4,  
24:7, 40:6, 40:10, 42:3  
**pictures** 23:13, 41:22  
**pieces** 118:18, 118:22  
**pin** 6:20

**Pizza** 24:18, 68:5  
**PL** 2:24, 2:31  
**place** 9:17, 18:1, 21:5, 36:9,  
45:15, 69:8, 101:9,  
125:15  
**placed** 89:25  
**Plaintiff** 1:8, 2:4, 3:31, 5:10,  
5:12, 6:8, 32:16, 97:11,  
97:12, 97:14, 98:19,  
110:12, 110:14, 113:7,  
113:10, 114:24, 120:13,  
121:1, 126:18, 129:11,  
129:19  
**PLAINTIFF'S** 4:18  
**plan** 71:21, 71:24, 98:10  
**planned** 113:23  
**planning** 109:7  
**player** 23:19  
**plea** 61:6, 90:5, 90:7, 90:11,  
90:15, 103:10, 103:11,  
125:12  
**please** 7:5, 7:9, 20:11,  
51:19, 64:17, 65:10,  
122:21, 123:19, 125:20  
**pocket** 111:19  
**Point** 15:20, 55:11, 55:24,  
57:1, 57:9, 74:22, 74:23,  
74:24, 74:25, 75:1, 75:4,  
75:8, 75:12, 75:16, 107:3,  
107:4, 109:4, 109:10,  
110:8, 110:10, 129:2  
**police** 47:20, 48:21  
**policies** 69:7  
**poor** 88:12  
**Popular** 4:41, 89:13, 110:17  
**portion** 89:11  
**portray** 21:15  
**position** 8:6, 8:8, 9:3, 9:5,  
56:21, 68:10, 90:23,  
90:24, 91:1, 93:24, 94:7,  
103:23, 103:25, 104:1,  
104:2  
**possession** 84:13  
**possible** 111:25, 112:3  
**possibly** 7:2  
**post** 84:15, 85:8, 127:18  
**posted** 84:16  
**posting** 71:18  
**potential** 58:18, 78:14  
**practically** 76:21

**practice** 13:11, 66:14, 66:16  
**predate** 122:7  
**predicate** 29:11  
**preliminary** 6:9, 93:9  
**premises** 28:16, 49:14, 49:20  
**prepare** 18:13, 18:15, 50:14  
**prepared** 103:8, 103:12  
**present** 2:38, 9:17, 9:21, 36:21, 45:10, 45:15, 48:20, 127:13, 128:8  
**presentation** 82:13  
**presented** 40:22, 52:7, 55:8, 55:12, 59:6, 62:21  
**president** 99:15, 99:18  
**pretty** 79:25, 80:1, 80:8, 80:22, 84:17, 87:16  
**prevents** 123:10, 123:20  
**previous** 11:17, 55:18, 56:12  
**previously** 67:4  
**price** 83:11  
**pricing** 75:4  
**primarily** 66:17, 96:7  
**primary** 110:3  
**principles** 60:25, 69:13, 73:19, 76:25, 89:8  
**print** 18:22, 26:21, 70:25, 71:9  
**printed** 16:1, 40:7, 40:14  
**printing** 72:12  
**Prior** 36:8, 42:12, 49:12, 52:22, 53:20, 55:21, 57:19, 58:14, 60:21, 123:5  
**Private** 66:20, 66:23, 66:24  
**probably** 6:24, 66:21, 75:14, 77:20, 80:19, 82:25, 103:21  
**problem** 19:24, 77:19, 80:13, 125:7, 130:3  
**problematic** 77:25, 80:11, 87:15, 87:16  
**problems** 79:13, 86:23, 86:24, 94:11  
**procedure** 59:2  
**Proceedings** 5:6, 5:14, 131:11  
**process** 10:12, 80:8, 82:23  
**processed** 79:22

**processing** 70:25, 71:8, 80:1, 80:10  
**processor** 72:15  
**produce** 58:10, 58:11, 58:12, 92:25, 93:2, 93:13  
**produced** 92:14  
**producing** 53:10  
**product** 84:1, 84:5, 84:20, 84:24  
**PROFESSIONAL** 1:47, 65:21  
**profit** 102:5  
**profits** 34:24, 34:25, 35:1, 35:4, 100:15, 102:10, 102:12, 111:6, 111:8, 111:11, 112:1, 112:25  
**program** 58:5  
**project** 54:23, 55:1, 55:3, 55:4  
**promptly** 74:15  
**pronouncements** 88:23  
**properly** 72:14, 88:10, 89:1  
**properties** 115:3, 117:12, 117:15, 118:24, 119:8, 119:14, 119:18  
**property** 107:8, 115:8, 116:10, 117:9, 117:20, 118:3, 118:5, 118:6, 118:8, 118:15, 118:19, 118:23, 118:25, 119:1, 119:2, 119:5, 119:8  
**protected** 103:11  
**prove** 93:8  
**provide** 129:3, 129:15  
**provided** 127:5, 129:23  
**public** 61:20, 66:19, 66:22, 67:1, 67:4, 67:8, 81:3  
**pulled** 39:11, 79:3, 79:4  
**punch** 13:4, 13:11, 28:2, 28:16, 35:21, 38:11, 38:12, 39:25, 43:24, 128:3  
**punch-clock** 10:10, 11:3  
**punched** 13:23, 13:24, 14:11, 16:4, 16:25, 25:8, 28:11  
**punching** 36:5, 41:12  
**purchase** 81:14, 115:4, 117:13, 117:19, 117:25, 118:3, 118:22, 119:2,

119:6, 119:18  
**purchased** 29:2  
**purchases** 77:5, 81:13  
**purchasing** 96:11  
**purpose** 76:17, 86:7, 114:2, 121:11  
**purposes** 89:6, 89:7  
**put** 10:11, 10:12, 10:13, 38:11, 38:12, 38:14, 42:15, 43:20, 44:24, 79:10, 90:1, 96:2, 110:7, 112:21, 128:24  
**putting** 96:15, 110:4  
  
< Q >  
**quality** 92:24, 92:25  
**question** 7:23, 37:1, 37:6, 43:2, 45:24, 47:12, 48:25, 63:15, 64:3, 64:8, 99:3, 100:22, 103:5, 106:21, 107:13, 109:3, 109:19, 118:1, 118:12, 119:10, 122:20, 122:21, 123:12, 123:18, 123:19, 124:14, 125:19, 125:20  
**questioning** 50:11, 121:7  
**questions** 7:22, 45:4, 49:2, 120:3, 120:8, 124:6, 126:12  
**quite** 72:10, 93:11, 112:19  
  
< R >  
**ran** 77:17  
**range** 80:21  
**rate** 12:7  
**re** 4:26  
**Re-cross** 3:10  
**Re-direct** 3:9  
**read** 15:8, 26:20, 26:22, 27:6  
**ready** 20:10, 23:15, 85:18  
**real** 106:3, 118:12  
**really** 19:23, 42:2, 43:10, 72:18, 80:23, 85:12, 86:8, 92:1, 93:11, 99:7, 101:5, 106:21, 123:2, 129:8  
**reason** 38:13, 46:3, 46:5, 60:7, 89:14

**Rebuttal** 3:30, 5:10, 7:1,  
113:21, 121:21, 124:4  
**recall** 35:14, 36:11, 48:14,  
48:16, 48:19, 91:19,  
129:1  
**receipt** 74:15  
**receipts** 73:4, 110:1  
**receivable** 73:8, 78:22,  
78:25, 79:18, 99:22  
**receivables** 72:11, 79:2  
**receive** 62:16, 102:9  
**Received** 4:7, 4:20, 20:3,  
26:3, 30:16, 85:10, 91:3,  
102:4, 113:11, 120:14,  
126:19, 129:4  
**receiving** 31:25  
**recent** 31:18, 71:4, 98:17  
**recently** 9:10, 35:15, 36:16,  
44:4, 44:14, 80:13, 82:22,  
82:23, 85:10, 94:10  
**recognition** 102:18  
**recognize** 110:13, 114:22  
**recognized** 73:11, 74:1  
**recognizing** 73:17  
**reconcile** 57:12, 87:25  
**reconciled** 88:14, 93:2  
**reconciliation** 53:10, 54:13,  
57:1, 63:22, 64:1  
**reconciliations** 84:20  
**record** 7:19, 15:8, 17:2,  
51:19, 75:20, 79:2,  
120:22, 125:9, 127:9,  
129:24, 130:6  
**recorded** 75:17, 116:5,  
117:4  
**recorder** 114:22, 117:3  
**recording** 75:12, 115:16,  
115:20, 116:17  
**records** 8:13, 8:15, 17:6,  
39:11, 39:13, 42:16,  
42:19, 49:24, 52:8, 60:22,  
60:24, 82:17, 89:17,  
105:8, 105:13, 108:6,  
110:5  
**RECROSS** 50:22  
**REDIRECT** 49:3, 49:5,  
113:14, 121:20  
**refer** 35:18  
**reference** 21:17  
**referenced** 129:19

**referred** 95:23, 104:19  
**referring** 20:16  
**reflect** 17:25, 22:17, 22:23,  
24:7, 27:10, 41:13  
**reflected** 25:7  
**regard** 80:9  
**regarding** 9:23, 52:6, 54:19,  
78:24  
**regardless** 73:11  
**register** 57:10, 79:7  
**REGISTERED** 1:47, 103:13  
**registers** 75:2  
**regulates** 75:2  
**regulations** 4:12, 26:13,  
26:15, 26:18, 26:21,  
26:24, 27:11, 29:7, 33:20  
**relate** 78:22  
**related** 61:11, 62:18, 74:8,  
106:4, 107:3  
**relates** 76:25, 90:10  
**relationship** 61:9, 69:14  
**relevance** 125:3  
**reliance** 69:18  
**RELIEF** 1:9  
**relieved** 28:12  
**rely** 17:17, 17:20  
**remain** 106:4  
**remember** 9:25, 10:2, 15:3,  
18:24, 54:11, 60:11, 68:18  
**removal** 124:18  
**removed** 117:24, 118:13,  
119:11, 119:12, 122:17,  
122:24  
**render** 82:21  
**Rent** 4:21, 4:24, 4:32, 98:17,  
99:2, 99:11, 99:23, 100:3,  
101:1, 105:13, 107:8  
**rent-due** 98:8  
**rental** 107:1, 111:9, 111:11,  
112:1, 112:7  
**rentals** 87:10  
**rents** 97:24, 105:15, 105:17  
**Repeat** 7:23, 17:19, 37:6,  
38:4, 41:16, 115:24,  
117:22, 122:21, 123:19  
**Rephrase** 7:23, 101:10,  
124:14  
**replace** 31:5, 119:7  
**replaced** 92:11  
**replacement** 31:8

**report** 18:24, 19:4, 25:2,  
39:2, 39:3, 39:7, 54:15,  
57:3, 59:9, 81:21, 81:24  
**reported** 58:21, 131:4  
**Reporter** 1:47, 1:48, 5:16,  
64:24, 66:1, 131:1, 131:2,  
131:19  
**reporters** 127:21, 127:22  
**reporting** 109:9  
**reports** 4:8, 4:10, 18:13,  
18:18, 54:19, 58:12  
**represent** 21:5, 36:22  
**represents** 21:22  
**require** 127:16  
**required** 61:5  
**requirement** 92:22  
**requirements** 90:8  
**resignation** 91:3  
**respect** 76:1, 83:5, 121:9  
**respond** 121:17  
**responsibilities** 56:21,  
79:10  
**responsibility** 57:11  
**rest** 74:8, 113:20  
**restaurants** 68:4  
**restraining** 6:9, 32:17,  
125:15  
**restrictions** 124:18  
**rests** 5:8, 5:12  
**result** 15:24  
**resulted** 80:14  
**results** 78:1  
**retail** 67:13, 67:18, 78:12,  
81:19  
**retained** 87:13, 90:1  
**retrieve** 27:18  
**retrieved** 27:16  
**return** 27:7, 105:25, 106:1,  
107:10  
**returns** 89:14, 101:6,  
101:11, 101:20, 103:4,  
103:7, 103:16  
**Revenue** 85:4, 86:21  
**review** 12:17, 32:16, 79:21,  
81:6, 85:14, 90:5  
**reviewed** 11:6, 16:17, 23:25  
**rid** 46:9, 48:18  
**Robert** 115:7  
**role** 30:21, 30:22, 112:16  
**room** 13:19, 28:4, 32:1



**rough** 6:23  
**roughly** 16:23, 50:1, 50:3  
**route** 101:22  
**RPR** 131:2, 131:18  
**Rule** 7:8, 27:25, 28:7, 28:11,  
28:15, 28:20  
**Rules** 4:12, 26:12, 26:14,  
26:18, 26:20, 26:24,  
27:11, 29:7, 33:20  
**run** 50:4, 93:9  
**rung** 57:10

< S >

**S-E-L-L-S** 66:2  
**S-O-E-F-F-I-N-G** 65:1  
**Sabrina** 13:18  
**safe** 101:22  
**safeguarded** 69:9  
**sake** 79:8  
**salaried** 11:24  
**salary** 12:6  
**sale** 57:9, 73:7, 74:22,  
74:23, 74:24, 74:25, 75:1,  
75:8, 75:12, 75:17, 76:14,  
79:5, 79:6, 79:9  
**sales** 54:19, 57:6, 57:7,  
73:10, 75:4, 77:5, 77:8,  
78:16, 78:19, 78:20  
**Sandra** 1:46, 131:2, 131:18  
**Saturday** 55:23  
**savings** 83:14  
**saw** 23:25, 39:23, 79:14,  
109:1  
**saying** 21:21, 22:3, 41:3,  
44:9, 58:16  
**says** 14:22, 27:25, 99:21,  
115:11, 115:16, 115:19,  
127:22, 127:23  
**scope** 50:8, 62:4, 62:14,  
97:17, 100:20, 101:14,  
109:18, 112:12, 121:8,  
123:16, 124:2  
**searching** 87:24  
**second** 6:7, 14:14, 21:16,  
21:17, 22:3, 22:8, 39:22,  
53:1, 60:18, 108:24  
**section** 87:12, 87:20  
**Securities** 4:41, 110:17  
**security** 10:12, 10:13,

10:14, 14:11, 16:5, 17:4,  
35:22, 36:4, 36:6, 36:16,  
38:1, 38:7, 38:11, 38:15,  
43:15, 43:21  
**seeks** 82:8  
**seen** 12:12, 29:21, 32:12,  
98:2, 98:5, 98:6, 98:18,  
100:2, 100:4, 102:18,  
105:9, 108:3  
**segregate** 111:17  
**segregated** 95:22, 95:24,  
95:25  
**seizing** 122:7  
**selection** 81:8, 81:11  
**sell** 73:5, 79:8  
**selling** 78:11  
**Sells** 65:24, 66:2, 66:3, 66:9  
**send** 100:3  
**sending** 98:8, 100:6  
**sends** 99:23  
**separate** 58:1, 96:10, 96:11,  
96:22, 97:2, 101:10,  
102:15, 102:20, 106:19  
**separately** 100:8  
**September** 68:22, 85:19,  
94:15  
**series** 107:23  
**server** 71:3, 71:5, 71:13  
**service** 29:3  
**services** 62:14  
**set** 72:14, 81:25, 83:12,  
95:18  
**sets** 90:7  
**settlement** 80:15  
**Seven** 19:18, 22:18, 22:20  
**seventh** 16:10, 16:11  
**severe** 79:16  
**share** 39:13, 39:15, 40:20,  
41:3  
**Shared** 39:14  
**shareholders** 102:2  
**she'd** 45:18  
**sheet** 53:11, 59:5, 69:24,  
72:13, 76:20, 85:12,  
85:13, 85:17, 85:23,  
86:20, 89:12, 89:25, 93:1,  
111:1  
**sheets** 58:10  
**Sherry** 92:6, 92:7  
**shift** 24:9

**Shopping** 24:24, 24:25,  
28:17, 28:25, 62:25,  
63:16, 64:4, 95:17, 95:21,  
96:6, 96:25, 105:4,  
105:14, 108:9, 108:18,  
109:15, 111:24, 117:24  
**short** 7:2  
**shorthand** 131:5  
**show** 12:9, 13:23, 24:16,  
38:3, 38:8, 38:9, 39:20,  
41:19, 42:16, 42:19  
**showed** 17:6, 121:13  
**Showing** 26:4, 33:18, 98:14,  
107:22, 110:12, 114:20,  
115:6, 121:3  
**shown** 20:4, 97:9, 98:16,  
120:25, 123:23  
**shows** 14:15, 22:3, 40:12,  
40:14, 98:7  
**sick** 91:15  
**Side** 73:13, 96:2, 107:11,  
115:16, 115:20, 116:1,  
116:17, 127:5  
**sides** 106:5, 107:5, 127:12,  
128:7  
**sign** 26:22, 27:6, 103:16  
**signature** 29:14, 29:18,  
29:19, 29:20, 29:21,  
29:22, 29:25, 30:2, 30:6,  
34:5, 44:14  
**signatures** 34:4, 44:17  
**signed** 121:5  
**significant** 89:11  
**single** 17:15, 17:16, 27:5,  
49:9, 49:16, 49:21, 58:2,  
58:20, 71:4, 111:18,  
111:19  
**Sion** 34:2, 96:12  
**sitting** 8:9, 92:10, 112:2  
**situation** 41:8  
**six** 28:2, 63:21, 63:25, 67:12  
**sixteen** 67:18  
**slower** 60:16  
**social** 10:12, 10:13, 14:11,  
16:5, 17:4, 35:22, 36:4,  
36:6, 36:16, 38:1, 38:7,  
38:11, 38:14, 43:15,  
43:21  
**Soeffing** 55:15, 64:25,  
71:12, 87:18

**software** 58:9  
**sold** 45:18, 46:8  
**solid** 112:21  
**somebody** 56:8, 130:1  
**someone** 10:22, 14:5, 48:6,  
55:15, 79:10, 87:2  
**Sometime** 91:25  
**Sometimes** 37:4, 37:10,  
38:17, 42:23, 80:2  
**son** 55:5  
**soon** 84:16  
**Sorry** 6:3, 6:5, 19:12, 22:9,  
26:20, 29:14, 60:12, 69:5,  
84:22, 85:19, 100:12,  
100:21, 103:24, 120:9,  
123:13, 123:24, 127:23,  
128:21, 129:8  
**sort** 111:18  
**Sounds** 113:2  
**source** 81:9  
**specific** 11:14, 12:23, 16:8,  
52:7, 55:9, 60:3, 89:4,  
111:12  
**specifically** 14:3, 23:12  
**specifying** 55:9  
**speculation** 46:11, 106:11,  
126:2  
**spell** 8:20, 8:21, 54:5,  
64:17, 65:25  
**spelling** 7:19, 64:25, 65:10  
**spend** 66:8  
**spent** 28:3, 38:8, 41:14,  
66:18, 66:21, 82:23,  
82:25, 110:7  
**split** 102:8, 102:12  
**splitting** 100:15  
**spoilage** 78:13, 78:14  
**spoke** 45:13  
**St.** 1:2, 2:9, 2:16, 46:24,  
53:13, 57:21, 58:21,  
63:24, 71:10, 71:11,  
72:23, 74:8, 79:2, 79:5,  
79:12, 80:16, 80:17,  
84:13, 85:3, 85:4, 87:2,  
87:8, 91:2, 92:6, 92:9,  
96:14, 131:4  
**stack** 24:13  
**stage** 97:22  
**stamp** 117:3  
**stand** 64:12, 69:12, 74:21,

113:17, 120:11  
**stand-alone** 57:25  
**Standard** 37:13  
**standards** 88:22  
**standpoint** 81:17  
**start** 21:16, 23:5, 53:17,  
53:19, 53:25, 65:16,  
93:20  
**started** 35:25, 41:12, 44:20,  
54:21, 61:25, 62:11, 63:7,  
70:16, 71:20, 82:19,  
86:25, 90:9, 94:14, 94:15,  
95:7  
**Starting** 6:11, 14:24, 16:11,  
20:25, 29:13  
**State** 7:18, 46:11, 51:18,  
52:20, 54:10, 65:10,  
120:22  
**Statement** 4:32, 4:42,  
53:11, 53:12, 54:14,  
58:11, 59:5, 59:6, 69:24,  
70:1, 70:3, 70:14, 72:13,  
72:14, 77:13, 77:14,  
77:16, 77:17, 79:7, 85:1,  
86:22, 87:20, 89:24, 90:1,  
92:24, 93:1, 93:3, 93:4,  
93:10, 93:13, 97:24, 98:8,  
98:17  
**statements** 69:19, 69:21,  
69:22, 69:23, 72:13,  
74:10, 75:19, 76:21, 81:1,  
81:4, 81:25, 82:14, 83:9,  
84:17, 85:10, 89:10,  
92:14, 92:16, 92:20, 93:6,  
93:9, 111:16  
**station** 53:21, 53:22  
**status** 9:23  
**stealing** 28:21  
**stenotype** 131:11  
**step** 51:7  
**stick-your-hand-on-the-ma-  
chine** 17:3  
**stipulate** 12:13  
**stocked** 59:22, 59:23, 59:24  
**stolen** 49:24  
**stopped** 31:15  
**stopping** 31:23  
**stores** 46:22, 52:25, 54:10,  
54:17, 54:20, 55:19,  
59:22, 59:23, 60:8, 62:6,

63:20, 63:23, 67:18,  
67:19, 74:5, 93:25, 94:8,  
95:14, 96:3, 96:7, 96:9,  
96:22  
**Street** 2:8  
**strike** 55:25  
**structure** 87:2  
**studied** 71:25  
**stuff** 12:13, 32:23  
**subject** 28:21, 103:10  
**submit** 26:23, 127:4, 130:2  
**submitted** 19:24  
**subpoena** 114:6, 114:7  
**subpoenaed** 114:8  
**subscribed** 131:12  
**Suburb** 2:42  
**sudden** 44:13  
**sufficient** 82:16  
**suffix** 87:4, 87:7, 87:8,  
95:23  
**suggesting** 128:19  
**Suite** 2:8, 2:42  
**sum** 98:11  
**sums** 99:8  
**Superior** 1:1, 131:3  
**supermarket** 60:23, 63:4,  
63:11, 99:1, 106:7,  
108:10, 109:6, 117:18,  
119:12, 125:22  
**supermarkets** 32:7, 62:25,  
106:18, 111:7  
**supervisor** 56:12  
**supplies** 31:19  
**supposed** 10:16, 38:11,  
68:25, 102:12  
**surgery** 6:16  
**surveillance** 25:12, 40:6,  
40:12, 50:24  
**suspicion** 15:25  
**suspicious** 15:21, 38:21  
**Sustained** 37:19, 47:25,  
124:25  
**switching** 111:20  
**sworn** 7:14, 51:14, 65:4,  
114:13, 120:18  
**SX-12-CV-370** 1:5, 131:7  
**systems** 58:17, 69:8, 70:25,  
75:9

< T >

**TABLE** 3:1, 4:1, 5:1  
**Taco** 68:5  
**talked** 6:17, 72:4, 83:22,  
95:11, 97:18, 112:15  
**target** 92:8  
**task** 91:22  
**tasked** 49:15  
**tax** 66:17, 89:6, 89:14,  
101:6, 101:11, 101:20,  
103:3, 103:7, 103:16,  
105:25, 106:1, 107:3,  
107:4, 107:10  
**taxes** 88:17, 89:1, 102:20  
**team** 22:21  
**temporary** 6:9, 32:17,  
125:14  
**ten** 67:17, 128:1  
**tenant** 108:17, 108:18,  
109:12  
**tenants** 87:9  
**tended** 74:13, 74:17  
**tenure** 66:12  
**term** 69:10, 73:21, 81:21,  
100:14  
**terminate** 30:18, 45:14  
**terms** 90:8  
**testified** 7:15, 36:22, 36:23,  
43:19, 45:20, 51:15, 65:5,  
102:11, 114:14, 114:17,  
117:23, 118:17, 120:19  
**testifying** 43:2  
**testimony** 19:21, 39:8,  
125:18, 127:3, 127:7,  
127:8  
**Thanksgiving** 11:10, 11:21,  
11:22, 15:6, 16:8, 16:9,  
44:21  
**Theoretically** 83:10  
**theory** 86:14  
**therein** 18:1, 21:5  
**they've** 79:7, 102:4  
**thinking** 85:19  
**Third** 13:4, 14:20, 22:9,  
22:10, 22:12, 104:11  
**Thomas** 46:24, 71:10,  
71:11, 72:23, 74:8, 79:2,  
79:5, 79:12, 80:16, 80:17,  
84:13, 85:3, 85:4, 87:2,  
87:8, 91:2, 92:6, 92:9,

96:14  
**thorough** 87:19  
**though** 19:7, 45:7, 102:4,  
102:10, 105:9, 106:2,  
110:9  
**threat** 32:6, 59:15  
**threatening** 32:12  
**Three** 6:21, 57:24, 63:25,  
66:10, 74:4, 74:17, 87:4,  
92:20, 93:25, 96:7, 96:9,  
96:19, 96:20, 96:22,  
104:9, 111:6, 115:2,  
117:12, 117:25, 118:18,  
118:22, 127:22  
**throughout** 68:3, 76:22  
**Thursday** 1:18, 15:3  
**timeliness** 88:12, 92:15  
**timely** 59:18, 59:20  
**timesheet** 12:22, 16:2,  
16:13, 20:15, 20:19,  
20:21, 38:3, 38:9, 39:2,  
39:3, 39:7  
**timesheets** 41:17  
**title** 8:4, 104:14  
**to/from** 101:5  
**today** 6:16, 8:9, 32:15, 80:6,  
81:7, 92:10, 129:6,  
129:16  
**together** 33:14, 85:24,  
96:17, 128:25  
**tomorrow** 6:16, 80:6,  
123:21  
**took** 9:17, 18:1, 21:5, 45:15,  
55:4, 56:22, 87:23, 91:21,  
118:2, 118:9, 121:15  
**top** 14:21, 24:11, 40:8, 40:9,  
115:11  
**top-left** 24:12  
**top-right** 19:1  
**total** 15:21, 52:24  
**totalled** 80:19  
**totally** 97:2  
**touch** 38:14, 63:19, 63:20  
**Touche** 66:6  
**toward** 87:3  
**track** 57:5, 89:21, 90:2  
**trails** 83:10, 83:13  
**trained** 86:5, 86:10  
**training** 86:1, 86:4  
**transaction** 107:5

**transcript** 127:3, 127:5,  
127:17, 128:1, 128:12,  
128:24, 129:4, 129:11,  
129:20  
**transcription** 131:10  
**transcripts** 127:10  
**transfers** 112:6  
**treat** 105:6  
**treated** 79:3, 100:18, 107:9,  
108:22, 109:5, 109:11  
**treatment** 88:23  
**trend** 54:15  
**TRIAL** 1:14  
**TRO** 1:30, 113:1, 124:9,  
124:10, 124:16, 124:18,  
124:23, 125:2, 125:18,  
125:23, 126:1, 126:6,  
131:5  
**true** 37:5, 41:11, 41:17,  
43:17, 46:3, 46:5, 48:3,  
50:9, 73:13, 77:8, 77:20,  
88:8, 111:5, 118:21,  
119:6, 122:16, 122:22,  
131:10  
**trues** 77:8  
**truly** 72:8, 76:17  
**Trust** 115:7, 118:7  
**Trutime** 10:25, 11:2, 11:3,  
17:10, 17:11, 17:18,  
17:21, 17:25, 18:4, 18:6  
**trying** 48:5, 121:14, 128:17  
**Tuesday** 91:25, 92:1  
**Turn** 9:9, 13:12, 23:11, 24:6,  
27:24, 31:10, 74:18,  
75:24  
**turned** 23:22, 62:18  
**Turning** 14:1, 14:7, 14:13,  
14:14, 14:19, 15:2, 16:10,  
19:7, 27:8, 28:20, 79:20,  
80:25  
**turnover** 78:7, 78:9  
**Twelve** 12:8  
**Two** 7:1, 10:14, 12:24, 13:1,  
36:1, 42:13, 44:17, 50:2,  
50:5, 52:24, 54:2, 54:9,  
56:7, 60:5, 70:21, 71:13,  
74:17, 84:8, 85:9, 87:6,  
87:23, 87:24, 91:15,  
91:19, 100:5, 104:8,  
118:24, 127:23, 128:6,

128:12  
**two-week** 128:22  
**type** 62:3, 82:2, 82:20,  
102:15  
**types** 59:15  
**typewriter** 72:5  
**typewriters** 57:21, 57:23,  
58:17  
**typically** 74:15, 75:3, 81:16,  
88:6, 89:21, 92:4, 92:7,  
101:22, 106:5, 107:4

< U >

**ultimately** 56:17  
**uncommon** 112:20  
**understand** 7:22, 34:10,  
34:18, 34:19, 34:21, 35:2,  
93:5  
**understanding** 86:8, 86:9,  
95:12  
**understood** 125:6, 125:19  
**University** 65:19  
**unless** 28:17, 29:1  
**unrealized** 89:20  
**until** 36:16, 41:12, 44:3,  
45:2, 45:4  
**unusual** 16:18  
**updated** 85:16  
**useless** 76:21  
**user** 10:24  
**uses** 10:10, 78:11  
**using** 58:16, 58:18, 58:19,  
70:21, 71:7, 71:9, 72:4  
**utilize** 58:13  
**utilized** 58:13, 58:14, 76:17

< V >

**v.** 1:10, 131:6  
**vaguely** 113:2  
**validity** 81:10, 81:15  
**valuation** 77:19  
**valued** 77:18  
**variance** 77:22  
**various** 37:9, 70:8  
**vendors** 31:14, 31:15,  
31:23, 44:19, 59:18, 60:8  
**venture** 100:15, 100:17,  
100:24

**verify** 81:8, 81:10  
**versus** 6:4, 91:22  
**VI** 1:19, 2:9, 2:16, 2:43  
**via** 129:15  
**video** 21:1, 21:3, 21:7,  
21:11, 21:14, 21:15, 22:4,  
22:12, 23:25  
**view** 107:3, 107:4  
**viewed** 89:23  
**violate** 29:6  
**violated** 124:10, 125:23  
**violation** 124:22, 125:2  
**Virgin** 1:1, 103:14, 131:3  
**vision** 110:1  
**void** 79:6, 79:9  
**voted** 56:14  
**voucher** 72:19

< W >

**W-2** 109:8  
**W.** 14:22  
**Wadda** 4:13, 8:18, 11:13,  
13:4, 16:6, 16:13, 18:10,  
20:16, 23:19, 27:12, 29:6,  
29:19, 30:18, 34:5, 35:17,  
35:18, 36:15, 37:7, 41:8,  
43:13, 43:20, 45:14, 46:7,  
46:14, 49:7, 50:13, 86:10,  
90:18, 91:8, 91:22, 92:11,  
93:20  
**wait** 128:24  
**Waleed** 1:6, 3:39, 6:4,  
120:15, 120:16, 120:23  
**walked** 24:21  
**Wally** 47:8, 47:10, 47:11,  
47:13, 47:16, 47:23, 48:3  
**wanted** 19:22, 31:4, 46:8,  
56:16, 81:10  
**wants** 127:4  
**Warranty** 4:34, 4:36, 4:38,  
115:25  
**wash** 105:23, 105:25, 106:6  
**washed** 101:7  
**ways** 122:1, 122:3  
**weakness** 79:17  
**weaknesses** 72:23  
**week** 11:10, 25:3, 42:13,  
50:3, 55:22, 84:14, 91:2,  
91:23, 114:20, 118:18,

128:1  
**weekend** 80:18  
**Weekly** 4:10, 20:15, 20:19,  
20:21  
**weeks** 11:17, 36:1, 56:7,  
91:14, 91:15, 127:23,  
128:6, 128:13  
**West** 70:20, 71:1, 71:17,  
84:9, 86:5, 87:5, 87:6,  
96:13, 97:6, 97:7  
**whatever** 117:19, 118:11,  
118:16, 119:14, 119:15  
**whatsoever** 77:15, 123:22  
**whenever** 43:20, 106:25  
**whereby** 76:13  
**whether** 39:18, 80:6, 85:11,  
87:19, 99:3, 99:7, 106:14,  
111:10, 112:24, 123:6,  
124:9  
**whole** 16:15, 16:16, 39:25,  
41:23, 41:24, 44:5, 51:3,  
54:14, 62:7  
**whom** 51:23  
**will** 7:2, 7:23, 9:18, 28:8,  
28:22, 36:22, 48:25, 59:7,  
60:2, 72:19, 80:6, 85:11,  
92:25, 93:2, 96:19, 96:24,  
101:15, 112:16, 114:9,  
122:3, 123:17, 126:13,  
128:12, 129:16, 129:24,  
130:7  
**withdraw** 4:27, 48:25, 124:5  
**withdrawal** 123:5, 124:22,  
125:1, 125:22  
**withdrawing** 123:11  
**withdrawn** 123:7  
**withdrew** 123:1  
**within** 17:20, 17:25, 28:16,  
36:1, 56:7, 60:23  
**Without** 30:12, 55:9, 113:8,  
120:10, 128:2  
**WITNESS** 7:5, 7:11, 7:13,  
12:12, 32:25, 48:21, 51:9,  
51:13, 64:11, 64:13,  
64:17, 65:3, 93:16, 97:9,  
98:16, 100:12, 113:23,  
114:12, 120:17, 120:24,  
123:23  
**witnessed** 32:9, 59:15  
**witnesses** 6:20, 6:22, 7:8,

31:22, 113:18, 126:23  
**word** 70:24, 71:8, 72:15  
**words** 72:19, 107:6  
**worked** 13:21, 13:22, 15:18,  
38:5, 41:19, 42:4, 43:11,  
44:5, 44:25, 47:2, 67:20,  
92:22, 93:22, 93:24,  
94:10  
**worker** 94:5  
**working** 15:22, 38:8, 41:15,  
49:9, 52:2, 52:6, 52:20,  
52:22, 53:3, 53:5, 53:20,  
54:8, 55:21, 55:22, 56:13,  
57:18, 58:23, 59:3, 61:25,  
62:6, 62:7, 62:11, 70:16,  
71:20, 86:25, 90:9, 94:15,  
96:21, 121:25, 127:21  
**works** 13:2, 13:18, 46:24  
**world** 53:5  
**wound** 83:1  
**write** 72:17, 107:7, 122:11,  
122:23  
**writing** 105:24, 127:13  
**written** 62:3, 108:6

< Y >

**Y-U-S-U-F** 7:20

**year** 16:15, 16:16, 17:5,  
19:5, 19:11, 19:12, 20:14,  
44:16, 49:8, 49:16, 49:21,  
49:25, 50:19, 51:3, 52:17,  
55:3, 60:6, 73:9, 76:9,  
76:22

**year-end** 109:9

**years** 36:13, 36:14, 44:1,  
44:8, 45:3, 47:1, 53:14,  
53:24, 54:2, 60:15, 66:10,  
66:11, 66:18, 66:22,  
66:24, 67:12, 67:17,  
103:4

**Yesterday** 27:19, 39:24,  
84:7, 129:3, 129:15

**Yield** 32:25

**yourself** 12:18, 87:22,  
104:17, 107:8

**Yusuf/united** 4:29

< Z >

**zero.** 106:2