

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

| | | |
|--|---|-------------------------------|
| MOHAMMAD HAMED , by his authorized |) | |
| agent WALEED HAMED , |) | |
| |) | CIVIL NO. SX-12-CV-370 |
| Plaintiff, |) | |
| |) | ACTION FOR DAMAGES, |
| v. |) | INJUNCTIVE AND |
| |) | DECLARATORY RELIEF |
| FATHI YUSUF and UNITED CORPORATION , |) | |
| |) | |
| Defendants. |) | JURY TRIAL DEMANDED |
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**DEFENDANT UNITED CORPORATION'S ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

COMES NOW, Defendant **United Corporation**, (hereinafter referred to as "United" or "Defendant"), by and through undersigned counsel, The DeWood Law Firm, by Nizar A. DeWood, Esq., and respectfully answers as follows to the Plaintiff's First Set of Interrogatories to Defendant, United Corporation.

Subject to the objections set forth below, Defendant answers as follows to the First Set of Interrogatories filed by Plaintiff.

PRELIMINARY STATEMENT

These answers and objections are made solely for the purpose of this action. Each answer is subject to any and all objections as to competence, relevance, materiality, propriety, and admissibility; and any and all objections and grounds that would require the exclusion of any statement contained in any response, if such request were asked of, or any statement contained therein were made by, a witness present and testifying in court, all of which objections and grounds are hereby reserved and may be interposed at the time of trial.

The following answers are based upon information presently available to Defendant and, except for explicit facts admitted herein, no incidental or implied admissions are intended

hereby. The fact that Defendant has answered or objected to any interrogatory should not be taken as an admission that Defendant accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such answer constitutes admissible evidence. The fact that Defendant has answered to part or all of any such interrogatory is not intended and shall not be construed to be a waiver by Plaintiff of all or any part of any objection to any such interrogatory.

GENERAL OBJECTIONS

Defendant makes the following general objections to Plaintiff's First Set of Interrogatories to United. These general objections apply to all or so many of the Interrogatories, for convenience, they are set forth herein and are not necessarily repeated after each Interrogatory objected to. The assertion of the same, similar, or additional objections in the individual objections to these Interrogatories, or the failure to assert any additional objections to an Interrogatory does not waive any of Defendant's objections as set forth below:

1. Defendant objects to each request that uses the words "any" and "all" as being overbroad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant objects to each request to the extent it seeks the production of documents or information protected by the attorney-client, work product or other privileges. Only non-privileged documents, or portions thereof, will be produced.

3. Defendant objects to each request that uses the term "document," as defined, as overbroad, unduly burdensome, irrelevant, and immaterial to the extent that it calls for material unrelated to this case.

4. Defendant objects to each request to the extent that it uses terms or phrases that are vague, ambiguous, or undefined. Defendant's answer to each such request is based upon its understanding of the request.

5. Defendant objects in part to each request that asks for answers or documents that fall outside the scope of this litigation. To the extent the requests seek production of such documents; the requests impose an undue burden and expense. Further, such documents are irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Defendant objects to each request to the extent it requires information outside of its possession, custody or control.

7. Defendant is continuing its efforts to identify non-privileged documents that are responsive to Plaintiff's First Set of Interrogatories. Consequently, information may be supplemented by subsequently discovered documents.

8. Each answer the Defendant gives is subject to all of the above general objections and all specific objections listed below. Inadvertent production of privileged documents shall not be deemed a waiver.

SPECIFIC OBJECTIONS AND RESPONSES

Subject to and incorporating by reference each of the General Objections set forth above, Defendant answers Plaintiff's First Set of Interrogatories as follows:

INTERROGATORIES

1. Please state the name of the person answering these interrogatories, the person's position with your company and what knowledge said person either has or what investigation said person has done in order to answer these interrogatories, including listing the name and address of all persons consulted in answering this discovery.

Answer to Interrogatory No. 1:

Maher Yusuf
President
United Corporation
4 C & D Sion Farm
Christiansted, USVI

Fathi Yusuf
Treasurer and Secretary
4 C & D Sion Farm
Christiansted, USVI

2. Please state the name and address of all persons who have acted for United as its agent in dealing with the Plaintiff Mohammed Hamed since 1986, the authority under which he or she acted and the date said person had such authority.

Answer to Interrogatory No. 2:

Fathi Yusuf
Secretary and Treasurer
United Corporation
4 C & D Sion Farm
Christiansted, USVI

2. ¹Please list name and address of all third parties who received funds United Corporation from the deposit of the check for \$2,784,706.25 identified in Exhibit A attached hereto.

Answer to Interrogatory No. 2

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, grammatically incoherent and, therefore, does not adequately inform the responding party as to the scope of the answer requested.

Subject to the above objections, the funds were deposited in United Corporation Tenant Account.

¹ *Note: Plaintiff has two No. "2s" on his Interrogatories, hence, Defendant United Corporation has same.*

3. Regarding Mattress Pal Holding, LLC, please list:
- a) What is the amount of funds United Corporation or any of shareholders have invested into this company?
 - b) Please list each date said funds were invested and list the amount invested each time.
 - c) Please list the percentage of ownership United Corporation of its shareholders have directly or indirectly in this entity.

Answer to Interrogatory No. 3:

Defendant objects to this Interrogatory as vague and irrelevant and as assuming unestablished facts and information that is non-discoverable as a matter of law such as Trade Secrets and private confidential commercial information.

Defendant further objects to this Interrogatory as harassing and oppressive and irrelevant in that the request is not reasonably related to the discovery of relevant and admissible evidence as to any of the causes of actions asserted.

4. Please list the names and addresses of all persons who were issued stock in United Corporation in its initial stock, including the number of shares issued to them.

Answer to Interrogatory No. 4:

Objection as to the term "Initial Stock" as vague. Without waiving said objection, Defendant answers as follows:

United Corporation as a C-Corp.:

| <u>Name</u> | <u>Title²</u> | <u>Percentage</u> |
|--------------------------|------------------------------------|-------------------|
| Ahmad Yousef | President | 50% |
| Fawzia Yusuf/Fathi Yusuf | Vice President/Secretary/Treasurer | 50% (combined) |

² All Board of Directors

5. Please list the dates of all subsequent transfers of stock or new issuance of stock of United Corporation since the initial stock issuance, including

- a) the names and address of new shareholders,
- b) the amount of stock this shareholder then owned,
- c) the person or entity that transferred the stock to the this shareholder
- d) the consideration the shareholder paid for the stock
- e) whether the transfer is listed on the stock ledger of United Corporation

Answer to Interrogatory No. 5:

Defendant objects to this Interrogatory as irrelevant. Without waiving said objection, Defendant Answers this Interrogatory as follows:

United Corporation as an S-Corp.:

| <u>Name</u> | <u>Address</u> | <u>Title</u> ³⁴ | <u>Percentage</u> |
|--------------|--|----------------------------|-------------------|
| Fathi Yusuf | 4 C & D Sion Farm Christiansted, USVI | Secretary/Treasurer | 36.0% |
| Fawzia Yusuf | 92 La Grande Princess Christiansted, USVI | Vice President | 36.0% |
| Maher Yusuf | 4 C & D Sion Farm Christiansted, USVI | President | 7.0% |
| Najeh Yusuf | St. Thomas, USVI | | 7.0% |
| Yusuf Yusuf | 92 C&D La Grande Princess Christiansted, USVI | | 7.0% |
| Zayed Yusuf | USVI | | 7.0% |
| Zeyad Yusuf | Texas | | 0.0% ⁵ |

³ All Board of Directors

⁴ All Shareholders

⁵ On March 1, 2012, Zeyad Yusuf transferred 3 ½ of his shares to Fathi Yusuf and 3 ½ shares to Fawzia Yusuf.

6. Provide a list and description of all real property owned by United, or held by any other entity for United's benefit. This request includes all other entities in which United has any legal or equitable interest.

Answer to Interrogatory No. 6:

This information is equally available to the Plaintiff as a matter of public record at the Office of the Tax Assessor and Cadastral and; the Recorder of Deeds, U. S. Virgin Islands.

7. Please list all bank or brokerage accounts held in the name of United Corporation during or after 2011.

Answer to Interrogatory No. 7:

Objection, harassing. This information is known to the Plaintiff and in the Plaintiff's possession. Subject to the above objection, Defendant states as follows:

- (i) Merrill Lynch
- (ii) Banco Popular
- (iii) Banco Securities
- (iv) Bank of Nova Scotia

8. Please list all disbursements made by United Corporation since September 1, 2012 up through the current date to any third party other than disbursements from the bank accounts used for the three Plaza Extra Supermarkets and for each such disbursement, please list:

- a) the name and address of the person to whom the disbursement was made
- b) the date of the disbursement
- c) the reason for the disbursement

Answer to Interrogatory No. 8:

a) Objection on grounds of harassment and oppression in that the interrogatory seeks private information that is not reasonably related to the discovery of relevant and admissible evidence as to any of the causes of actions asserted

b) Objection as to scope and relevancy in that the information and/or documentation not reasonably related to the discovery of relevant and admissible evidence as to any of the causes of actions asserted.

c) Defendant objects to this Interrogatory on the grounds of scope, harassment and relevancy and on the grounds that the information and/or documents sought consist of private confidential commercial information, which if disclosed would cause substantial harm to the responding party and would also cause the responding party to suffer a competitive disadvantage.

9. Please list all the amount and date of all payments made by you or made on your behalf by any other party to your lawyers representing you in this case for legal fees incurred in this case.

Answer to Interrogatory No. 9:

Defendant objects to this Interrogatory as harassing, oppressive and irrelevant to the extent that it seeks private information of payments not made from the United/Plaza Extra accounts and therefore not reasonably related to the discovery of relevant and admissible evidence as to any of the causes of actions asserted.

10. Please state whether United Corporation is fully able to defend itself in this litigation through its corporate officers and if not, why not.

Answer to Interrogatory No. 10:

Defendant objects to this Interrogatory to the extent that it does not ask a question and seeks legal conclusions.

11. Please state whether the funds listed in Exhibit B attached hereto are under your control or the control of any shareholder of United Corporation.

Answer to Interrogatory No. 11:

Funds in Exhibit B are no longer in the possession of United Corporation or its Shareholders.

12. Please describe the method used to keep track of all funds withdrawn by any member of the Yusuf or Hamed families from the funds generated by the sales from the three Plaza Extra Supermarkets (other than regular salaries paid by a paycheck) so that these withdrawals could be accounted for.

Answer to Interrogatory No. 12:

Hand written receipts were to be made by any family member taking funds.

13. Please describe how the withdrawals of funds mentioned in the preceding interrogatory would be adjusted between the Yusuf and Hamed families?

Answer to Interrogatory No. 13:

Subject to full accounting, the total funds withdrawn were to be adjusted equally based on amounts taken by each family or family member.

VERIFICATION

On this, the 19 day of September 2013, before me personally appeared **Maher Yusuf**, acting in his capacity as President for United Corporation, and on behalf of United Corporation, after being first duly sworn, states under oath that the foregoing Answers to Interrogatories, directed to said Corporation are true and correct to the best of his knowledge and belief, and that he executed same for an on behalf of United Corporation.

This, the 19th day of September 2013.

UNITED CORPORATION

By: _____

Maher Yusuf, President

**TERRITORY OF U.S. VIRGIN ISLANDS
DISTRICT OF ST. CROIX**

On this the 19th day of September 2013, before me personally appeared **Maher Yusuf**, acting in his capacity as President of United Corporation and on behalf of United Corporation, executed the foregoing Verification.

This the 19th day of September 2013.

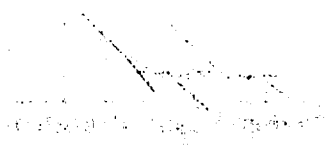
K. Glenda Cameron
Commission Number LNP 010-09
Expiration Date: May 26, 2017

My Commission expires: _____

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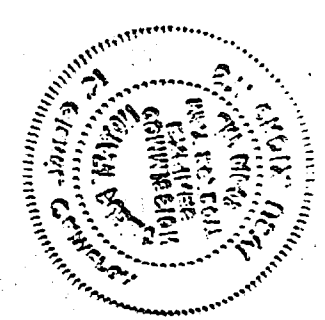
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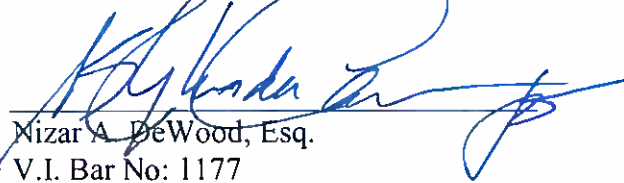
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Dated: September 19th, 2013

Respectfully Submitted,

THE DEWOOD LAW FIRM



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Miami, FL 33131

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Co-Counsel for Defendant

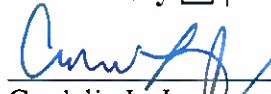
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing was served
via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the 19th day of
September 2013 to wit:

Joel H. Holt, Esq.
Law Office of Joel H. Holt
2132 Company Street
Christiansted, USVI 00820
Email: holtvi@aol.com
Counsel for Plaintiff

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay
Unit L-6
Christiansted, USVI 00820
Email: carl@carlhartmann.com
Co-Counsel for Plaintiff

via: CM/ECF | Mail | Fax | Hand Delivery | Email



Cordelia L. Jones
Certified Paralegal

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

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|-------------------------------------|---|------------------------|
| MOHAMMAD HAMED, by his authorized |) | |
| agent WALEED HAMED, |) | |
| |) | CIVIL NO. SX-12-CV-370 |
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| FATHI YUSUF and UNITED CORPORATION, |) | |
| |) | |
| Defendants. |) | JURY TRIAL DEMANDED |

**NOTICE OF SERVICE OF DEFENDANT UNITED CORPORATION'S
ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES**

COMES NOW, Defendant **United Corporation**, by and through undersigned counsel, The DeWood Law Firm, by Nizar A. DeWood, Esq., and pursuant to Fed R. Civ. P. 33 and L.R.C.i 33.1, respectfully gives notice of service on Plaintiff's Counsel of Record of Defendant's Answers to Plaintiff's First Interrogatories.

Respectfully submitted:

THE DEWOOD LAW FIRM

By: 

Nizar A. DeWood, Esq.
V.I. Bar No. 1177
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Counsel for Defendant

Joseph A. DiRuzzo, III, Esq.
Christopher David, Esq.
Fuerst Littleman David & Joseph, PL
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Miami, FL 33131
Email: jdiruzzo@fuerstlaw.com
Co-Counsel for Defendant

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing was served via U.S.

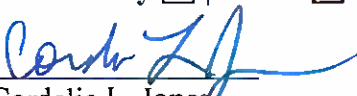
Mail, postage prepaid, fax, electronic mail or hand delivery on this the 19th day of September 2013 to

wit:

Joel H. Holt, Esq.
Law Office of Joel H. Holt
2132 Company Street
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via: CM/ECF | Mail | Fax | Hand Delivery | Email


Cordelia L. Jones
Certified Paralegal