

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MOHAMMED HAMED,)	Case No. SX-12-CV-370
)	
)	DEFENDANTS' FIRST REQUEST
Plaintiff,)	FOR PRODUCTION OF DOCUMENTS
vs.)	TO PLAINTIFF MOHAMMED HAMED
)	
FATHI YUSUF,)	
UNITED CORPORATION)	
)	
Defendants.)	
)	

DEFENDANT UNITED CORPORATION'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF MOHAMMED HAMED

TO: **Mohammed Hamed**
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00824

COMES NOW Defendant, United Corporation by and through his undersigned counsel, Nizar A. DeWood, Esq. pursuant to LRCi 34 and Fed. R. Civ. P. 34, hereby propounds and serves the following request for the production of documents to be provided to the DeWood Law Firm, within thirty (30) days from the date of service hereof.

INSTRUCTIONS FOR ANSWERING

1. You are required, in responding to this request to obtain and furnish all information available (or available, upon demand) to you and any of your representatives, employees, agents, brokers, servants, or attorneys and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants or attorneys. In addition, "control" under Fed. R. Civ. P. 34 is broadly construed and, therefore, you are obligated to produce documents requested as long as you may have the legal right and/or ability to obtain the documents from another source on demand.

2. Each request which seeks information relating in any way to communications to, from, or within a business and/or corporate entity is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents and/or servants of the business and/or corporate entity.
3. Each request should be responded to separately. However, a document that is responsive to more than one request may, if the relevant portion is marked or indexed, be produced and referred to in a later response.
4. All documents produced shall be segregated and identified by the request to which they are primarily responsive. For any documents that are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and identify the file from which such documents were taken.
5. If you object to part of any request, please furnish documents responsive to the remainder of the request.
6. Each request refers to all documents that are either known by you to exist or that can be located or discovered by reasonably diligent efforts.
7. The documents produced in response to this request shall include all attachments, metadata, and enclosures.
8. The documents requested for production include those in the possession, custody, or control of you, your agents, representatives, or attorneys.
9. References to the singular include the plural.
10. The use of any tense of any verb shall be considered also to include within its meaning all other tenses of the verb so used.
11. Please note that you are under a continuing duty to seasonably supplement the production with documents obtained subsequent to the preparation and filing of a response to each request.
12. All documents called for by this request or related to this request for which you claim a privilege or statutory authority as a ground for non-production shall be listed chronologically as follows:
 - a) The place, date and manner of recording or otherwise preparing the document;
 - b) The name and title of the sender;
 - c) The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;

- d) The identity of each person to whom the contents of the document have heretofore been communicated by copy, exhibition, sketch, reading or substantial summarization, the dates of said communication, and the employer and title of said person at the time of said communication;
 - e) Type of document;
 - f) Subject matter (without revealing the relevant information for which privilege or statutory authority is claimed); and
 - g) Factual and legal basis for claim, privilege or specific statutory or regulatory authority which provides the claimed ground for non-production.
13. Each request to produce a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in, or subject to, directly or indirectly, the control of the party to whom this request is addressed. In addition, each request should be considered as including a request for separate production of all copies and, to the extent applicable, preliminary drafts of documents that differ in any respect from the original or final draft or from each other (e.g., by reason of differences in form or content or by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies thereof).
14. All documents produced in response to this request shall be produced notwithstanding the fact that portions thereof may contain information not requested.
15. If any documents requested herein have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter.
16. Where exact information cannot be furnished, estimated information is to be supplied to the extent possible. Where estimation is used, it should be so indicated, and an explanation should be given as to the basis on which the estimate was made and the reason exact information cannot be furnished.
17. With respect to any document requested which was once in your possession, custody or control, but no longer is, please indicate the date the document ceased to be in your possession, custody or control, the manner in which it ceased, and the name and address of its present custodian.
18. Unless otherwise indicated, each request is to be construed as encompassing all documents which pertain to the stated subject matter and to events which transpired giving rise to this litigation up to the present.
19. Foreign language (i.e. in a language other than English) documents must be produced if the meaning and/or definition of the words in the document may cause the document to be responsive to any request. If you are in possession of English and foreign

language versions of the same document, all versions of the document must be produced.

DEFINITIONS

A. For the purpose of these Requests, the following words shall have the meaning indicated below:

- A. The term “Hamed” and/or “You” or “Your” shall mean Mohammed Hamed, the Plaintiff in the above-styled action, and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and her present and former legal counsel.
- B. The term “Yusuf” shall mean Fathi Yusuf, a Defendant in the above-styled action, and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and her present and former legal counsel..
- C. The term “Waleed Hamed” shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Mohammed Hamed and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and her present and former legal counsel. .
- D. The term “United Corporation” shall refer to United Corporation, a Defendant in the above-styled action which corporation was created in 1979.
- E. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- F. “Any/All” shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- G. “Document” as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts,

photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.

- H. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- I. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- J. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- K. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- L. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamed to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamed presently intends to rely at trial.
- M. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- N. "Identify" means as follows:

(A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address

and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overheard it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

- O. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.
- P. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.

Q. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.

As used in this demand for production, unless it is otherwise provided or the context requires a different meaning, words importing the singular include and apply to several persons or things; words importing the masculine gender include the feminine; words used in the present tense include the future.

Documents must be catalogued by number to correspond to the appropriate request.

Whenever you wish to object for any reason to a request, you shall state the nature of your objections, identify the subject matter to which your objection pertains, and cite the legal rule upon which you rely in effecting your objection.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents, reports, writing, recordings or electronic information which relate in any way to the allegations set forth in your Complaint and Amended Complaint and/or upon which you intend to rely upon in support of your claims.
2. To the extent that any documents were referenced or utilized in formulating a response to the Interrogatories served herewith, please produce any and all such documents and indicate to which Interrogatory they correspond.
3. Please produce a listing of any and all email addresses and cell phone numbers which you utilized or which were utilized by any of your family members on your behalf from 1986 through the present.
4. Please produce any and all communications between yourself and Fathi Yusuf, in any form including electronic communications, such as email and text messages, written form or by way of tape or digital recording or voicemail evidencing your alleged partnership with Fathi Yusuf as alleged in your Complaint and Amended Complaint.
5. Please provide copies of all financial records, including statements of account for all operating, savings, credit, investment, trust, or escrow accounts, Hamed may have opened in any bank in the Virgin Islands, and outside, including but not limited to the country of Jordan, and the West Bank, Palestine from 1986 through the present.
6. Please produce all documents, writings, and recordings relating to each exhibit you intend to introduce into evidence at the trial of this case.
7. Please produce a copy of all city, state, territorial and federal, tax returns (and other required tax filings), filed by or on behalf of Hamed, for any and all personal income (or loss) for the years 1986 through present.

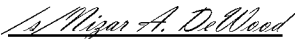
8. Please produce a copy of all city, state, territorial and federal, tax returns (and other required tax filings), filed by, or on Hamed's behalf, for any and all **business/professional** income (or loss) for the years 1986 through present.
9. Please produce all documents provided to your accountants from 1986 through the present either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.
10. Please produce copies of any and all bank account statements, for any and all bank accounts (**foreign and domestic**), held individually or jointly in Hamed's name, or the name of any entity in which Hamed had or contends to have a legal interest from 1986 through present.
11. Please produce a list of all accounts holding stocks, bonds, securities, or other negotiable instruments, not otherwise identified and/or provided pursuant to the above requests, held in Hamed's name, **and/or in the name of Hamed's wife, children, or other third parties**, in part or whole, or in which Hamed has a financial, personal or business interest/stake from 1986 through the present.
12. Please produce deed(s), contract(s), lease(s), or other similar documentary evidence of Hamed's alleged ownership of any interest in real property from January 1, 1986 to present (regardless if you have transferred, sold, or otherwise disposed of these assets).
13. Copies of all statements from any account, including all online based accounts, issued from January 1st, 1986 to present in connection with any brokerage accounts, relating to any stocks, bonds, stock options, debentures, and mutual funds, or other financial investment you may have had.
14. All written evidence of any interest you have had in any business other than Plaza Extra Operations from January 1, 1986 to present.
15. All copies of any loan applications you have applied for from 1986 to present.

16. Please provide all documents, writings, and recordings relating to any distribution of funds, regardless of whether you deem them as distribution of profit or withdrawals from the operations of the Plaza Extra as stated in paragraph 20 of the Amended Complaint.
17. Please produce all documents relating to all wire transfer to/from any accounts you have opened, maintained, and/or closed at any financial institution in the country of Jordan, Israel, Palestine, Europe, the United States, and the entire Middle East from 1986 through the present.
18. Please produce a detailed set of financial statements showing the assets and liabilities of the purported partnership, including any income statements that may have been prepared on your behalf from 1986 through the present.
19. Please produce all documents supporting your allegations in Paragraph 28 of the Complaint.
20. Please produce all documents supporting your allegations in Paragraph 33 through 46 of the Amended Complaint. Please specify the paragraph number of the Amended Complaint to EACH document you produce in response thereto.

Date: November 15, 2013

Respectfully Submitted,

DEWOOD LAW FIRM
Attorneys for Plaintiffs

By: 
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing Defendants' *Request For Production of Documents to Plaintiff Mohammed Hamed Waleed* was served via EMAIL(a means of service agreed to by the parties) delivery on this the 15th day of November 2013 to wit:

**Mohammed Hamed
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00824**

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

Nizar A. DeWood
Nizar A. DeWood, Esq.