

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MOHAMMED HAMED,)	Case No. SX-12-CV-370
)	
)	DEFENDANT UNITED’S FIRST SET OF
Plaintiff,)	INTERROGATORIES TO
vs.)	PLAINTIFF MOHAMMED HAMED
)	
FATHI YUSUF)	
UNITED CORPORATION,)	
)	
Defendants.)	
_____)	

DEFENDANT UNITED CORPORATION’S FIRST SET OF INTERROGATORIES TO PLAINTIFF MOHAMMED HAMED

TO: **MOHAMMED HAMED**
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00820

Defendant, United Corporation by and through its undersigned counsel, pursuant to Fed. R. Civ. P. 33 and 34, hereby propounds and serves the following written Interrogatories to the Plaintiff Mohammed Hamed, to be answered separately and fully in writing, under oath, as well as requests to produce the following documents, within thirty (30) days from the date hereof. If additional space for the answer to an Interrogatory is needed, attach a separate page and indicate the Interrogatory which is being answered.

I.
DEFINITIONS

For the purpose of these Interrogatories, the following words shall have the meaning indicated below:

Sign: _____

- 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

Sign: _____

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:

Sign: _____

(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

Sign: _____

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.

II. **INSTRUCTIONS**

1. Each Interrogatory shall be continuing so as to require you to file supplemental answers pursuant to Fed R. Civ. P. 26.

2. Each Interrogatory calls for information in your possession, custody or control, or in the possession, custody or control of Hamed's present or former officers, directors, employees, representatives, agents, consultants, contractors, subcontractors, and legal counsel, unless privileged or otherwise protected.

3. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to these Interrogatories, a statement signed by an attorney representing Hamed setting forth as to each such item of information withheld:

- (a) the identity of the person(s) having knowledge of the information;
- (b) the identity of the persons to whom the information was communicated or otherwise made available;
- (c) the job title or position of every person identified in response to subparagraphs (a) and (b);
- (d) the date(s) on which the information was received or became known by each person having knowledge of its existence;
- (e) a brief description of the nature and subject matter of the information; and
- (f) the statute, rule or decision that is claimed to give rise to the privilege.

Sign: _____

4. Each part of the following Interrogatories, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.

5. If objection is made to an Interrogatory, or any portion thereof, the Interrogatory or portion thereof shall be specified and, as to each, all reasons for objections shall be stated fully by the responding party.

6. If all the information furnished in an answer to all or any part of an Interrogatory is not within the personal knowledge of the person signing the Interrogatory, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to the person signing the Interrogatory any part of the information furnished.

7. If the answer to all or any part of the Interrogatory is not presently known or available, include a statement to that effect, furnish the information known or available, and respond to the entire Interrogatory by supplemental answer in writing and under oath within ten (10) days from the time the answer becomes known or available.

Sign: _____

III.
INTERROGATORIES

1. Identify each person who assisted in answering these interrogatories, the accompanying requests for admission, or who provided documents in response to the accompanying requests for production, or provided any information whatsoever to assist with preparing your responses to the interrogatories, requests for admission and/or requests for production.

Sign: _____

2. Please identify your relationship with Defendant Fathi Yusuf. Include in your response the length of time you have been associated with Fathi Yusuf, in what capacities, and what your present duties and responsibilities include and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

3. Please state the name, address, and phone number of every person who has prepared your Tax Returns from 1986 through 2012 and indicate whether you have declared yourself to be a partner with Yusuf at any point in time from 1986 to 2012 relating to the business for which you contend there is an oral partnership in your Complaint and Amended Complaint and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

4. Please describe all documents you have ever executed designating or appointing Waleed Hamed as your agent and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

5. State the details of the agreement, whether written or oral, you had with Fathi Yusuf in 1984 concerning the operations of a supermarket store. Specifically, state the date which the agreement was entered into, and the terms of that agreement and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

6. As to the allegations contained in paragraph 4 of your Complaint, state with specificity the scope of the partnership, and the assets and liabilities of the purported partnership and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

7. Please describe in detail the damages you are seeking to recover indicating how those damages are calculated, from which operations you contend you are entitled to receive damages as a result of your alleged oral partnership, accounting for monies you have received and what you contend is due to you as well as accounting for any losses of the partnership for which you understand you are responsible.

Sign: _____

8. List and describe all leasehold interests you may have with the Defendants as these leaseholds relate to the operations of the Plaza Extra Stores. Describe in detail the date and duration of the leasehold interest, the rent amount paid monthly, and whether you have any personal liability for the performance of those leasehold interest(s) and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

9. Identify and detail the distribution of all funds (whether you characterize them as profit or withdrawal distributions) from the operations of the Plaza Extra that you have received from 1986 through 2003 and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

10. Provide a list of all real estate assets you personally own including the date of acquisition, location, and amount of loan (if any) that was obtained to purchase those real estate assets and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

11. If you contend that there were any distributions of net income or profits from the operations of the Plaza Extra supermarket as a source of revenues for the purchase of any your real estate assets, specify how you obtained these distributions of net income or profits and from whom and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

12. Specify in detail what leasehold interest you or the alleged partnership that you refer to in paragraph 4 of the Amended Complaint has in the 4C & 4D Estate Sion Farm, St. Croix, Virgin Islands and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

13. Provide a list of every account, including opening and closing dates of each account and account numbers, you have ever opened anywhere at any financial institution, including but not limited to the United States, the Caribbean, Europe and the Middle East from 1986 through the present.

Sign: _____

14. State whether you have ever represented to any federal and/or local government agency, U.S. Attorney's Office, Superior Court of the Virgin Islands, U.S. District Courts, that you are a partner with Fathi Yusuf in a partnership that operates the Plaza Extra Stores and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

15. Describe the representations/testimony you made to the Grand Jury in any of the federal criminal investigations/indictments relating to United Corporation, Fathi Yusuf, Maher Yusuf, Negeh Yusuf, Waleed Hamed and Waheed Hamed and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

16. Describe your position with Plessen Enterprises, Inc., including but not limited to any corporate officer or board positions you have ever had at Plessen Enterprises, Inc. and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

17. Describe the leasehold interest the Plaza Extra - West has with Plessen Enterprises, Inc. and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

18. Detail the assets and liabilities of the purported partnership you have with Defendant Fathi Yusuf and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

19. Describe in detail the “separated and segregated books and accounts” that exists for each of the three Plaza Extra Supermarket stores, as you allege in the Amended Complaint. Describe the locations of these accounts and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

20. Describe and detail all the withdrawals you and/or any designee, assign, or agent made from any of the separate bank accounts used for the operations of the Plaza Extra supermarket stores from 1986 through the present and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

21. Detail and list funds withdrawn and obtained by your agent Waleed Hamed on your behalf from 1986 through the present and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

22. State the date and circumstances when Fathi Yusuf gave you notice of the termination of the alleged partnership and state why the unsigned Proposed Dissolution of Partnership document was never signed by you or any of your designees, assigns, and agents and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

23. Describe in detail what objections you have to the accounting provided to you by Fathi Yusuf regarding the \$2.7 million dollars amount that was withdrawn by United Corporation in August of 2013 as an offset to your previous withdrawals and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

24. Detail the name of each employee that was threatened with termination and the circumstances surrounding the termination of these employees as described in Paragraph 28(b) of the Complaint and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Sign: _____

Have you signed your name on each page of these answers? If not please do so. _____

- i. Do you understand that your answers to these interrogatories are under oath? _____
- ii. Do you understand that you are obligated to answer these questions fully and fairly? _____
- iii. Do you understand that in answering these questions and requests you are not to resort to subterfuge, chicanery or incomplete or evasive answers? _____
- iv. Do you understand that upon your failure to answer these questions and requests fully and fairly, or that upon resorting to incomplete or evasive answers, you may be compelled by Court order to fully answer these Interrogatories, that costs may be assessed against you, or that other sanctions may be entered against you including issued or witness preclusion or default? _____
- v. The foregoing Interrogatories are to be regarded as continuing and you are required to provide, by way of supplemental answers thereto, such additional information as may hereafter be obtained by you or any person on your behalf, which will augment or otherwise modify or supplement the answers now given to the foregoing questions. Do you agree that such supplementary responses are to be filed and served within fifteen (15) days after receipt of such information? _____

Sign: _____

**DEWOOD LAW FIRM
ATTORNEY FOR DEFENDANTS**

DATED: November __, 2013

By: *Nizar A. DeWood*
NIZAR A. DEWOOD, ESQ.
2006 Eastern Suburb, Suite 102
Christiansted, V.I. 00820
Telephone: (340) 773-3444
Facsimile: (888) 398-8428
Email: info@dewood-law.com

Sign: _____

VERIFICATION

TERRITORY OF U.S. VIRGIN ISLANDS) **SS:**
)
DIVISION OF ST. CROIX)

I, **MOHAMMED HAMED**, after first being duly sworn, depose and state that I have carefully read Defendant United Corporation's First Set of Interrogatories to Plaintiff Mohammed Hamed and provided truthful answers under oath.

Dated: _____

By: _____
MOHAMMED HAMED

SUBSCRIBED AND SWORN TO
BEFORE ME, this _____ day
of _____ 2013

NOTARY PUBLIC

My Commission Expires: _____

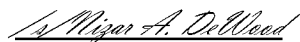
Sign: _____

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing *Defendant United's First Set of Interrogatories to Plaintiff Mohammed Hamed* was served via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the _____ day of November 2013 to
wit:

**MOHAMMED HAMED
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00820**

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


Nizar A. DeWood, Esq.

Sign: _____