

- Attached as **Exhibit 6** is the declaration of Waleed Hamed confirming that the annual bonuses and vacation pay were not paid to any manager of the three Plaza Extra Supermarkets in December.¹

These items are being submitted to supplement the record regarding the technical objections raised in Defendants in their reply memorandum.

Additionally, Defendants raised one new point in its reply that requires a brief response as follows:

- Even if Defendants amend their counterclaim to assert a frivolous claim for indemnity of the taxes and penalties paid in the criminal case, it does not change the fact that the expense of pursuing this recovery is not part of the criminal case, but is instead a civil issue “not caused by the issuance of the preliminary injunction”, for which fees can be awarded if Defendants are successful in the pursuit of this claim. Thus, even if the counterclaim is amended, it would not change the fact that no fees are being spent in the criminal case as a result of the preliminary injunction.

Finally, while Defendants argue that the funds held by Carl Beckstedt are not liquid funds available to them if the injunction is found to be improper, they did not submit any sworn statements contradicting the fact that 31% of the funds belong to Hamed which will be immediately available to Defendants if this Court enters the order submitted by

¹ Plaintiff did not dispute this Court's finding that only \$695,000 was needed to hire 4 new managers if they were replaced. This Court then ordered a bond to be posted to cover the difference in this figure and what the 4 Hamed managers were actually to be paid while the PI was in place. However, in calculating this figure, this Court relied upon figures submitted by Defendants which included these bonuses and vacation pay. Since these amounts are not in fact being paid for the time period while the PI is in place, it would be unfair to require a bond to cover payments that no longer exists. Indeed, the entire \$244,000 (calculated on an annual basis) should just be deducted \$1,200,000 figure since those payments above the \$695,000 figure are no longer being paid. That would reduce the bond by \$244,000 (the next year to trial) and \$142,000 (the 7 month since the PI was issued, for a total reduction of \$386,000 in the \$1,200,000 bond. Defendants should not be allowed to submit figures for the bond and then not pay these amounts in an effort to keep Plaintiff from posting the bond.

Plaintiff to secure these funds as part of the bond. Thus, there is nothing further to submit in response to this point.

While Defendants complain about the extensive filings on this issue, Plaintiff wants to make sure he posts a proper bond. As such, Plaintiff has no problem with Defendants responding to this filing so the Court has the benefit of all arguments. However, a hearing may be the best way to address these issues, as previously noted.

Dated: January 10, 2014



Joel H. Holt, Esq.
Counsel for Plaintiff
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820

Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiff
5000 Estate Coakley Bay,
Unit L-6
Christiansted, VI 00820

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on the following persons:

Nizar A. DeWood
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
dewoodlaw@gmail.com

Gregory H. Hodges
VI Bar No. 174
Law House, 10000 Frederiksberg Gade
P.O. Box 756
ST. Thomas, VI 00802
ghodges@dtflaw.com



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

MOHAMMAD HAMED,

Plaintiff,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF

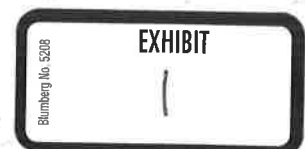
JURY TRIAL DEMANDED

**AMENDED PLEDGE OF REAL PROPERTY BY MOHAMMAD HAMED AS SECURITY
FOR BOND REQUIRED BY DECEMBER 5, 2013, BOND ORDER**

I, Mohammad Hamed, Trustee of the Mohammad A. Hamed Trust dated September 12, 2012 (the "Trust"), hereby amend the previous pledge filed with this Court and hereby pledge the unencumbered real property own by the Mohammad A. Hamed Trust at (1) Plot 6-F and 6-H, Estate Carlton, St. Croix, and (2) Plots 100-E, 100-F & 100-G of Estate Princess, St. Croix to secure in part the bond that Plaintiff needs to post pursuant to this Court's December 5, 2013, Bond Order. I certify that the property is free and clear of all liens as per the documents previously submitted to this Court. The assessed value of the two properties by the tax assessor are \$236,300 and \$73,500 respectively as per the documents previously submitted to this Court. I remain available to execute any further documents this Court deems appropriate to secure the bond in part by the pledge of this property.

Dated: January 9, 2014


Mohammad Hamed, Trustee



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

MOHAMMAD HAMED, by his authorized agent WALEED HAMED,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-99
v.)	
FATHI YUSUF and UNITED CORPORATION,)	ACTION FOR DAMAGES, INJUNCTIVE AND DECLARATORY RELIEF
)	
Defendants.)	JURY TRIAL DEMANDED
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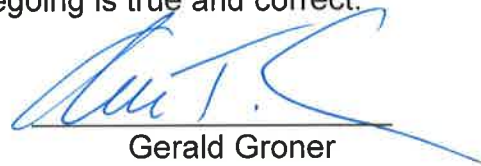
DECLARATION OF GERALD GRONER

I, Gerald Groner, declare, pursuant to Rule 18 of the Superior Court of the Virgin Islands as well as pursuant to 28 U.S.C. Section 1746, as follows:

1. I am an attorney admitted to the Virgin Islands Bar and am personally knowledgeable about the facts set forth herein.
2. I formed the trust for Mohammad Hamed named the Mohammad A. Hamed Living Trust dated September 12, 2012.
3. Pursuant to that trust document, Mohammad A. Hamed as Trustee can pledge the real estate owned by the trust, including (1) Plot 6-F and 6-H, Estate Carlton, St. Croix, and (2) Plots 100-E, 100-F & 100-G of Estate Princess, St. Croix as security for the bond required by this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 9, 2014


Gerald Groner

Blumberg No. 5208
EXHIBIT
2

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

MOHAMMAD HAMED, by his authorized agent WALEED HAMED,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-99
v.)	
)	
FATHI YUSUF and UNITED CORPORATION,)	ACTION FOR DAMAGES, INJUNCTIVE AND DECLARATORY RELIEF
)	
Defendants.)	JURY TRIAL DEMANDED
)	

DECLARATION OF HISHAM HAMED

I, Hisham Hamed, declare, pursuant to Rule 18 of the Superior Court of the Virgin Islands as well as pursuant to 28 U.S.C. Section 1746, as follows:

1. I am an adult resident of St. Croix and am personally knowledgeable about the facts set forth herein.

2. I am fully aware of the representations made on my behalf in the declaration submitted by Waleed Hamed on December 27, 2013, as he was authorized to make these representations to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 9, 2014



Hisham Hamed

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

MOHAMMAD HAMED,

Plaintiff,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-370

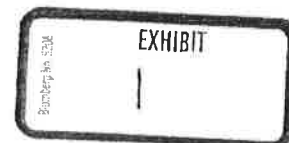
**ACTION FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

DECLARATION OF WALEED HAMED

I, Waleed Hamed, declare, pursuant to 28 U.S.C. Section 1746, that I am over 18 years of age and have personal knowledge of the foregoing facts:

1. The annual bonuses and vacation pay totaling \$61,000 for each Hamed and Yusuf store manager have been paid at Christmas on a regular basis for years, as per the attached company records as previously submitted to this Court on December 23, 2013. Fathi Yusuf has now circulated a memo stating these payments will not be paid this year even though there are ample funds to pay these amounts.
2. If these payments are made, my three brothers (Willie, Mafi and Shawn) and myself have all agreed that we will allow our annual bonus and accrued vacation of \$61,000 due to each of us this month as Plaza Extra store managers (totaling \$244,000 in gross pay) to be deposited with the Court as part of the bond required to be posted in this case. We will all sign whatever documents are needed to insure that this payment is deposited to the Clerk.
3. My father and my brothers own 50% of the outstanding stock in Plessen Enterprises, Inc. We have agreed to assign our 50% interest in this unencumbered stock in Plessen Enterprises, Inc., which is \$283,002 in cash on hand. This amount increases monthly at the rate of \$36,000 per month, as rent is paid monthly, of which \$18,000 represents the Hamed portion. This corporation owns hundreds of acres on both St. Croix and St. Thomas. We will all sign whatever documents are needed to insure that this sum is secured by the Court's Order.
4. My father and my brothers own 50% of the outstanding stock in Peter's Farm, Inc. We have all agreed to assign our interest in this unencumbered stock in Peter's Farm, Inc. as part of the bond. This corporation owns three unencumbered parcels of land on St. Croix and St. Thomas. We will all sign whatever documents are needed to insure that this sum is secured by the Court's Order.



Declaration
Page 2

5. My three brothers and myself are also willing to reduce our current salaries in half (or alternatively assign 50% of each week's future pay to the Clerk of Court) if necessary to satisfy the Court that the appropriate bond has been posted with this Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 27, 2013



Waleed Hamed

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

MOHAMMAD HAMED, *by his authorized*
agent WALEED HAMED,

Plaintiff,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-99

ACTION FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED


DECLARATION OF MOHAMMAD HAMED

I, Mohammad Hamed, declare, pursuant to Rule 18 of the Superior Court of the Virgin Islands as well as pursuant to 28 U.S.C. Section 1746, as follows:

1. I am an adult resident of St. Croix and am personally knowledgeable about the facts set forth herein.
2. I am aware of the Court's December 5, 2013, Bond Order, but I do not have \$1,200,000 in cash to post this bond, as the liquid assets of Plaza Extra, which supported me over the years, are frozen by the TRO issued in 2003 in the criminal case filed against United Corporation.
3. I have attempted to supply this Court with adequate alternate collateral and will do my best to comply with the Order this Court enters on the motion for reconsideration filed by my counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 9, 2014


Mohammad Hamed



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

MOHAMMAD HAMED , <i>by his authorized agent</i> WALEED HAMED ,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-99
v.)	
)	
FATHI YUSUF and UNITED CORPORATION ,)	ACTION FOR DAMAGES,
)	INJUNCTIVE AND
Defendants.)	DECLARATORY RELIEF
)	JURY TRIAL DEMANDED
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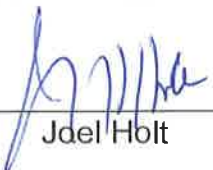
DECLARATION OF JOEL HOLT

I, Joel Holt, declare, pursuant to Rule 18 of the Superior Court of the Virgin Islands as well as pursuant to 28 U.S.C. Section 1746, as follows:

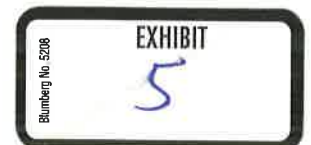
1. I am counsel for Plaintiff and am personally knowledgeable about the facts set forth herein.
2. When the December 5, 2013, Bond Order was received, calls were made on behalf of Plaintiff to an insurance company on St. Croix that previously had issued bonds, Companion Assurance Company, as well as to an agent on St. Thomas at Tunick Insurance. However, Companion is no longer issuing such bonds and the agent at Tunick said he knew of no market for such personal bonds.
3. High net worth individuals in St. Thomas were willing to consider posting surety bonds as they had previously done in criminal cases in the District Court, but counsel could not locate any court rules or statues allowing such personal surety bonds in civil cases. If the Court prefers such sureties, arrangements can be pursued to post such surety bonds.
4. Efforts to secure bank loans using the real property being pledged as part of the bond would take far longer (generally several months) than simply posting the property. Counsel cited authority that allowed real property to be posted as a bond, using the assessed tax value of the property, which cases were cited to the Court in the various pleadings. Indeed, the assessed tax value of the property is the minimal value a property can have for transfer stamp purposes per 33 V.I.C. §121(a). However, if the Court prefers that efforts be pursued to obtain such loans, arrangements can be made to seek such loans.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2014



Joel Holt



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

MOHAMMAD HAMED, by his authorized agent WALEED HAMED,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-99
v.)	
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FATHI YUSUF and UNITED CORPORATION,)	ACTION FOR DAMAGES, INJUNCTIVE AND DECLARATORY RELIEF
)	
Defendants.)	JURY TRIAL DEMANDED
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DECLARATION OF WALEED HAMED

I, Waleed Hamed, declare, pursuant to Rule 18 of the Superior Court of the Virgin Islands as well as pursuant to 28 U.S.C. Section 1746, as follows:

- I am an adult resident of St. Croix and am personally knowledgeable about the facts set forth herein.

- The annual bonuses and vacation pay were not paid any Plaza Extra Managers, including the four Hamed managers, in December of 2013, even though \$62,500 was due each manager.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 9, 2014



Waleed Hamed

