

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN**

UNITED CORPORATION,

Plaintiff,

v.

WALEED HAMED,
(a/k/a Wally Hamed),

Defendant.

Case No.: SX-13-CV-3

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

**PLAINTIFF UNITED CORPORATION'S ANSWERS TO
DEFENDANT WALEED HAMED'S FIRST INTERROGATORIES**

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

Subject to the objections set forth below, Plaintiff answers as follows to the First Interrogatories served by Defendant Waleed Hamed.

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 Plaintiff and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Plaintiff has answered or objected to any interrogatory should not be taken as an admission that Plaintiff 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 Plaintiff has answered to part or all of any such interrogatory is not intended and shall not be construed to be a waiver by Defendant of all or any part of any objection to any such interrogatory.

GENERAL OBJECTIONS

Plaintiff makes the following general objections to Defendant Waleed Hamed's First Interrogatories to Plaintiff United Corporation. 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 Plaintiff's objections as set forth below:

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

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

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

8. Each answer the Plaintiff 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,
Plaintiff United Corporation answers Defendant Waleed Hamed's First Interrogatories to
Plaintiff United Corporation as follows:

INTERROGATORIES

1. Regarding paragraph 19 of the complaint, please describe all facts in detail regarding:
 - (a) each purchase and sale of stock by Waleed. Hamed as alleged in the complaint;
 - (b) the date and amount of each such transaction;
 - (c) the identity of the brokerage account where each transaction was made; and
 - (d) the name and address of each witness who has knowledge of these transactions.

ANSWER TO INTERROGATORY NO. 1:

Responding Party exercises the option pursuant to Fed. R. Civ. P. 33(d) and refers Defendant to the Tax Returns filed by Defendant Waleed Hamed which show the purchase of stocks by Plaintiff Waleed Hamed between November 7, 1991 and October 18, 1993, at a cost of \$7,587,483.00 resulting in a 1993 personal portfolio valued at \$6,487,232 with a loss of \$587,416.00, an amount close to Six Hundred Thousand. **Exhibit "D-2":**

Merrill Lynch Statements for 1992 for Wally Hamed (3 pp.) – **Bates –Stamp UC 001507 – UC 001509.**

See Wally Hamed Individual Income Tax Return for 1991-1997 (118 pp.) – **Bates® –Stamp UC 000001 – UC 000118,** produced in Response to Request For Production No. 1.

2. Regarding paragraph 27(a) of the complaint, please describe all facts in detail regarding:
- (a) the amount of each loan approved by Waleed Hamed;
 - (b) the person to whom the loan was made
 - (c) the date of the loan
 - (d) the facts you rely upon in support of your allegation that this loan was repaid to Waleed Hamed
 - (e) the name and address of each witness who has knowledge of these loans, including the repayment of these loans.

ANSWER TO INTERROGATORY NO. 2:

Responding Party exercises the option pursuant to Fed. R. Civ. P. 33(d) and refers Defendant to the Documents produced hereto as

Loan documentation from Wally Hamed from 04-10-1997 to 05-23-2000 (26 pp.)
Bates® –Stamp UC 001510 – UC 001535.

3. Regarding paragraph 27(b) of the complaint, please describe all facts in detail regarding:
- (a) each improvement made to Waleed Hamed's house as alleged in the complaint;
 - (b) the date and amount of each such improvement;
 - (c) the accounting showing how you computed this figure to be \$481,000; and
 - (d) the name and address of each witness who has knowledge of these facts.

ANSWER TO INTERROGATORY NO. 3:

Responding Party exercises the option pursuant to Fed. R. Civ. P. 33(d) and refers Defendant to the Documents produced hereto as:

Wally Hamed records of payments of House Construction in 1997 (13 pp.) –
Bates® –Stamp UC 001536 – UC 001547.

4. Regarding paragraph 27(c) of the complaint, please describe all facts in detail regarding:
- (a) the date and amount of each of the 6 checks totaling \$135,000 as alleged in the complaint;
 - (b) the bank account these checks were drawn on
 - (c) The date these checks were cashed
 - (d) the facts upon which you rely upon to support your contention that these checks were improper in any way
 - (e) the name and address of each witness who has knowledge of these facts.

Answer to Interrogatory No. 4:

ANSWER TO INTERROGATORY NO. 4:

Responding Party exercises the option pursuant to Fed. R. Civ. P. 33(d) and refers Defendant to the Documents produced hereto as: Plaza Extra checks written by Wally Hamed (5 pp.) – Bates® –Stamp UC 001548 – UC 001553.

5. Please provide:
- (a) a detailed calculation of the damages you are seeking in the complaint;
 - (b) a breakdown of each item claimed, the amount sought for said calculation;
 - (c) the information relied upon to make this calculation;
 - (d) the name of each witness who has knowledge of this information; and
 - (e) how the calculation was made.

ANSWER TO INTERROGATORY NO. 5:

- a) Responding party intends to retain a forensic expert accountant to calculate the total damages including interest.
- b) Responding Party exercises the option pursuant to Fed R. Civ. P. 33(d) and refers Defendant to the Documents produced hereto as: Summary of Monies taken by Waleed Hamed for Twelve Million+ (1 p.) – Bates® –Stamp UC 001554, and all other documents produced in this case.
- c) See above response to (b).
- d) Discovery is still ongoing, Responding Party has still not yet reviewed all documents from the Hard Drive provided by the Federal Government in the criminal case. Responding Party will supplement as relevant documents
- e) See above response to (a).

6. Who is "Hamdan Diamond" referred to in paragraph 23 of the complaint and what is his last known address?

ANSWER TO INTERROGATORY NO. 6:

Hamdan Diamond ("The Company") was a company created by Mohamed Yousef, a Brother of Fathi Yusuf. Mohamed Yousef gave his Power of Attorney to Fathi Yusuf during his life-time. The Company, Hamdan Diamond, upon information and believe was a corporation created in Anguilla, a Territory of the United Kingdom.

The Company held an account in Banque Francais Commerciale, Saint Martin. Fathi Yusuf in turn gave access and authority to Waleed Hamed to this Bank Account in Saint Martin.

Hamdan Diamond held assets belonging both to Mohamed Yousef, and held in trust for his daughter, Amal Yousef, and assets from the net profits of United Corporation, d/b/a Plaza Extra.

Hamdan Diamond as a corporation is now defunct.

7. What fiduciary duty did Waleed Hamed allegedly breach as alleged in Count I of the complaint?

ANSWER TO INTERROGATORY NO. 7:

Waleed Hamed owed a fiduciary duty to properly account for all the transactions in all the accounts entrusted to his care.

He owed a fiduciary duty to United Corporation d/b/a Plaza extra to properly account for the monies and accounts entrusted to his supervision and control.

Waleed Hamed breached his fiduciary duty when he converted funds belonging to United and others that were under his control.

8. What contract did Waleed Hamed allegedly breach as alleged in Count IV of the complaint?

ANSWER TO INTERROGATORY NO. 8:

An implied oral contract to act honestly with respect to the transactions and accounts entrusted to him

9. Please list the name and address of all witnesses who have knowledge of any of the facts alleged in the complaint and state the gist of said knowledge each person has.

ANSWER TO INTERROGATORY NO. 9:

1. **Waleed "Wally" Hamed**
4 C 4D Sion Farm
St. Croix, Virgin Islands
Waleed Hamed is a Defendant in this action and has knowledge of his actions and the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.
2. **Waheed "Willy" Hamed**
4 C 4D Sion Farm
Christiansted
St. Croix, Virgin Islands 00821
Waheed Hamed is a third-party to this action and has knowledge of the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.
3. **Mufeed "Mafi" Hamed**
St. Croix, Virgin Islands
Mufeed Hamed is a third-party to this action and has knowledge of many of the transactions alleged in the Complaint and the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.
4. **Hisham "Shawn" Hamed**
St. Croix, Virgin Islands
Hisham Hamed is a third-party to this action and has knowledge of the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.
5. **Maher (Mike") Yusuf**
St. Croix, Virgin Islands
Maher (Mike) Fathi Yusuf is the President and Officer of Plaintiff United Corporation has knowledge of many of the transactions alleged in the

Complaint and the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.

6. NejeH Fathi Yusuf

St. Thomas, Virgin Islands

NejeH Yusuf is a manager at Plaza Extra, St. Thomas and has knowledge of many of the transactions alleged in the Complaint and the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.

7. Yusuf Yusuf

92 CDF La Grande Princesse

Christiansted

St. Croix, Virgin Islands

Yusuf Yusuf is the Son of Fathi Yusuf and has knowledge of many of the transactions alleged in the Complaint and the practices and procedures with respect to the operations of United Corporation, d/b/a Plaza Extra.

8. United Corporation d/b/a Plaza Extra Employees in the Accounting Office and Cash Room from 1994 to present.

St. Croix Plaza Extra Stores:

- (i) **Wadda Charriez**
St. Croix, Virgin Islands
- (ii) **S. Motilal**
St. Croix, Virgin Islands
- (iii) **L. Bartlette**
St. Croix, Virgin Islands
- (iv) **Ena Veira**
P. O. Box 2838
Christiansted, Virgin Islands 00822
(Employed in Office)
- (v) **Evelyn Rivera**
P. O. box 4852
Kingshill

St. Croix, Virgin Islands 00851
(Employed in Office)

- (vi) **Michaelina Judelia Henry**
P. O. Box 8240 Sunny Isles
St. Croix, Virgin Islands 00823-8240
(Was employed at Service Desk; now employed as Floor Manager)
- (vii) **Cecilia Torres**
P. O. Box 1832
Kingshill
St. Croix, Virgin Islands 00851
(Employed in Office)
- (viii) **Sonia Alfred**
P. O. Box 1577
Christiansted
St. Croix, Virgin Islands 00821
(Employed at Service Desk)
- (ix) **Sonia Dianna Caesar**
Lorraine Village B-19-L
Fredericksted
St. Croix, Virgin Islands 00840
(Employed at Service Desk)
- (x) **Tara Charlery**
W.I.M. Hodge Pavilion Bldg. 7, Apt. 92
Fredericksted
St. Croix, Virgin Islands 00840
- (xi) **Marcia Camacho**
#66-BB La Grande Princess
Christiansted
St. Croix, Virgin Islands 00821
(Employed in Office)
- (xii) **Eileen Lopez Carino**
P.O. Box 601 Fredericksted
St. Croix, Virgin Islands 00841
(Employed in Office)

(xiii) **Avilia Smith**
P.O. Box 610 Sunny Isle
Christiansted
St. Croix, Virgin Islands 00823
(Employed in Office)

(xiv) **Mary S. Gonzalez**
P.O. Box 858
Christiansted
St. Croix, Virgin Islands 00821
(Currently employed in Office)

St. Thomas Plaza Extra Store

(xv) **Magie Sofeing**
St. Thomas, Virgin Islands
*(Magie Sofeing was Controller of Plaza Extra St. Thomas until
January 2013.)*

(xvi) **Jenevive George**
St. Thomas, Virgin Islands
(Employed in Back Office)

(xvii) **Annisha Hosein**
(Moved Stateside, Location not known, but relatives live St. Thomas.)
(Employed in Back Office)

(xviii) **Jozette Samuel**
St. Thomas, Virgin Islands
(Employed in Back Office)

(xix) **Randuff Robinson**
(Moved Stateside, location unknown, but relatives live St. Thomas.)
(Employed in Back Office)

(xx) **Kishna Brooks**
c/o Brooks Transport
St. Thomas, Virgin Islands
(Employed in Back Office)

- (xxi) **Ruthin Richards**
St. Thomas, Virgin Islands
(Employed in Computer Rooms)

- (xxii) **Nafia Suarez**
St. Thomas, Virgin Islands
(Employed in Back Office)

- (xxiii) **Jacinta Bedminister**
St. Thomas, Virgin Islands
(Employed in Back office)

- (xxiv) **Erica Samuel**
St. Thomas, Virgin Islands
(Currently employed part-time in Back Office)

- (xxv) **Julia Maduro**
St. Thomas, Virgin Islands
(Currently employed in Back Office)

- (xxvi) **Sharifa Hill**
St. Thomas, Virgin Islands
(Currently employed in Back Office)

Dated: January 14th, 2014

Respectfully Submitted,

THE DEWOOD LAW FIRM



Nizar A. DeWood, Esq.
V.I. Bar No: 1177
2006 Eastern Suburb, Suite 102
St. Croix, USVI 00820
Tel: 340.773.3444
Fax: 888.398.8428
Email: dewood@gmail.com
Counsel for Plaintiff

VERIFICATION

On this, the 14th day of January 2014, 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 14th day of January 2014.


UNITED CORPORATION

By: 
Maher Yusuf, President

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

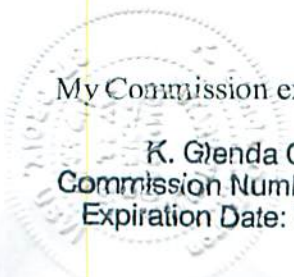
On this the 14th day of January 2014, before me personally appeared **Maher Yusuf**, acting in his capacity as President of United Corporation and on behalf of United Corporation, executed the foregoing Verification.

This the 14th day of January 2014.


Notary Public

My Commission expires: _____

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



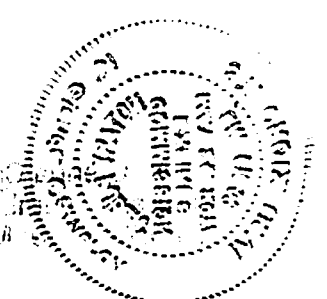
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing *Plaintiff United Corporation's Answers to Defendant Waleed Hamed's First Interrogatories* was served via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the 14th day of January 2014 to wit:

Mark W. Eckard, Esq.
Law Offices of Mark W. Eckard, P.C.
#1 Company Street
P. O. Box 24849
Christiansted, VI 00824
Email: mark@markeckard.com
Counsel to Defendant Waleed Hamed

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


Cordelia L. Jones
Certified Paralegal