

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

3 MOHAMMED HAMED by His Authorized)
4 Agent WALEED HAMED,)

5 Plaintiff/Counterclaim Defendant,)

6 vs.)

7 FATHI YUSUF and UNITED CORPORATION,)

8 Defendants/Counterclaimants,)

9 vs.)

10 WALEED HAMED, WAHEED HAMED, MUFEED)
11 HAMED, HISHAM HAMED, and PLESSEN)
12 ENTERPRISES, INC.,)

13 Additional Counterclaim Defendants.)

Case No. SX-12-CV-370
Volume I

14 **THE VIDEOTAPED ORAL DEPOSITION OF MOHAMMAD HAMED**

15 was taken on the 31st day of March, 2014, at the Law Offices
16 of Adam Hoover, 2006 Eastern Suburb, Christiansted,
17 St. Croix, U.S. Virgin Islands, between the hours of
18 10:05 a.m. and 2:03 p.m. pursuant to Notice and Federal
19 Rules of Civil Procedure.

20 _____
21 Reported by:

22 Cheryl L. Haase
23 Registered Professional Reporter
24 Caribbean Scribes, Inc.
25 2132 Company Street, Suite 3
 Christiansted, St. Croix U.S.V.I.
 (340) 773-8161

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By: K. Glenda Cameron

Also Present:

Josiah Wynans, Videographer
Kim Japinga
Waleed Hamed
Hisham Hamed
Mufeed Hamed
Maher Yusuf
Fathi Yusuf

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25**E-X-A-M-I-N-A-T-I-O-N**

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E-X-H-I-B-I-T-S

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1	First Amended Complaint	61
2	Plaintiff Hamed's Responses to Defendant Fathi Yusuf's First Set of Interrogatories to Plaintiff Mohammad Hamed, dated December 23, 2013	76

1 **THE VIDEOGRAPHER:** In the matter of Mohammad
2 Hamed and Fathi Yusuf (sic) v. Waleed Hamed, Waheed Hamed,
3 Mufeed Hamed, Hisham Hamed, and Plessen Enterprises, in the
4 Superior Court of the Virgin Islands, Division of St. Croix,
5 Civil Action No. SX-12-CV-370.

6 My name is Josiah Wynans. I am the
7 videographer for today's proceedings. Our court reporter is
8 Cheryl Haase. Today's date is March 31st, 2014. The
9 deponent is Mohammad Hamed. The time is 10:08 a.m.

10 For the purpose of voice identification, I'm
11 requesting that the attorneys present identify themselves at
12 this time.

13 **MR. HODGES:** Good morning. Greg Hodges on
14 behalf of the defendants.

15 **MR. DEWOOD:** Morning. Nizar DeWood on behalf
16 of the defendants.

17 **THE VIDEOGRAPHER:** If the -- okay.

18 **MR. HARTMANN:** Carl Hartmann on behalf of the
19 plaintiff.

20 **MR. HOLT:** Joel Holt on behalf of the
21 plaintiff.

22 **MR. ECKARD:** Mark Eckard on behalf of Waleed
23 Hamed.

24 **MS. CAMERON:** K. Glenda Cameron on behalf of
25 Fathi Yusuf.

MOHAMMAD HAMED -- DIRECT

1 **THE VIDEOGRAPHER:** All right. Please swear
2 the witness.

3 **THE REPORTER:** Would you raise your right
4 hand, sir? Raise your right hand?

5 **THE WITNESS:** Yes.

6 **MOHAMMAD HAMED,**

7 Called as a witness, having been first duly sworn,

8 Testified on his oath as follows:

9 **DIRECT EXAMINATION**

10 **BY MR. HODGES:**

11 **Q.** Good morning, sir.

12 **A.** Good morning, sir.

13 **Q.** As I indicated earlier, my name is Greg Hodges. I
14 represent the -- the people that you're suing, Mr. Fathi
15 Yusuf and United Corporation. Okay?

16 **A.** Uh-huh.

17 **Q.** Would you please state your full name for the
18 record?

19 **A.** My name?

20 **Q.** Yes, sir.

21 **A.** Mohammad A. Hamed.

22 **Q.** Is that your full name?

23 **A.** I said Mohammad A.A. Hamed.

24 **Q.** What does the "A.A." stand for?

25 **A.** The name, Abdulqader Asad Hamed.

MOHAMMAD HAMED -- DIRECT

1 **MR. HODGES:** Do you need the -- do you need
2 the witness to spell that for you, please?

3 **Q. (Mr. Hodges)** Would you spell your name for -- for
4 the court reporter?

5 **A.** Mohammad Abdulqader Asad Hamed. This is my full
6 name.

7 **Q.** I appreciate that. Would you spell your name for
8 the court reporter? She -- she can't spell it as well as
9 you can.

10 **MR. HOLT:** Just for the record, it's on the
11 caption. Just move on.

12 **MR. HODGES:** No, his full name is not on the
13 caption.

14 **MR. HOLT:** We'll provide it.

15 **MR. HODGES:** Are you going to defend this
16 case, or is --

17 **MR. HOLT:** No, he is.

18 **MR. HODGES:** -- Mr. Hartmann?

19 **MR. HOLT:** He is.

20 **MR. HODGES:** Well, then I -- I'd appreciate
21 if you'd keep the comments to a minimum.

22 **MR. HOLT:** No, move on. We'll provide that
23 to you in writing.

24 **Q. (Mr. Hodges)** Mr. Hamed, would you please state
25 the date of your birth?

MOHAMMAD HAMED -- DIRECT

1 **A.** February 17, 1935.

2 **Q.** And the place of your birth?

3 **A.** Sealat El Daher, the village.

4 **Q.** Okay.

5 **A.** In West Bank.

6 **Q.** In the West Bank. What's the name?

7 **A.** In Jordan.

8 **Q.** All right.

9 **A.** Yeah.

10 **Q.** What was the name of the village?

11 **A.** Sealat El Daher.

12 **MR. HODGES:** Will counsel provide the
13 spelling of that -- that village, please?

14 **MR. HOLT:** Yeah.

15 **MR. HARTMANN:** Certainly.

16 **Q.** **(Mr. Hodges)** And where -- where do you currently
17 reside?

18 **A.** In West Bank.

19 **Q.** You currently reside in the West Bank?

20 **A.** Yeah.

21 **Q.** Okay. Do you have other residences?

22 **A.** No.

23 **Q.** That's your primary residence?

24 **A.** That's where I born, over there.

25 **Q.** But I'm -- I'm talking about your current

MOHAMMAD HAMED -- DIRECT

1 residence, where you live now?

2 **A.** Now, I live in the United States of America, in
3 St. Croix.

4 **Q.** Okay.

5 **A.** Yeah.

6 **Q.** And where -- where is that? What is --

7 **A.** My house. Carlton Garden No. 6H.

8 **Q.** Okay. And how long have you had the residence at
9 6H Estate Carlton?

10 **A.** About twenty-seven years.

11 **Q.** All right. And I believe you indicated you have a
12 home in the West Bank, is that correct?

13 **A.** Yes.

14 **Q.** What is the address of that home?

15 **A.** Sealat El Daher.

16 **Q.** Is that the village that you --

17 **A.** Yeah, that's a village in West Bank.

18 **Q.** Okay. So you -- that's where your current -- you
19 have a current residence there?

20 **A.** Yes, sir.

21 **Q.** Okay. Do you have any other residences?

22 **A.** No.

23 **Q.** If you would, briefly tell us what your
24 educational background is?

25 **A.** I don't hear you.

MOHAMMAD HAMED -- DIRECT

1 Q. What -- what is your educational background?

2 A. I stay in the school until fifth grade.

3 Q. Okay.

4 A. Yeah.

5 Q. That was the extent of your education, was the --
6 the fifth grade?

7 A. No. After that, we out from in school.

8 Q. I'm sorry. I didn't understand that.

9 A. After the fifth grade, I come out with school.

10 Q. All right. So you -- you quit school when you
11 were -- after the fifth grade?

12 A. No. They need money. My father, he don't have no
13 money. They put me out, because I don't pay the money.

14 Q. I see. So you, instead of going to school after
15 the fifth grade, you went to work?

16 A. Yeah.

17 Q. Okay. And what did you start working at?

18 A. Farmer.

19 Q. Farmer?

20 A. Yeah.

21 Q. What kind of farmer?

22 A. Dig the ground, plant, take care of the trees, all
23 the apricot, the all kind of thing.

24 Q. Okay. Anything else that --

25 A. No.

MOHAMMAD HAMED -- DIRECT

1 Q. So did you work with your -- your family in -- in
2 a farming business?

3 A. Yes.

4 Q. And who -- who owned that business?

5 A. My father, my grandfather.

6 Q. Okay.

7 A. Yeah.

8 Q. So what -- what sort of products did they -- did
9 they farm and -- and sell?

10 A. That's the fair, the season for the olive. We
11 start to take the olive from the tree and fix it with the
12 machine to make olive wine.

13 Q. Okay.

14 A. To make a living from it.

15 Q. All right. So you -- you grew olives and made
16 olive oil?

17 A. Not only me. The whole family. The boy, the
18 mother, the father, the girl, the sister.

19 Q. Okay.

20 A. Everybody.

21 Q. Okay. And how long did you do that?

22 A. Every year.

23 Q. No, how old -- how long in your life?

24 A. How long? Till I getting fourteen years old, and
25 I getting better job. I start to look outside --

MOHAMMAD HAMED -- DIRECT

1 Q. Okay.

2 A. -- to work.

3 Q. So you -- would it be fair to say, then, that you
4 were basically a farmer until you were about fourteen years
5 old?

6 A. Yeah.

7 Q. Okay. What did you do after that?

8 A. I do that, the -- the -- the take care of the
9 animal. The -- the sheep and goat, to raise it around my
10 villages there.

11 Q. Okay. So you became a shepherd, is that right,
12 after you --

13 A. Yeah. We milk it, make a cheese, and make all
14 yogurt, and we sell it.

15 Q. All right. That's with the goats?

16 A. Yes, my own.

17 Q. All right. So from fourteen until when did you
18 do the -- the shepherd, the goats?

19 A. Sixteen, sixteen-and-a-half.

20 Q. Okay. What did you do after that?

21 A. I going to Kuwait.

22 Q. All right. What did you do there?

23 A. I start to work in WAPA.

24 Q. Say again?

25 A. I start to work in WAPA.

MOHAMMAD HAMED -- DIRECT

1 Q. What is WABA?

2 A. WAPA is run electricity.

3 THE REPORTER: I didn't get that.

4 Q. (Mr. Hodges) You'll -- you'll need to say that
5 again. What do you mean by WABA?

6 Is that W-A-B-A?

7 A. That's is like WAPA here.

8 Q. Oh, like the --

9 A. They give electricity for your house. And I used
10 to work an operator to put the water up from the system to
11 the city. Shift, morning and afternoon and in the night.

12 Q. Okay.

13 A. They have shift from all of us. They have too
14 many people in that.

15 Q. So, if you would, help us understand exactly what
16 you did while you worked for the power authority?

17 A. Yeah, I used to work operator. Take the number,
18 how much we pull gallon to the city. Every hour, we write
19 it down with (inaudible), and we make a record with it.
20 They find how many million gallon we pull to the city, to
21 Kuwait.

22 Q. All right. So your job was to -- to take down
23 numbers and write them down?

24 A. Yeah.

25 Q. And what --

MOHAMMAD HAMED -- DIRECT

1 **A.** And I -- I used to teach the Kuwaiti people how to
2 start the machine in there.

3 **Q.** So you -- you took down the numbers for the amount
4 of oil that was being --

5 **A.** Water.

6 **Q.** Water?

7 **A.** Water?

8 **Q.** Oh, okay. Water.

9 So basically you were measuring the use or
10 the transmission of water, is that what you're saying?

11 **A.** Not to measure. They have a machine in this big
12 shop around there. The machine make an enturation
13 (phonetic) with the piping to the system, to the well. They
14 make it in concrete, 15 million gallon.

15 **Q.** Okay.

16 **A.** That's the government of Kuwait.

17 And I used to work in that machine, and I
18 pull the water, take the water up from the well to the -- to
19 the cis -- to the city.

20 **Q.** How long did you do that?

21 **A.** Twelve years.

22 **Q.** Okay. So you were, what, twenty-eight when you
23 finished doing that?

24 **A.** I be --

25 **Q.** If you worked there twelve years, --

MOHAMMAD HAMED -- DIRECT

1 **A.** Yeah.

2 **Q.** -- how old were you when you -- when you left that
3 job?

4 **A.** How old I been?

5 **Q.** When you left the power job, how old were you?

6 **A.** About thirty-six years.

7 **Q.** You were thirty-six-years old?

8 **A.** Yeah.

9 **Q.** Okay. Well, we're missing some time, then,
10 because as I understand it, you were a -- you did your
11 shepherding until you were about sixteen years old, and I
12 thought you said you were with -- in Kuwait with the power
13 authority --

14 **A.** No, I go in Kuwait, and I go back to my country,
15 and I come -- come back, and not to stay to succeed. Three,
16 four months working up there, and after that, you go --

17 **Q.** Okay.

18 **A.** -- home.

19 **Q.** So between the age of sixteen and thirty-six, you
20 would go back and forth between Kuwait --

21 **A.** Yeah.

22 **Q.** -- and work at the -- the -- the water and power
23 authority --

24 **A.** Yeah.

25 **Q.** -- and then come back and do farming at home?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yes.

2 **Q.** Okay. What did you do after you -- you -- you
3 turned thirty-six, what did you do next?

4 **A.** What I?

5 **Q.** What -- what job did you have after you finished
6 with the -- the power -- water and power authority?

7 **A.** I coming to the United States of America.

8 **Q.** Okay.

9 **A.** Yeah.

10 **Q.** Would that be the Virgin Islands?

11 **A.** Yes, sir.

12 **Q.** All right. So you came down here when you were
13 thirty-six-years old?

14 **A.** Yes.

15 **Q.** Okay. All right. We'll come back to the Virgin
16 Islands in a moment.

17 What languages do you speak?

18 **A.** Arabic.

19 **Q.** Okay. That's your primary language.

20 **A.** Yeah.

21 **Q.** All right. What -- what other languages do you
22 speak?

23 **A.** Nothing.

24 **Q.** Well, you're speaking English right now.

25 **A.** Well, I -- I'm forty years now in the Virgin

MOHAMMAD HAMED -- DIRECT

1 Islands.

2 Q. Okay.

3 A. Yeah.

4 Q. Forty years?

5 A. Forty years.

6 Q. All right. So that makes you seventy-six?

7 A. I coming in '70 -- '70 to the Virgin Island.

8 Q. So if you came in '73 and you're 40, you been here
9 forty, how old are you?

10 A. Forty years now in 79.

11 Q. How old are you right now?

12 A. I told you, --

13 Q. Oh, 79.

14 A. -- 79.

15 Q. Okay. Thank you.

16 A. But I have to two times to -- to tell you how much
17 to take it from me. I'm not saying Arabic. I'm saying
18 English.

19 Q. Okay.

20 A. Yeah.

21 Q. All right. Do you -- can you -- do you read in
22 Arabic?

23 A. Yeah.

24 Q. You can read Arabic?

25 A. Yeah.

MOHAMMAD HAMED -- DIRECT

1 Q. Can you read English?

2 A. No.

3 Q. Okay. Not at all?

4 A. A little bit.

5 Q. Okay. All right. So when you came down here to
6 the Virgin Islands, what did you do? What was your first
7 job?

8 A. I used to selling the clothes from house to house.
9 Salesman.

10 Q. Okay.

11 A. Yeah.

12 Q. Whose clothes did you sell?

13 A. For the people, for the road, in the street.

14 Q. But where did you get the clothes to sell? Who
15 gave them to you?

16 A. I went to Puerto Rico and buy it and I bring it.
17 And I buy it from a guy, Arab, who was here. He leave the
18 island, I buy his clothes, the one he had, and I buy his
19 customers too.

20 Q. Okay. Where did you live when you first came down
21 here? Did you live with friends or family, or did you buy a
22 house?

23 A. No, when I came in, I lived in Mr. Fathi house.

24 Q. You lived in Mr. Yusuf's house?

25 A. Yeah.

MOHAMMAD HAMED -- DIRECT

1 Q. Okay. How long did you live in his house?

2 A. About one week.

3 Q. Okay. And how did you come to -- to -- to stay
4 with Mr. Yusuf?

5 A. I go and rent a next house --

6 Q. Okay. But how --

7 A. -- for my family alone.

8 Q. So, but why -- this -- the first week you were in
9 the Virgin Islands, you stayed with Mr. Yusuf?

10 A. Yeah.

11 Q. Tell us why. Why did you stay with him?

12 A. Because he's my brother-in-law. He's the one who
13 sent me the paper. His wife, my sister-in-law.

14 Q. Okay.

15 A. Yeah.

16 Q. All right. When you came down to the Virgin
17 Islands, how did you get here?

18 A. How I get?

19 Q. How did you get here? What -- what -- did you
20 come by plane, by boat?

21 A. By plane.

22 Q. Okay. From where to where?

23 A. From Amman, Jordan to New York. From New York, to
24 here, St. Croix.

25 Q. I'm sorry. Amman, Jordan to where?

MOHAMMAD HAMED -- DIRECT

1 **A.** And we went over there, we get the visa, and we
2 comed.

3 **Q.** Okay.

4 **A.** Yeah.

5 **Q.** At that time, did you have all your children? How
6 many children did you have at that time?

7 **A.** Six.

8 **Q.** Six children?

9 **A.** Yeah.

10 **Q.** So six children, your wife and you, flew down from
11 Amman to New York?

12 **A.** Yeah.

13 **Q.** And then from New York to the Virgin Islands?

14 **A.** Yes.

15 **Q.** Okay. And then you stayed the first week with
16 Mr. Yusuf and --

17 **A.** Yes, sir.

18 **Q.** -- and his family?

19 And then after that, where did you go?

20 **A.** I moved to the house in Whim.

21 **Q.** Okay. In Estate Whim?

22 **A.** Yeah.

23 **Q.** That -- was that a rental house that you --

24 **A.** Rent. I rent it for 280.

25 **Q.** Now, how did you settle upon the job of -- of

MOHAMMAD HAMED -- DIRECT

1 door-to-door salesman that you described when you first got
2 here?

3 Did somebody help you get that job, or -- or
4 tell us how you got it?

5 **A.** Nobody can help me to job.

6 **Q.** So you -- that was something you came up with
7 yourself?

8 **A.** I have the clothes with me in my car. I bought a
9 car, and I start to run here and this house and this, and
10 ask the people if they want to buy. We start little by
11 little.

12 **Q.** Okay.

13 **A.** Yeah.

14 **Q.** And then how long did you do that job?

15 **A.** About three years.

16 **Q.** Okay. What did you do after that?

17 **A.** I open a grocery. Carlton Grocery.

18 **Q.** So when you say you opened it, how -- how did you
19 go about it?

20 **A.** I rented --

21 **Q.** Okay.

22 **A.** -- the place from Midwest. I rent it.

23 **Q.** From whom?

24 **A.** Midwest, the company Midwest, by Frederiksted.

25 **Q.** Midwest?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yeah.

2 **Q.** Okay. And where did you get the money to buy
3 the -- the products that you would sell in your grocery?

4 **A.** The one I work with, I working three years with
5 the selling salesman, from house to house.

6 **Q.** Okay.

7 **A.** Yeah. Whatever I make, I open a little shop.
8 Not -- not half of this.

9 **Q.** When you say "half of this," you mean half of this
10 office space that we're sitting in right now?

11 **A.** It's a little small grocery I start with.

12 **Q.** Okay. And that's the one in Estate Carlton?

13 **A.** Yeah.

14 **Q.** All right. You say you started with it. Did
15 you -- did you get another grocery store --

16 **A.** Yes.

17 **Q.** -- at some point?

18 **A.** Yes, I opened another one in Glynn.

19 **Q.** And when did you start the grocery store in Estate
20 Carlton, what year?

21 **A.** What year? Seventy-seven.

22 **Q.** 1977?

23 **A.** Yeah.

24 **Q.** Okay. And then when did you open the grocery
25 store in Estate Glynn?

MOHAMMAD HAMED -- DIRECT

1 **A.** Maybe after one year.

2 **Q.** So '79?

3 **A.** Seventy-eight, I believe.

4 **Q.** Okay.

5 **A.** Yeah.

6 **Q.** Okay. All right. So I guess it's fair to say
7 that you operated two grocery stores at the same time?

8 **A.** No, one after one.

9 **Q.** Oh, okay. So --

10 **A.** I opened Carlton first. I work and make a little
11 money, and I rent the other place. I put somebody in it to
12 work with me.

13 **Q.** Who was that?

14 **A.** It's an Arab guy. He was a young man here in the
15 island. I give him 175 a week, and he start to work with
16 me.

17 **Q.** Work with you where, in Estate Carlton or in
18 Estate Glynn?

19 **A.** In Glynn.

20 **Q.** Okay. Do -- do you remember that person's name?

21 **A.** Yeah, because it's my son, they went to the
22 college in that time. I don't have no kids bigger to take
23 care of the business.

24 **Q.** Okay. Do you remember the --

25 **A.** My wife, she used to come by me in Carlton to help

MOHAMMAD HAMED -- DIRECT

1 me in there.

2 Q. Do you remember the person that you -- that you
3 paid 175 a week to help you?

4 A. Yeah.

5 Q. You remember his name?

6 A. Yeah. Hytham. He's in St. Thomas now.

7 MR. HODGES: And -- and will counsel help the
8 court reporter with the -- the name?

9 MR. HARTMANN: Certainly.

10 Q. (Mr. Hodges) Is that his last name or --

11 A. Hytham, Hytham, Hytham.

12 Q. -- first name?

13 A. His name Hytham.

14 Q. Is that his first or last name?

15 A. First name.

16 Q. Okay. All right. So I take it, then, what you're
17 saying is that by 1979, you were owning and operating two
18 grocery stores?

19 A. Yes, sir.

20 Q. Okay. With the help of this Hytham gentleman --

21 A. Hytham, yeah. He used to work. And -- and after,
22 he buyed the store from me.

23 Q. Hytham bought the --

24 A. Bought the store with a -- a next guy.

25 Q. The Estate Glynn store?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yeah. They buy Glynn from me.

2 **Q.** Okay. When was that?

3 **A.** Well, I can't remember what year. I can't
4 remember.

5 **Q.** Well, if you opened the Glynn store in 1979, how
6 many years do you think do you recall owning it?

7 **A.** Maybe two years.

8 **Q.** All right. So would it be --

9 **A.** I stay two years in Glynn.

10 **Q.** All right. So is it fair to say that -- that the
11 gentleman that you just mentioned and his associate
12 purchased Estate Glynn in some -- around 1981?

13 **A.** Yeah.

14 **Q.** Okay. How much did they pay for it?

15 **A.** How much? They -- they count how many cost the
16 one on the shelf, the stuff.

17 **Q.** Okay.

18 **A.** And they pay 35,000 at -- for the key.

19 **Q.** Okay. So I -- I -- I think I understand what
20 you're saying. They basically bought your inventory, is
21 that what you said?

22 **A.** Yeah. They buy the inventory plus the key.

23 **Q.** Okay.

24 **A.** You have to pay for the key.

25 **Q.** All right. For \$35,000?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yes, sir.

2 **Q.** And did they pay that all at one time?

3 **A.** Little by little, in that time.

4 **Q.** Okay. How much did they pay you up front?

5 **A.** Fifteen, 15,000, the first thing.

6 **Q.** Did they pay monthly after that? Weekly?

7 How did they pay, just whatever --

8 **A.** Whatever he made, he start to open the shop, and
9 his brother working in the street, salesman, too. Whatever
10 he made, he and his brother, they give it to us.

11 **Q.** Okay. All right. So that's -- you sold Estate --
12 the Estate Glynn store in around 1981 for \$35,000 payable
13 over time, right?

14 **A.** Yeah.

15 **Q.** What about the Estate Carlton store, how long did
16 you own that?

17 **A.** I worked it.

18 **Q.** You kept working it?

19 **A.** No, not now.

20 **Q.** No, I -- but how long did you continue owning the
21 Estate Carlton store?

22 **A.** I sell Carlton -- then Glynn before Carlton.

23 **Q.** Okay. I understand.

24 **A.** After, my son going to college, I sell Carlton.

25 And Mr. Yusuf did told me, Any time you want to come partner

MOHAMMAD HAMED -- DIRECT

1 in the business, know, and at the store, and at the job to
2 work with, and I sell the two shop.

3 Q. Well, when did you -- when did you sell the Estate
4 Carlton store? When did you sell that store?

5 A. Well, I can't remember about what year.

6 Q. How much long -- was it long after you sold the
7 Estate Glynn store?

8 A. No, not long. After Wally, he going in college, I
9 sold it.

10 Q. When did -- when did your son Waleed go to
11 college?

12 A. I don't know, or I can't remember.

13 Q. So whenever he went to college, you sold the
14 Estate Carlton store?

15 A. Yeah.

16 Q. How much did you sell that for?

17 A. I sell it 45,000.

18 Q. Who did you sell that to?

19 A. The two Arab guy in there.

20 Q. Do you remember their names?

21 A. Yeah.

22 Q. What's their name?

23 A. His name Jamal, and a next guy, that's his uncle,
24 Mahmud.

25 Q. Do you remember their last name?

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1 **A.** Eylan.

2 **Q.** Okay. Counsel will --

3 **A.** Eylan. That's the last name for his uncle of
4 Jamal.

5 **Q.** Okay.

6 **A.** Jamal is a young man. His uncle is older than he.

7 **Q.** Okay. You sold it for \$45,000. Did you sell it
8 like the other one, a little bit money down, --

9 **A.** Yes, sir.

10 **Q.** -- payable over time?

11 **A.** Yes, sir.

12 **Q.** How much money down did you get?

13 **A.** Fifteen.

14 **Q.** And the rest was payable --

15 **A.** Yeah.

16 **Q.** -- monthly?

17 **A.** Monthly, --

18 **Q.** Or whenever?

19 **A.** -- every two weeks.

20 Any time they have money, they come to me and
21 pay me.

22 **Q.** All right. Well, I take it both -- both of these
23 buyers for both of your stores eventually paid you?

24 **A.** Pardon me? I don't understand.

25 **Q.** Did you eventually get paid by the buyers of both

MOHAMMAD HAMED -- DIRECT

1 your stores?

2 **A.** Uh-huh.

3 **Q.** You did?

4 **A.** Yeah.

5 **Q.** Okay. How many -- how long did it take them to
6 pay off their obligation for the purchase price?

7 **A.** Maybe a year or a year and a half.

8 **Q.** Each one? Both of them?

9 **A.** Yeah.

10 **Q.** All right. So when did you -- after you sold the
11 Estate Carlton store, what did you do after that?

12 **A.** I can't understand you.

13 **Q.** What did you do to make money after you sold the
14 Estate Carlton store?

15 **A.** We start to give the money for Mr. Yusuf.

16 **Q.** Okay. You're saying?

17 **A.** I have over money in my hand, I start to -- his
18 brother send, buy inventory and they bring it here and sell
19 it for all the grocery, wholesaler.

20 **Q.** Okay.

21 **A.** Yeah.

22 **Q.** So I'm not sure, what did -- what did you do to
23 make money after you sold the Estate Carlton store?

24 **A.** Just what I told you, I start to work, sell to the
25 grocery with the money I had.

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1 Q. You went into business with whom? Who did you go
2 into business with?

3 A. With his nephew.

4 Q. Okay.

5 A. And I start to go Puerto Rico with him, and we buy
6 the stuff, and I start to sell it here for all the grocery.
7 We going all over, sell one box here, one box here, one
8 here.

9 Q. And you say you sold wholesale?

10 A. And we make a living like that.

11 Q. Okay.

12 A. Until they get the loan. Mr. Yusuf.

13 Q. So did you have any -- when did you come to some
14 agreement with Mr. Yusuf regarding what -- what was going to
15 become of your money?

16 A. The man, not agreement or nothing. He's my
17 brother-in-law. He tell me, Get \$200,000, we'll put you on
18 ashri (phonetic), as a partner.

19 Q. Okay.

20 A. I went and I make all the money and I got it, and
21 I give it to him.

22 Q. In one -- one -- one big pile, or what?

23 A. No, a little by little first. And after that, we
24 got all what I have, I have -- used to have in Tortola, and
25 I used to have in bank, and I cleared it out all, and I give

MOHAMMAD HAMED -- DIRECT

1 it to him.

2 Q. Is that -- did that come up to \$200,000?

3 A. Yes, sir.

4 Q. And that -- and you say you gave that to him over
5 time?

6 A. Not one time, there man.

7 Q. Right. How long did -- how long did it take
8 you --

9 A. The first time is a little by little.

10 Q. Okay.

11 A. After the last, we make it all together until we
12 get 200,000.

13 Q. Okay. And once you gave -- once you got up to
14 \$200,000, is that when you say that you reached an --

15 A. That's what I save in my life.

16 Q. I'm say -- I'm sorry?

17 A. That's what I save in my life.

18 Q. Okay. So you're saying that that was your life's
19 savings?

20 A. Yes.

21 Q. That \$200,000?

22 A. Yes.

23 Q. Okay. Now, around that time, had you won the
24 lottery?

25 A. I won one time the 22,000.

MOHAMMAD HAMED -- DIRECT

1 Q. Okay. Before you gave the \$200,000 to --

2 A. No, with him. I give it to him, the two -- two --
3 20,000 I gave him. I keep 2,000 mine.

4 Q. Okay. So that was part of the \$200,000?

5 A. Yeah.

6 Q. You never won the lottery again?

7 A. No.

8 Q. So you only won one time?

9 A. Yeah.

10 Q. Okay.

11 A. I won one \$5,000.

12 Q. Before we -- we start reviewing your complaint,
13 Mr. Hamed, just tell -- tell us in your own words why you're
14 suing your brother-in-law?

15 A. Why?

16 Q. Yes.

17 A. I suing?

18 Q. Yes. Why are you suing Mr. Yusuf? Tell us why.

19 A. Because he don't want to be a -- a partner in
20 there. Now he start to tell me, You's the employee, with
21 your kids. My son, four son, they working in the
22 supermarket twenty-five years, and the last he tell me,
23 you's employee and your kids is employee. Come on, man.
24 How must I start with you twenty-five years, and I give you
25 what you ask for, I was coming a partner.

MOHAMMAD HAMED -- DIRECT

1 Q. So --

2 A. Now you put me employee, me and my kids. It's not
3 fair.

4 Q. Are you telling me Mr. Yusuf has not treated you
5 as a partner?

6 A. He is my partner.

7 Q. And he hasn't -- you're telling me he hasn't --

8 A. He -- yeah, he --

9 MR. HARTMANN: Object. He gets to answer.
10 Wait. He gets to answer. You asked him a question. Go
11 ahead. Stop interrupting him.

12 Q. (Mr. Hodges) Go ahead.

13 A. He put me a partner.

14 Q. Right.

15 A. And my work is 25 years.

16 MR. HARTMANN: Stop talking over him.

17 A. Twenty-five years. Each my son finishing college,
18 they come in and start to work in the Plaza. And he tell
19 me, Your son is not my partner. You is my partner. I say,
20 Okay. I'm not tell you my son isn't your partner. He say,
21 4.65 an hour. I tell him, Okay. Whatever you say, we're
22 going for.

23 Q. (Mr. Hodges) So you agree that none of your sons
24 is Mr. Yusuf's partner, is that right?

25 A. No.

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1 Q. Only you?

2 A. Only me, yeah.

3 Q. Right.

4 So what's the problem? Has he not treated
5 you as a partner?

6 A. I don't know.

7 MR. HARTMANN: Object.

8 A. I don't know. Up to now, I don't know. And I
9 went to Jordan, and he went over there, and he come back.
10 He say, You t'ief me 2 million. I'm a t'ief. I'm an honest
11 guy, I'm a good man in the village, in the village, in
12 Kuwait, in Jordan, in here, in anywhere. I never touch a
13 thing it's not belong to me. And I'm trust the man,
14 whatever you wanted to do, I tell him, Go ahead. I trust
15 you. But here the last minute, he tell me, You t'ief me
16 2 million. I'm a t'ief.

17 I'm an honest guy. I'm a good man, in the
18 (inaudible), in the village, in Kuwait, in Jordan, in here,
19 in anywhere. I never touch a thing that not belong to me.
20 And I trust the man, whatever you wanted to do, I tell him,
21 Go ahead. I trust you. Then last year, the last minute, he
22 tell me, You t'ief me 2 million. I'm not t'ief 2 million.
23 Where I putted 2 million? Where?

24 Q. (Mr. Hodges) Okay.

25 A. You go all over. You go Jordan, you go Palestine,

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1 you go West Bank, you go America. I don't have no money for
2 \$2 million. And he tell me, You t'iefed 2 million. No. My
3 father not t'ief, my grandfather not t'ief, my mother not
4 t'ief, my wife not t'ief, my kids not t'ief, my daughter not
5 t'ief. That's what I owned. And you put me I'm a t'ief,
6 man? No. I can't take it.

7 **Q.** Now, Mr. Hamed, we're talking about the -- the
8 lawsuit I was talking about, suing Mr. Yusuf, is -- is not
9 the defamation suit that you're talking. I'm talking about
10 the one where you filed a suit against him to -- for breach
11 of the partnership agreement, and for -- for relief with
12 respect to your partnership.

13 **MR. HARTMANN:** Don't answer.

14 Object. Asked and answered. You asked him
15 what his suit was about. He said it was because he was a
16 partner and Mr. Yusuf was trying to make him not a partner.
17 He was trying to make him into an employee.

18 **MR. HODGES:** Is this a speaking --

19 **MR. HARTMANN:** It's an asked and answered.

20 **Q. (Mr. Hodges)** All right. You can answer the
21 question. Go ahead.

22 **A.** Yeah.

23 **Q.** What is the relief you're -- that you want in this
24 case that we're here for today? What relief --

25 **MR. HARTMANN:** Object. Object. Asked and

MOHAMMAD HAMED -- DIRECT

1 answered.

2 Q. (Mr. Hodges) Go ahead, you can answer it. What
3 do you want the court to do in this lawsuit that you're here
4 this morning for?

5 MR. HARTMANN: Object. Asked and answered.

6 A. I don't understand that.

7 MR. HARTMANN: Object. Asked and answered.

8 Object, form of the question.

9 Q. (Mr. Hodges) Go ahead.

10 A. I don't understand what he say.

11 Q. What relief do you want the court to give you --

12 A. I asked for somebody.

13 Q. Wait a minute, sir. I'm -- hold on.

14 A. -- to talk in Arabic.

15 Q. He needs to let me answer --

16 A. Let me understand it in Arabic, and I give you a
17 answer. Where is the guy, you telling me you going to get
18 somebody?

19 MR. HARTMANN: He's --

20 You've asked and answered.

21 He can say --

22 MR. HODGES: No, he hasn't.

23 MR. HARTMANN: Yes, he has.

24 MR. HODGES: If -- if you want to instruct
25 him not to answer --

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1 **MR. HARTMANN:** I'm not instructing him
2 anything. He answered the question.

3 **MR. HODGES:** I'm going to continue asking the
4 question.

5 **MR. HARTMANN:** You can ask him as many times
6 as you want, and he can say he believes he answered it as
7 many times.

8 **Q. (Mr. Hodges)** Mr. Hamed, --

9 **A.** Yeah.

10 **Q.** -- very simply, you -- you -- you acknowledged
11 that you sued Mr. Yusuf and United Corporation, right?

12 **A.** No, in the Plaza Extra.

13 **Q.** Are you saying that you did not sue Mr. Yusuf
14 and -- and United Corporation?

15 **A.** Not sue United Corporation.

16 **MR. HARTMANN:** Object. Asked and answered.

17 **Q. (Mr. Hodges)** He did that on his own.

18 **MR. HARTMANN:** Object as to form.

19 **A.** I'm not open -- I be with Mr. Yusuf in Plaza Extra
20 Supermarket.

21 **Q. (Mr. Hodges)** Mr. Hamed, what I'm -- I'm -- I want
22 the -- for you to at least acknowledge that you filed the
23 suit in this case against Mr. Yusuf and United Corporation,
24 did you not?

25 **MR. HARTMANN:** Object. Asked and answered.

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1 Object as to form.

2 Counsel, I think it's time you move on.

3 **THE WITNESS:** Let me understand what he's
4 saying.

5 **MR. HARTMANN:** No, no, no. That's okay. If
6 you can answer it, answer it. If you can't answer it, don't
7 answer it.

8 **Q. (Mr. Hodges)** You don't understand what I just
9 asked?

10 **A.** No.

11 **MR. HARTMANN:** I don't understand what you're
12 asking anymore. You've asked --

13 **MR. HODGES:** No.

14 **MR. HARTMANN:** -- five different questions --

15 **MR. DEWOOD:** Just wait a minute. Wait a
16 minute.

17 **MR. HODGES:** Wait. You're not under oath and
18 testifying.

19 **MR. HARTMANN:** I'm objecting. I told you,
20 I'm objecting.

21 **MR. DEWOOD:** Mr. Hartmann, just one second.

22 **MR. HARTMANN:** You can't make him answer
23 something.

24 **MR. DEWOOD:** Attorney Hartmann.

25 **MR. HARTMANN:** Go ahead.

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1 (Discussion held off the record.)

2 Q. (Mr. Hodges) You want the question put to you
3 in -- in Arabic?

4 You say you don't understand me, sir?

5 A. No.

6 Q. You want my question put to you in Arabic, is that
7 what you want?

8 A. Yes, sir.

9 MR. HODGES: Okay.

10 MR. HARTMANN: Just state your question as a
11 single sentence, please.

12 Q. (Mr. Hodges) I'm -- I'm asking you, and
13 Mr. DeWood will testify.

14 MR. HARTMANN: No, he'll translate.

15 MR. HODGES: Excuse me. Translate.

16 Q. (Mr. Hodges) What relief do you want the court to
17 give you in this case that we're here for today?

18 MR. HODGES: Okay. This is Attorney DeWood
19 for the defendants translating Attorney Hodges' single
20 question.

21 MR. HARTMANN: Louder.

22 MR. DEWOOD: Just one second.

23 MR. HARTMANN: It's okay. You can change the
24 battery.

25 MR. HODGES: Why don't we take a quick break

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1 here?

2 **MR. DEWOOD:** Off the record five minutes.

3 **THE VIDEOGRAPHER:** Going off record. The
4 time is 10:53.

5 (Respite.)

6 **THE VIDEOGRAPHER:** Going back on record. The
7 time is 10:55.

8 **MR. DEWOOD:** Yes, back on the record. Again,
9 Attorney DeWood for the defendants, and translating the
10 single question: What relief are you requesting from the
11 Court, Mr. Mohammad Hamed? in Arabic. (Speaking in Arabic.)

12 **MR. HODGES:** Wait a minute.

13 **THE WITNESS:** (Speaking in Arabic.)

14 **MR. HARTMANN:** In English.

15 **MR. HODGES:** Please.

16 **MR. HARTMANN:** In English.

17 **A.** They put my share the profit, it's my share, they
18 say, this guy, he working employee. I'm not employee. I'm
19 his partner since we start. Now you tell me, You's an
20 employee? No. I give you my money to be and share half of
21 the Plaza Extra. You told me that.

22 **Q.** (Mr. Hodges) So you're suing Mr. Yusuf because
23 he's not recognizing you as a partner, is that what
24 you're --

25 **A.** Yeah.

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1 Q. And you're saying, as of today, he's not -- he's
2 still not recognizing you as a partner?

3 A. No, he's my partner. He is up to now, you going
4 up or coming down, I'm his partner. I stay with him
5 whatever. I trust him more than I trust my brother, and I
6 stay with him 25 years. While, honest, my kids working in
7 the supermarket, they working they got paid for his hour.
8 I'm not give him how much I'm going to pay you. He's the
9 one in charge to give him whatever he want. I'm not saying
10 nothing, because I'm his partner, or he's my partner. He is
11 in charge to tell my son how much they going to pay you.

12 Q. Okay.

13 A. Yeah. I'm not tell him how much I pay you. In
14 case (inaudible), that's his son, no.

15 Q. You're not saying --

16 MR. HOLT: Wait a second. Did you finish
17 that answer?

18 MR. HODGES: Again, for the record, I would
19 object to two attorneys defending this deposition.

20 MR. HARTMANN: And I'd object to your cutting
21 off the witness repeatedly.

22 Q. (Mr. Hodges) Mr. Hamed, --

23 A. Yes.

24 Q. -- you're not saying that Mr. Yusuf has to
25 continue being your partner whether he likes it or not, are

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1 you?

2 A. For who will tell? I'm not say that.

3 Q. If he doesn't want to be your partner anymore,
4 he's allowed to stop being your partner, right?

5 A. Yeah. I'm -- I'm a start with him with the first
6 step, and I tell him, I trust you. Whatever you did, you go
7 ahead. I back you up. And after that, they tell me, Your
8 kids getting a lot big, and my kids getting a lot. We have
9 to separate. Okay, and you separate it. Give me my own and
10 take your own, and that's it. We don't leave nothing.

11 Q. And -- and -- and that's all you're looking for in
12 this lawsuit, is to separate? Is -- is that what you're
13 saying?

14 MR. HARTMANN: Object to --

15 A. That's what he asked for to.

16 MR. HARTMANN: Excuse me. Wait, wait, wait.
17 Object to form.

18 Q. (Mr. Hodges) Go ahead.

19 A. That's what he asked for, too.

20 Q. Okay. Now, you're not a partner with United, are
21 you?

22 A. No.

23 Q. Why are you suing United?

24 A. I'm only Plaza Extra.

25 Q. No, my question is, why are you suing United?

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1 **A.** I'm not go for United.

2 **Q.** So you're not -- you don't have any claim against
3 United?

4 **A.** No.

5 **MR. HARTMANN:** No, object. Mischaracterizes
6 testimony. Object as to form.

7 **Q.** **(Mr. Hodges)** What you're saying is you don't have
8 a claim against United, isn't that right?

9 **MR. HARTMANN:** Object.

10 **A.** I don't go for United. I'm going with the
11 Plaza Extra only.

12 **Q.** **(Mr. Hodges)** Okay.

13 **A.** Yeah.

14 **Q.** Now, let's go back to the -- the Plaza Extra, the
15 partnership that you're talking about, okay? The one that
16 you -- you want to end, is that right?

17 You want to end the partnership too, right?

18 **A.** I'm in.

19 **Q.** But you want to end it, don't you?

20 **MR. HARTMANN:** Object. Asked and answered.

21 You can tell him if he wants to ask it again
22 for the third time.

23 **A.** I'm in in Plaza Extra with Mr. Yusuf.

24 **Q.** **(Mr. Hodges)** And -- and want to end that
25 partnership, is that correct?

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1 **A.** Don't start to push me this way or this way. I'm
2 in with him as a partner up to when the heaven coming.

3 **Q.** So are you saying that you want to continue the
4 partnership?

5 **A.** Yeah, I will continue up to now.

6 **Q.** Do you -- and -- and what if he doesn't want to
7 continue?

8 **A.** If he don't want that, different.

9 **Q.** Well, he's already told you that he doesn't want
10 to, right?

11 **A.** I'm -- I'm --

12 **MR. HARTMANN:** Object. Whoa, whoa, whoa.

13 **A.** If he don't want to --

14 **MR. HARTMANN:** Wait, wait, wait one second.
15 Object as to form. Argumentative. You can
16 ask questions. You can't yell at the guy. You know,
17 just --

18 **MR. HODGES:** I'm not yelling at him.

19 **MR. HARTMANN:** Yeah, you are.

20 **MR. HODGES:** As I understand, he has a hard
21 time hearing me.

22 **MR. HARTMANN:** He does, but he doesn't need
23 you to lean forward and start yelling at him. Just ask him
24 the question.

25 **MR. DEWOOD:** You're objecting -- you're

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1 objecting too much on everything.

2 **MR. HARTMANN:** That's fine.

3 **MR. DEWOOD:** That's fine.

4 **MR. HARTMANN:** It is.

5 **MR. HODGES:** So Mr. Hamed, Mr. Hamed, you
6 agree with me that Mr. Yusuf, if he doesn't want to be your
7 partner anymore, he can stop the partnership, right?

8 **MR. HARTMANN:** Object. Asked and answered.

9 **A.** We stop. Both of us. Not he alone.

10 **Q. (Mr. Hodges)** Well, are you saying that if you
11 want to continue the partnership and he doesn't, that he has
12 to -- to continue the partnership?

13 **MR. HOLT:** Object. Asked and answered.

14 Object as to form. Object, argumentative.

15 **A.** We have to separate, that's it. You take yours
16 and give me mine, and that's it.

17 **Q. (Mr. Hodges)** Okay. Now, when you -- I think we
18 left off when you said you had given Mr. Yusuf \$200,000,
19 right? Remember that?

20 Is that when you formed the partnership with
21 him?

22 **A.** Yeah.

23 **Q.** And approximately when was that?

24 **A.** I can't remember.

25 **Q.** Do you remember when the first Plaza Extra store

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1 opened?

2 **A.** Yeah. It opened in '86.

3 **Q.** All right. And did you have a partnership
4 agreement with him at that time?

5 **A.** He is my partnership.

6 **Q.** My -- my question --

7 **A.** He is the one, I make agreement with him. He
8 telling me before I open.

9 **Q.** Okay. So you're saying that before you opened the
10 first Plaza Extra store, you had an agreement --

11 **A.** Yeah.

12 **Q.** -- with Mr. Yusuf?

13 **A.** Yes, sir.

14 **Q.** Okay. Please tell --

15 **A.** And he telling me, You is my partner. You own
16 50 percent of the supermarket. That's what I go for. And
17 we start to work 25 years, one years each other till now.

18 **Q.** Okay. So what other -- did you have any other
19 terms with him as far as the -- the agreement? You agreed
20 to share the profits --

21 **A.** No.

22 **Q.** No other agreement?

23 **A.** No. We start with him first, we talk with him as
24 a man to man, and I agree. He tell me, Okay. You is in
25 charge in the warehouse, I'm take care of the office. I

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1 say, Okay. I trust you, whatever you did, you buy, whatever
2 you want, go ahead. I back you up.

3 Q. Okay.

4 A. That's what I did.

5 Q. So under your agreement, was Mr. Yusuf in charge
6 of taking care of the business?

7 A. The office.

8 Q. The office.

9 A. Not business, --

10 Q. Okay.

11 A. -- for the whole business.

12 I'm in charge of the receiving. Don't start
13 to put me in this area and this area.

14 Q. Okay.

15 A. Only straight.

16 Q. So you were in charge of receiving?

17 A. Yeah.

18 Q. What do you mean by that? Just tell me.

19 A. By receiving, I'm everything coming to the
20 warehouse in the back, I'm whole in receiving.

21 Q. Okay. All right. So were there any other terms
22 of the partnership agreement, other than that you would
23 share --

24 A. Not -- we didn't have no more partnership. Just
25 he and me. Just two.

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1 Q. Okay. Now, was the \$200,000 that we've already
2 talked about, was that the only money that you gave to
3 Mr. Yusuf?

4 A. How many time I tell you that?

5 Q. I'm not answering your questions, sir. You get to
6 answer mine.

7 A. You asked me. You keep asking me. The 200, all
8 what I make in my life, I give it to him.

9 Q. No, I'm talking about after the 200, did you give
10 Mr. Yusuf --

11 A. You say that many times. I told you, what I have,
12 I give it to him.

13 Q. All right. How much more, if any, other than the
14 \$200,000, did you give to Mr. Yusuf?

15 A. I don't give him nothing.

16 Q. All right. So, is it fair to say, then, that the
17 only money that you gave to him was approximately \$200,000?

18 A. Yeah.

19 Q. Okay. And the -- tell us what the -- what the
20 purpose of the \$200,000 that you gave to Mr. Yusuf -- I
21 mean, yeah, Mr. Yusuf -- what was the purpose of that -- of
22 that -- what do you want to call it, a loan or an
23 investment?

24 A. We done that.

25 Q. What was the purpose of it?

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1 **MR. HARTMANN:** Object. Asked and answered.

2 **A.** Was profit. I'm not give him for profit.

3 **Q.** I'm sorry.

4 **A.** I'm not give him for profit.

5 **Q.** Oh, I see. You're saying -- I'm not saying that.

6 **A.** I give him as a partner.

7 **Q.** All right.

8 **A.** And don't say that to me, sir, another time.

9 **Q.** I'm simply asking the purpose of the whatever you
10 want to call it; a loan, an investment?

11 **A.** No loan.

12 **Q.** A gift, whatever you want?

13 **A.** I left him the money.

14 **Q.** All right.

15 **A.** I'm not --

16 **Q.** What was the purpose of that?

17 **A.** What the profit, to be a partner for the business,
18 supermarket. He told me that.

19 **Q.** Okay. And had he already opened the supermarket
20 by the time you gave him the money, or did he need it to
21 open the supermarket?

22 **A.** Oh, God. Young man, you's a lawyer, and you's a
23 (inaudible). How, when I give him the money, right away he
24 opened the store? I working two years inside the Plaza,
25 working inside with his son Maher.

MOHAMMAD HAMED -- DIRECT

1 Q. Okay. So that's after the store opened, right?

2 A. Before the store opened.

3 Q. Okay. Well, that's what I'm trying to find out,
4 sir.

5 A. Well, you find out until you ask me for what?

6 Q. Tell us how your money was used to open the store.
7 How about that?

8 MR. HARTMANN: Object. Asked and answered.
9 Do you want to take a minute off?

10 THE WITNESS: I don't want to answer him.

11 MR. HARTMANN: Well, you got to answer him.
12 Let's take a minute. Let's take a five-minute break.

13 MR. HODGES: Good time for a break. Good
14 time for a break.

15 THE VIDEOGRAPHER: We're going off the record
16 at 11:08.

17 (Short recess taken.)

18 THE VIDEOGRAPHER: Going back on record. The
19 time is 11:18.

20 Q. (Mr. Hodges) Mr. Hamed, --

21 A. Yes.

22 Q. -- was the money that you provided to Mr. Yusuf
23 used to open what became known as the Plaza Extra East
24 supermarket store?

25 A. Yeah.

MOHAMMAD HAMED -- DIRECT

1 Q. How was it used, do you know?

2 A. How?

3 Q. Right.

4 A. What you mean, how? I didn't get that.

5 Q. Do you know what was done with the money that you
6 gave to Mr. -- to Yusuf?

7 A. Yeah. I gave him because they want to open the
8 supermarket.

9 Q. All right. So do I take it, then, that the money
10 you gave, the \$200,000 we're talking about --

11 A. Not all one time. I told you first thing.

12 Q. I understand.

13 A. Yeah.

14 Q. You didn't give him a -- a -- a pile of cash?

15 A. Yeah, not all one time.

16 Q. All right. Good.

17 A. Yeah.

18 Q. But over, in the -- in the time it took?

19 A. But totally, they -- they get \$200,000.

20 Q. Okay. And --

21 A. Yeah.

22 Q. -- do you know how that money was used by
23 Mr. Yusuf to open the supermarket store?

24 A. Yeah, that's what I give it to him, to buy the
25 stuff to open the store.

MOHAMMAD HAMED -- DIRECT

1 Q. Okay.

2 A. Yeah.

3 Q. All right. Well -- well, you don't recall when
4 you sold the last store, right? The Carlton store?

5 A. What you mean, that?

6 Q. You don't remember when that was? It was --

7 A. What year you open it?

8 Q. Yeah. Yeah.

9 No, what year you sold the last store, which
10 I think you testified was Estate Carlton.

11 A. I can't remember.

12 Q. But it was -- was it a couple years before the
13 Plaza East supermarket opened?

14 A. Yeah.

15 Q. So my question is, what did you do in that time
16 between you sold the last store that you owned, and started
17 working with Mr. Yusuf in the Plaza Extra store, what did
18 you do during that period of time?

19 A. I -- I give it to all my children. I get my money
20 back. I save it every month until I get finish with him,
21 and I bring it all, and I give it to Mr. Yusuf, till I went
22 to 200,000.

23 Q. I understand. I understand.

24 A. Yeah.

25 Q. But I -- there's a period of time, perhaps a

MOHAMMAD HAMED -- DIRECT

1 couple years, between the time you sold the Estate Carlton
2 store in 1986 when you know the -- the Plaza Extra
3 supermarket store opened.

4 What I'm -- what I'm asking you, sir, is what
5 did you do to make money for your family during the --

6 **A.** I don't make no money.

7 **Q.** Let me -- let me finish my question.

8 What did you do to make money for your family
9 during that approximately two-year period?

10 **A.** I don't make no money. All what I save. I
11 don't -- my son, he used to work. My son and next son, he
12 used to work too. They -- they going to school, and when
13 they finish the school, they going to work.

14 **Q.** Okay.

15 **A.** And we tried to make a living like that. And I
16 told my wife, Hit the belt (indicating) hard to, because
17 it's too hard to us. I put all my money with the -- with
18 the supermarket. We waiting for the loan to open the
19 supermarket.

20 **Q.** Okay.

21 **A.** Yeah.

22 **Q.** Now, when -- when -- when -- the supermarket --

23 **A.** When we got the loan, we start to work in the --
24 in the supermarket with his son, his Maher here. I'm going
25 every day with him, working inside the supermarket.

MOHAMMAD HAMED -- DIRECT

1 Q. Okay.

2 A. Construction.

3 Q. That's -- we're in 1986, right?

4 MR. HARTMANN: No, he just said construction.

5 A. I don't know what's the year.

6 Q. (Mr. Hodges) Oh, construction. Okay.

7 A. I don't know what year.

8 Q. All right.

9 A. 1986 is the one the place there open. Before
10 that, we used to working inside the store.

11 Q. Okay.

12 A. Yeah.

13 Q. So you're saying that you helped build the store,
14 too?

15 A. Yeah. I was here in the front of you.

16 Q. Okay. Now, at the time the store opened in 1986,
17 did the loan that you talked about, did -- had that been
18 gotten from by Mr. Yusuf, or -- or was he still waiting to
19 get that loan?

20 A. The only one that get it, Mr. Yusuf, to the
21 supermarket.

22 Q. When -- but by the time the store opened in
23 1986 --

24 A. No, it's not opened. Before it's opened.

25 Q. All right. So he got the loan from a bank, right?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yeah.

2 **Q.** To -- to help him open the store, is that right?

3 **A.** Yeah.

4 **Q.** Okay. And do you remember which bank that was?

5 **A.** I don't know.

6 **Q.** Okay. But at the time he was applying for the
7 loan, you're saying the partnership you had with him was
8 already in existence, is that right?

9 **A.** He is the one that planned the loan. He told me,
10 Don't put your name in there, because if they see your name
11 in there, they don't give us the loan. I tell him, Do
12 whatever you want. I trust you. And he applied for his
13 name. He do whatever he do, until he get the -- the -- the
14 loan.

15 **Q.** Okay. Well, at the time that -- when you say "he
16 applied," United Corporation applied for that loan, right?

17 **A.** I don't have nothing to do with the
18 United Corporation.

19 **Q.** Okay. But you -- you -- you agree with me, don't
20 you, that United Corporation was the one that got the loan
21 from the bank?

22 **MR. HARTMANN:** Object as to form.

23 **A.** That's Mr. Yusuf, they know.

24 **Q.** **(Mr. Hodges)** So you don't even know that?

25 **A.** No.

MOHAMMAD HAMED -- DIRECT

1 Q. Who got the loan?

2 A. No.

3 Q. Okay. You know that Mr. Yusuf had to put up his
4 house to get the loan, didn't you?

5 A. Yeah, Mr. Yusuf, he is the one that running behind
6 the loan until he get it.

7 Q. Okay. He had to -- to mortgage his house to be
8 able to get the loan, isn't that right?

9 A. Yes, sir.

10 Q. Okay. Did you mortgage your house?

11 A. I don't know. I tell him whatever he want.

12 Q. No, that -- my question is, did you mortgage your
13 house to get the loan?

14 A. No.

15 Q. Okay. Did you own a house at the time?

16 A. Yes.

17 Q. Is that the one that we talked about earlier?

18 A. Yes.

19 Q. The one in Estate Carlton?

20 A. We own house in Carlton, Carlton Garden, yeah.

21 Q. Did you own any other significant assets at that
22 time?

23 A. No.

24 Q. Okay. Did you have a mortgage against your house
25 at that time?

MOHAMMAD HAMED -- DIRECT

1 **A.** No.

2 **Q.** Okay. So you owned Estate Carlton free of liens,
3 is that right?

4 **A.** (Witness shrugs shoulders.) I don't understand
5 what you're saying.

6 **Q.** In 1986, you owned Estate Carlton free and clear,
7 is that right?

8 **A.** No.

9 **Q.** So did somebody have a mortgage on -- on your
10 house?

11 **A.** Nobody mortgage. I used to rent it there, mon.

12 **Q.** Okay.

13 **A.** I used to rent it before. After I opened the --
14 the supermarket, and I start to work with my kids, I buy the
15 house.

16 **Q.** I see. Okay.

17 **A.** I pay some money, and I start to pay monthly.

18 **Q.** Okay. All right. So when the store opened in
19 1986, you didn't own the house? You were renting?

20 **A.** I did not own it. I rent it.

21 **Q.** Very well. Very well. Now, you say you agreed
22 with Mr. Yusuf to split the profits of the -- the store
23 50/50, right?

24 **A.** Yeah.

25 **Q.** Did you also agree to split the liabilities 50/50?

MOHAMMAD HAMED -- DIRECT

1 **A.** With everything.

2 **Q.** Okay. But you -- you didn't have any mortgage
3 on -- on any property of yours in order to get the loan.

4 **A.** No.

5 **Q.** Okay. Now, what -- when you say is the -- the
6 agreement was to -- to split the net profits 50/50, isn't
7 that right?

8 Isn't that right?

9 **A.** Yeah.

10 **Q.** What expenses were netted out in order to get to
11 the net profits?

12 **A.** I don't understand what you say.

13 **MR. HARTMANN:** I don't either.

14 Object as to form.

15 **Q.** **(Mr. Hodges)** What expenses were taken out of
16 the -- the proceeds generated by the supermarket in order to
17 arrive at net profits?

18 **A.** I don't understand.

19 **Q.** Do you know, do you understand what the word
20 net --

21 **A.** No.

22 **Q.** Well, your complaint says that you agreed to split
23 the net profits 50/50, --

24 **A.** No.

25 **Q.** -- doesn't it?

MOHAMMAD HAMED -- DIRECT

1 Doesn't your complaint say that?

2 **MR. HARTMANN:** You want to show him the
3 complaint?

4 **MR. HODGES:** I'd be happy to.

5 **MR. HARTMANN:** Okay.

6 **MR. HODGES:** I'm sorry, counsel down the
7 line. I only have one extra.

8 **MR. HARTMANN:** And how are you going to
9 question him on this? He doesn't read English --

10 **THE WITNESS:** I don't read.

11 **MR. HARTMANN:** -- and you don't want a
12 translator, so this is going to be kind of tough.

13 **MR. HODGES:** Are -- are -- are you finished
14 commenting?

15 **MR. HARTMANN:** No, I'm just asking. Are you
16 going to read to him?

17 **THE WITNESS:** I told him I wanted somebody in
18 Arabic.

19 **MR. HARTMANN:** I understand you did. I
20 thought we had an agreement to have someone read it to you
21 in Arabic.

22 **THE WITNESS:** I don't know how to answer it.

23 **MR. HARTMANN:** That's okay. You can only
24 answer what you can answer.

25 Is this going to be an exhibit, Counsel?

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1 **MR. HODGES:** Yes. Exhibit 1.

2 (Deposition Exhibit No. 1 was
3 marked for identification.)

4 **MR. HARTMANN:** Could we identify it for the
5 record?

6 **MR. HODGES:** Could you please look at what's
7 been marked as Plaintiff's Exhibit 1?

8 Has it been marked?

9 **MR. HARTMANN:** Who do you want to have what?

10 **MR. HODGES:** That's yours.

11 **MR. HARTMANN:** Mine?

12 **MR. HODGES:** You don't have to have it if you
13 don't want it.

14 **MR. HARTMANN:** Okay.

15 **Q. (Mr. Hodges)** Mr. Yusuf -- I mean, Mr. Hamed, have
16 you seen what has been marked as Plaintiff's Exhibit No. 1
17 in front of you?

18 **A.** No, I didn't look at it.

19 **Q.** Have you -- you've never seen that before?

20 **A.** I don't look at it.

21 **Q.** So the question to my answer -- the answer to my
22 question is, yes, you've never seen it before?

23 **A.** No, it would be my son.

24 **Q.** Okay.

25 **A.** Yeah.

MOHAMMAD HAMED -- DIRECT

1 Q. So I take it, then, that you have -- you've never
2 read Exhibit No. 1 because you can't read English, is that
3 right?

4 A. Yeah.

5 Q. Did somebody translate this document for you?

6 A. They have somebody speaking Arabic, they will read
7 it and tell me.

8 Q. Did -- my question was, did someone translate the
9 First Amended Complaint that is Exhibit 1 for you?

10 MR. HARTMANN: Object. Asked and answered.

11 A. No.

12 MR. HARTMANN: He said his son did.

13 Q. (Mr. Hodges) No? Is that your --

14 A. No.

15 Q. Okay. Well, then you don't -- you don't
16 understand the complaint that you have filed in this case to
17 commence the lawsuit against Mr. Yusuf and -- and
18 United Corporation?

19 MR. HARTMANN: Object. Mischaracterizes the
20 prior testimony. He said it was read to him in Arabic.

21 MR. HODGES: Counsel, will you stop
22 testifying for your witness?

23 MR. HARTMANN: No. No, I won't.

24 MR. HODGES: Make an objection --

25 MR. HARTMANN: I did.

MOHAMMAD HAMED -- DIRECT

1 MR. HODGES: -- and nothing more.

2 MR. HARTMANN: I have.

3 MR. HODGES: I'm getting tired of that.

4 MR. HARTMANN: Okay. Get tired if you want.

5 You've asked him. He's answered it.

6 Q. (Mr. Hodges) So you've -- you've never seen this
7 document before, and it hasn't been translated for you.

8 MR. HARTMANN: I object.

9 Don't answer the question.

10 MR. HODGES: And the basis of
11 your instruction?

12 MR. HARTMANN: I'm telling him not to answer.

13 MR. HODGES: What's the basis?

14 MR. HARTMANN: That you've asked the
15 question. He answered that it was read to him in Arabic.
16 That his son read it to him.

17 MR. HODGES: He did not.

18 MR. HARTMANN: And now you just said to
19 him --

20 MR. HODGES: He did not.

21 MR. HARTMANN: Do you want to go back for a
22 read-back? He absolutely did.

23 MR. HODGES: No.

24 If you continue this kind of behavior,
25 Counsel, we're going to have a -- a talk with the judge, if

MOHAMMAD HAMED -- DIRECT

1 he was available. But it will be dealt with.

2 **MR. HARTMANN:** Okay.

3 **Q. (Mr. Hodges)** Mr. Hamed, are you aware that a
4 complaint has been filed on your behalf to commence this
5 case that we've been -- we've been talking about this
6 morning?

7 **MR. HARTMANN:** Object, asked and answered.
8 Object as to form. Object, argumentative.

9 **Q. (Mr. Hodges)** You can answer it, sir. Go ahead.
10 Can you answer the question?

11 **A.** No.

12 **Q.** Why not?

13 **A.** Because I don't have nothing to ask you for.

14 **Q.** But you're asking the Court to do something with
15 respect to my clients, aren't you?

16 **MR. HARTMANN:** Object, asked and answered.
17 Object as to form.

18 **Q. (Mr. Hodges)** You can't answer that question?

19 **A.** No.

20 **Q.** Mr. Hamed, tell us, when you -- the -- the
21 partnership that you -- that you described first started
22 business in 1986, right?

23 **A.** Uh-huh.

24 **Q.** What were its assets?

25 **A.** What's that?

MOHAMMAD HAMED -- DIRECT

1 Q. What were the assets of the partnership in 1986?

2 A. We open a supermarket.

3 Q. I'm -- I'm asking you what the assets of the --
4 the partnership were --

5 MR. HARTMANN: Object asked and answered.

6 Q. (Mr. Hodges) -- in -- in 1986?

7 A. We working together with whatever, the
8 supermarket.

9 Q. Okay.

10 A. That's all.

11 Q. What did the supermarket own?

12 A. They own merchandise inside.

13 Q. Okay.

14 A. Yeah.

15 Q. Anything else?

16 A. The shelf and warehouse full, and the plant full
17 of everything.

18 Q. Okay. The -- what I -- the equipment, did it own
19 the equipment?

20 A. Yeah, the equipment too.

21 Q. Did the partnership own the land or the building
22 on which it did business?

23 A. Yes, he owned the land and the business.

24 Q. The partnership did?

25 A. Yeah. Mr. Yusuf, he own it.

MOHAMMAD HAMED -- DIRECT

1 Q. He owned it, or the partnership owned it?

2 A. He own it.

3 Q. When you say "he," do you mean United Corporation
4 owned it?

5 A. No, not United Corporation. Fathi Yusuf, he have
6 half of the Plaza Extra. He owned the building.

7 Q. All by himself?

8 A. He and his family.

9 Q. Okay. You don't claim any ownership of the
10 building, is that what I hear you saying?

11 A. I don't claim nothing. What I claim, nothing.

12 Q. All right. So you don't claim anything, you don't
13 claim any ownership in the building or the land on which
14 Plaza Extra East is located, is that right?

15 A. Yeah, mon. It's there, when they got fire. It's
16 the -- the Plaza Extra belonged to Fathi Yusuf and Mohammad
17 Hamed, and when we got the check, he is the one that take
18 the check from the insurance and they build back the
19 Plaza Extra.

20 Q. Okay.

21 A. And then they buy an acre land from the back of
22 the warehouse, and it -- they make -- they make it bigger,
23 the warehouse with it.

24 Q. Uh-huh.

25 A. Yeah.

MOHAMMAD HAMED -- DIRECT

1 Q. So you're claiming that you own that acre,
2 one-half of it, is that what you're saying?

3 A. Acre land, they buy it from the neighbor to the
4 supermarket.

5 Q. What I'm trying to find out, sir, is are you
6 claiming that you are 50-percent owner of that acre that you
7 were just talking about?

8 A. Yeah, what you believe in there.

9 Q. What do you believe?

10 A. I believe I own 50 percent of the supermarket.

11 Q. All right. Well, let's -- that's what I'm
12 trying --

13 A. Yeah.

14 Q. -- to find out?

15 A. And I got the check from the insurance, and
16 Mr. Yusuf, he took the check, he built back. We build with
17 him --

18 Q. Right.

19 A. -- the Plaza Extra, and we got it, the Plaza Extra
20 back.

21 Q. When Mr. Yusuf got that insurance check, he
22 offered to cash it and give you half of it, isn't that
23 right?

24 A. I don't got a penny.

25 Q. No, he offered. He offered to cash it and give

MOHAMMAD HAMED -- DIRECT

1 you half of it?

2 **A.** And they give me -- not give me nothing. All what
3 the check is doing, they build a Plaza Extra, the walls.

4 **Q.** Mr. Hamed --

5 **A.** They got fire, and they got burn up, and they got
6 down roof, and we start to fix everything.

7 **Q.** All right. But when he got that insurance check,
8 are you telling me he didn't offer to take it, cash it and
9 give you half of it?

10 **A.** No.

11 **MR. HODGES:** He did not.

12 **A.** We have to build.

13 **MR. HARTMANN:** Object. Asked and answered.
14 You've asked it four times now.

15 **A.** We have to -- to build the supermarket first. We
16 build it up, fix it what the damage was.

17 **Q. (Mr. Hodges)** He gave you the choice, though. He
18 said either you could have the money --

19 **MR. HARTMANN:** Object. Mischaracterizes the
20 testimony.

21 **MR. HODGES:** Will you please let me finish my
22 question, Counsel?

23 **MR. HARTMANN:** Sure.

24 **Q. (Mr. Hodges)** Mr. Yusuf gave you a choice, didn't
25 he? Either you could take the money from the insurance

MOHAMMAD HAMED -- DIRECT

1 check or you can build --

2 **A.** No.

3 **Q.** -- the place back?

4 **A.** No. They didn't offer me for money to take it to
5 put it in my pocket. Asked if you want to build the
6 Plaza Extra as was --

7 **Q.** **(Mr. Hodges)** Okay.

8 **A.** -- before.

9 **Q.** All right.

10 **A.** And we go for that.

11 **Q.** Now, that -- that additional acre that you -- you
12 talked about?

13 **A.** Yeah, that's what the money, they got it from the
14 check and insurance. First thing we do, we build the
15 Plaza Extra back.

16 **Q.** Didn't Mr. Yusuf contribute some of his own money
17 to the -- to the purchase of that acre?

18 **A.** Which own money? He didn't have his own money.

19 **Q.** He had none of his own money?

20 **A.** That's part by Plaza. That's by the supermarket.

21 **Q.** Are you saying that Mr. Yusuf had no money of his
22 own at that time?

23 **A.** I don't know what he have in there. Just the
24 check, it belong to Plaza Extra.

25 **Q.** So you -- you don't know, or do you? Are you

MOHAMMAD HAMED -- DIRECT

1 saying he didn't put in any of his own money, or that you
2 just don't know?

3 **MR. HARTMANN:** Object. Confusing.

4 **A.** Well, I don't know.

5 **MR. HARTMANN:** Form.

6 **A.** I don't know.

7 **Q. (Mr. Hodges)** You don't know. So he could have
8 put some of his own money to purchase that property. You
9 just don't know, is that right?

10 **MR. HARTMANN:** Object as to form.

11 **A.** Because he didn't do that in his own money to fix
12 the Plaza. The insurance company, they pay the check, and
13 they give him the check to pay for that.

14 **Q. (Mr. Hodges)** All right. And that -- that money
15 was used to rebuild the supermarket, right?

16 **A.** Yes.

17 **Q.** And there was -- are you saying that that money
18 was sufficient not only to rebuild the supermarket, but to
19 buy that extra acre, as well?

20 **A.** Yes, with the -- with it.

21 **Q.** All right. So it required no extra money?

22 **A.** Just the money from the insurance.

23 **Q.** Okay. So if Mr. Yusuf claimed that he gave a -- a
24 hundred thousand dollars of his own money to purchase that
25 property, would you say that's not true?

MOHAMMAD HAMED -- DIRECT

1 **MR. HARTMANN:** Object as to form.

2 **A.** I don't know.

3 **Q. (Mr. Hodges)** Okay. Now, what were the expenses
4 of the supermarket?

5 **A.** I don't know what you're talking about.

6 **Q.** What sort of -- did you have any agreement with
7 Mr. Yusuf? You know that his family owns
8 United Corporation, right?

9 **A.** How many times you come for this? Agreement that
10 you do make, we talked together as brother. As
11 brother-in-law. You give me 200,000, I put you a partner.
12 And we did that, and every minute you tell me the agreement.
13 We don't talk about agreement. We talk with him as a
14 brother, tell him, You want to be a partner? Yes. Give me
15 200,000. I get the 200,000, I give it to him.

16 **Q.** All right. The partnership, as you said, owned
17 the equipment and inventory, right?

18 Did you just testify to that?

19 **A.** You say so. I don't say.

20 **Q.** It did not own the land. That was owned by United
21 Corporation.

22 **MR. HARTMANN:** Object. Mischaracterizes the
23 prior -- prior testimony.

24 **Q. (Mr. Hodges)** Is that right?

25 **A.** What's right that?

MOHAMMAD HAMED -- DIRECT

1 Q. I'm sorry?

2 A. What's the right? What's the right?

3 Q. United Corporation owned the whole supermarket,
4 did it not, sir?

5 MR. HARTMANN: Object. Mischaracterizes the
6 prior testimony.

7 A. I don't know.

8 Q. (Mr. Hodges) You don't know?

9 A. No.

10 Q. You've never known that?

11 A. Mr. Yusuf, he do make United Corporation. I'm
12 Plaza Extra, a partner to Mr. Yusuf. Not to the
13 United Corporation.

14 Q. I understand. You -- you don't claim any
15 ownership of the stock of United Corporation?

16 A. Nothing.

17 Q. You don't claim any ownership in --

18 A. Nothing.

19 Q. Hold on. Let me ask the question first.

20 You don't claim any ownership of any of the
21 assets that United owns, isn't that correct?

22 A. We don't own them, we don't build, we don't claim,
23 we don't do nothing to United Corporation.

24 Q. Okay. Now, the -- I'm going to read Paragraph 15
25 of your First Amended Complaint. Okay?

MOHAMMAD HAMED -- DIRECT

1 **A.** Uh-huh.

2 **Q.** And counsel can tell me if I'm not reading the
3 words correctly. All right?

4 You allege at Paragraph 15 that, As part of
5 his partnership activities, Yusuf made the decision that the
6 reporting of all accounting and other filings for these
7 partnership operations to the government would be done by
8 United, such as tax filings and similar matters. He
9 provided the services of United as part of his partnership
10 contribution, to which Mohammad Hamed did not object.

11 Do you agree with that, sir?

12 **MR. HARTMANN:** Object as to form.

13 **A.** (Witness shakes head).

14 **Q.** **(Mr. Hodges)** You don't agree to that?

15 **A.** I do not understand your (inaudible).

16 **Q.** Do you agree with the words that just came out of
17 my mouth?

18 **A.** I don't know, I don't read it, I don't -- nobody
19 tell me is that did that.

20 **Q.** Nobody told you that you made that allegation?

21 **A.** No.

22 **Q.** Okay.

23 **MR. HARTMANN:** We'll stipulate that that is
24 the paragraph in our complaint.

25 **MR. HODGES:** No.

MOHAMMAD HAMED -- DIRECT

1 Okay. Thank you.

2 **THE VIDEOGRAPHER:** Going off record. The
3 time is 11:46.

4 (Short recess taken.)

5 **THE VIDEOGRAPHER:** Going back on record on
6 11:57.

7 **Q. (Mr. Hodges)** Mr. Hamed, I -- I would like to
8 return to the -- the -- the concept of what expenses the
9 supermarket paid in order to determine the net profits that
10 were to be split.

11 Okay? Do you understand that?

12 **A.** Say it again.

13 **Q.** I would like to -- to come back to the concept of
14 what expenses the supermarket agreed to pay in order to --
15 to arrive at the net profits that were going to be split
16 between you and Mr. Yusuf. Okay?

17 **A.** Ah.

18 **Q.** You understand that?

19 **A.** Yeah.

20 **Q.** All right. What expenses did you agree with
21 Mr. Yusuf that the supermarket would pay? For example, did
22 you agree with Mr. Yusuf that the supermarket would pay
23 United rent for the space that it occupied?

24 **A.** We agree, Mr. Yusuf, when he put himself in charge
25 for the office. Whatever he did, I never tell him no.

MOHAMMAD HAMED -- DIRECT

1 **Q.** But my question, sir, is did you agree with him
2 that the supermarket, Plaza Extra, would pay United rent for
3 occupying the building that the supermarket did business out
4 of?

5 **A.** That's why I told you, when Mr. Yusuf, he stay in
6 the office. And we got the fire, and we get a problem with
7 the -- the -- the breakdown in the store. All the money, if
8 he use it, whatever he did, I never tell him no. Even if he
9 put the store, fixed the store, whatever he did, I tell you,
10 I trust him. Whatever he put his hand and he say, I want
11 it, you go ahead and do it. I'm backing up.

12 **Q.** So you're -- you're saying that you never had any
13 agreement with him about the payment of rent?

14 **A.** No.

15 **MR. HARTMANN:** Object. Mischaracterizes
16 prior testimony.

17 **A.** No.

18 **Q.** **(Mr. Hodges)** Okay. You never -- you never
19 participated in any decision regarding the payment of rent.

20 **A.** No.

21 **Q.** Okay. Let's pull out the answers to
22 interrogatories.

23 Oh, here they are. Yeah. I will in a
24 second.

25 This will be 2.

MOHAMMAD HAMED -- DIRECT

1 **MR. HARTMANN:** Do you mind if I identify it
2 for the record?

3 **MR. HODGES:** Sure.

4 (Deposition Exhibit No. 2 was
5 marked for identification.)

6 **MR. HARTMANN:** Okay. This is Plaintiff
7 Hamed's Responses to Defendant Fathi Yusuf's First Set of
8 Interrogatories to Plaintiff Mohammad Hamed, which is dated
9 23rd day of December, 2013. And it's Exhibit No. 2.

10 **MR. HODGES:** Do you have it in front of him?

11 **Q. (Mr. Hodges)** Mr. Hamed, would you take a look at
12 Exhibit No. 2? Turn to the second-to-the-last page.

13 **MR. HARTMANN:** What's the question number?

14 **MR. HODGES:** It's the second-to-the-last
15 page.

16 **MR. HARTMANN:** My second-to-the-last page is
17 a verification page.

18 **MR. HODGES:** Okay.

19 **Q. (Mr. Hodges)** Mr. Hamed, is that your signature
20 that appears on this page?

21 **MR. HARTMANN:** Mr. Hamed, is that your
22 signature?

23 Did you sign it?

24 **A.** Ah. Yeah.

25 **Q. (Mr. Hodges)** That's your signature?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yes.

2 **Q.** Did you read the answers to interrogatories that
3 you swore to when you signed this document?

4 **MR. HARTMANN:** Objection as to form.

5 **A.** Yeah.

6 **Q.** **(Mr. Hodges)** You did?

7 **A.** Yeah.

8 **MR. HARTMANN:** He asked for a translator.

9 **Q.** **(Mr. Hodges)** Okay. Did somebody translate the
10 answers that you swore to in these interrogatories?

11 **A.** My son, he write and he tell me, Sign it, and I
12 signed it.

13 **Q.** Okay.

14 **A.** That's what.

15 **Q.** When you say your son, you were pointing to your
16 right, I believe.

17 **A.** Uh-huh.

18 **Q.** Which is Mr. Waleed Hamed?

19 **A.** Yeah.

20 **Q.** And he told you to sign it, and you signed it?

21 **A.** Yeah.

22 **Q.** Did -- did he translate all of your answers that
23 are set forth in -- in these documents for you?

24 **A.** Yeah.

25 **Q.** He did?

MOHAMMAD HAMED -- DIRECT

1 **A.** Yeah.

2 **Q.** When?

3 **A.** When he coming me.

4 **Q.** When was that?

5 **A.** I can't remember.

6 **MR. HODGES:** Counsel.

7 **A.** I don't know.

8 **MR. HARTMANN:** You had this before him. I'm
9 not doing anything.

10 **MR. HODGES:** Oh, you're not?

11 **MR. HARTMANN:** No. You just asked him when
12 he signed it.

13 **MR. HODGES:** Yeah.

14 **MR. HARTMANN:** You directed him to look --

15 **MR. HODGES:** And you're pointing -- you're
16 pointing him to a date, is that correct?

17 **MR. HARTMANN:** No. No, you directed him to
18 his signature.

19 **MR. HODGES:** Okay.

20 **MR. HARTMANN:** I simply put the document in
21 front of him.

22 **MR. HODGES:** Counsel, you're -- you're beyond
23 the pale, you know that?

24 **MR. HARTMANN:** I am. I'm horrible.

25 **Q.** **(Mr. Hodges)** Did --

MOHAMMAD HAMED -- DIRECT

1 Mr. Hamed?

2 A. Yeah.

3 Q. Did your son translate this document after you
4 signed it, or before?

5 MR. HARTMANN: Object to form.

6 A. (Speaking in Arabic.)

7 Before.

8 Q. (Mr. Hodges) You translated it before?

9 A. Yeah.

10 Q. And he went through, he read each and every page
11 to you in Arabic?

12 A. No.

13 Q. No?

14 A. No.

15 Q. What pages did he read to you?

16 A. All I don't know what he told me that time. I
17 can't remember.

18 Q. Isn't it fair to say that he just told you to sign
19 it, and that was okay with you?

20 MR. HARTMANN: Object. Mischaracterizes
21 prior testimony. Object as to form, argumentative.

22 Q. (Mr. Hodges) Isn't that right?

23 A. That's what I want to say so.

24 Q. I'm sorry?

25 A. That's what my partner say so. Whatever he say, I

MOHAMMAD HAMED -- DIRECT

1 follow.

2 Q. Is -- is -- is Mr. Hartmann your partner?

3 A. Yeah, I said the one, I work with him.

4 Q. Okay. Now, Mr. Hamed, I'm -- I'm looking at
5 Page 5 of this document.

6 MR. HARTMANN: May I turn to Page 5 of the
7 document?

8 MR. HODGES: You may.

9 MR. HARTMANN: Thank you.

10 Q. (Mr. Hodges) And if you look at the paragraph
11 that begins in short --

12 MR. HODGES: Counsel, you see that?

13 MR. HARTMANN: I'm not testifying. You can
14 direct the witness.

15 Q. (Mr. Hodges) Mr. Hamed, --

16 A. Yeah.

17 Q. -- I will read to you the -- the answer that you
18 gave under oath, okay? And if I don't read it correctly,
19 I'm sure your counsel will object.

20 MR. HARTMANN: His counsel isn't testifying
21 here.

22 THE WITNESS: I told you since I come into
23 this place, --

24 MR. HARTMANN: If you want a translator, you
25 need to get a translator.

MOHAMMAD HAMED -- DIRECT

1 **THE WITNESS:** -- it's I told you, they have
2 somebody to take -- to writed that in Arabic to understand
3 it --

4 **MR. HARTMANN:** I -- I understand.

5 **THE WITNESS:** -- to give him the answer. I
6 can't give him no answer when I misunderstand what he say.

7 **MR. HARTMANN:** I understand that.

8 **Q. (Mr. Hodges)** Mr. Hamed, --

9 **MR. HARTMANN:** He's going to read to you.

10 **A.** I can't answer you because you don't -- I don't
11 understand what you say.

12 **Q. (Mr. Hodges)** Okay. So what you're saying, then,
13 is that when you testified --

14 **A.** You try to --

15 **Q.** Wait a minute. Let me ask the question.

16 You testified under oath on January 25, 2013
17 in this case, did you not?

18 **A.** I can't remember.

19 **Q.** You can't remember whether you testified --

20 **A.** No.

21 **Q.** -- in a -- a preliminary --

22 **A.** No.

23 **Q.** -- a -- a temporary restraining order hearing?

24 **A.** No.

25 **Q.** You don't remember answering questions that

MOHAMMAD HAMED -- DIRECT

1 Mr. Holt asked you at that -- at that hearing?

2 **A.** I don't understand that.

3 **Q.** You don't remember answering questions from
4 Mr. Holt?

5 **A.** Not Mr. Holt, not anybody. I have to have
6 somebody to tell me what that's in Arabic. Then I answer
7 you.

8 **Q.** So you -- but you didn't tell the -- the judge on
9 January 25th that you couldn't understand the questions that
10 were being put to you, could -- did you?

11 **MR. HARTMANN:** Object, argumentative.

12 **A.** Whatever who's the judge, the judge, I asked
13 somebody to come to here with this -- with this in Arabic
14 language.

15 **MR. HARTMANN:** I don't understand what the
16 problem is. Why don't you have Mr. Nizar simply read what
17 you want him to under -- here in Arabic, or Mr. Hamed?

18 **Q. (Mr. Hodges)** Mr. DeWood will read from Page 5 of
19 your sworn responses to Interrogatory No. 2.

20 **MR. HARTMANN:** Just watch it to make sure
21 that it's a correct translation. Okay. Just to 5.

22 Which question are you on? Where are you on
23 Page 5?

24 **MR. HODGES:** On the paragraph beginning, In
25 short.

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1 **MR. HARTMANN:** Okay.

2 **MR. DEWOOD:** So now, just for the record, am
3 I reading this in English and then Arabic?

4 **MR. HARTMANN:** Yes.

5 **MR. HODGES:** Or should I break it down
6 sentence by sentence?

7 **MR. HARTMANN:** Yes. Either way. Why don't
8 you just read through in English first, and then read it in
9 Arabic?

10 **MR. DEWOOD:** Okay. Very well. Page 5, first
11 paragraph, In short, Yusuf and I agreed that Waleed Hamed,
12 a/k/a Wally Hamed, would act on my behalf as to my
13 day-to-day partnership rights and obligations pursuant to a
14 power of attorney.

15 Translation by stipulation.

16 **MR. HARTMANN:** Okay. Listen to him.

17 **MR. DEWOOD:** (Speaking in Arabic.)

18 The second sentence (speaking in Arabic), I
19 did not end my oversight of major partnership issues. Just
20 the daily operations. (Speaking in Arabic.)

21 One second. Let me just get the right word
22 on this.

23 Once again, I did not end my oversight of
24 major partnership issues. Just the daily operations.

25 **THE WITNESS:** Talk in Arabic, not in English.

MOHAMMAD HAMED -- DIRECT

1 **MR. DEWOOD:** Yes, sir. I'm going to --

2 **MR. HARTMANN:** Sir --

3 **MR. DEWOOD:** -- I'm going to translate. I'm
4 going to translate.

5 **THE WITNESS:** Yeah.

6 **MR. DEWOOD:** (Speaking in Arabic.)

7 **THE WITNESS:** What that man, that mean?
8 (Speaking in Arabic).

9 **MR. DEWOOD:** (Speaking in Arabic.) That's
10 what's written here. That's what your answer is.

11 **MR. HARTMANN:** Okay. Now, is there a
12 question?

13 **MS. JAPINGA:** There's one more sentence.

14 **MR. HARTMANN:** Oh, I'm sorry.

15 **MR. HODGES:** Ask him, Do you agree with what
16 was just translated?

17 **MR. DEWOOD:** (Speaking in Arabic.) Do you
18 agree with my translation of the sentences I just stated?

19 **A.** (Through Mr. DeWood): I did not understand
20 anything. (Speaking in Arabic.)

21 You tried to say it in Arabic, and then you
22 came back to say it in English, and then you -- and then I
23 lost it.

24 **MR. HARTMANN:** Okay. Why don't we do this?
25 Why don't you read the first question -- do what Greg said.

MOHAMMAD HAMED -- DIRECT

1 Read the first sentence to him, and ask him if he agrees
2 with it.

3 **MR. DEWOOD:** Okay.

4 **MR. HARTMANN:** Okay. Then go to the second
5 question.

6 **MR. DEWOOD:** Sure. (Speaking in Arabic.)
7 Okay. I'm going to read to you the first
8 sentence (speaking in Arabic).

9 In short, (speaking in Arabic).

10 **MR. HARTMANN:** Is that true?

11 **THE WITNESS:** Yeah.

12 **MR. HARTMANN:** Okay. He said yes. Go to the
13 second sentence.

14 **MR. DEWOOD:** I did not end my oversight of
15 major partnership issues. Just the daily operations.
16 (Speaking in Arabic).

17 **A.** That's good.

18 **MR. DEWOOD:** He agrees.

19 **MR. HARTMANN:** Is that true?

20 **THE WITNESS:** Yeah.

21 **MR. HARTMANN:** Yes. Okay. Now the third
22 sentence.

23 **MR. DEWOOD:** For instance, I was still
24 consulted on the opening of the St. Thomas and West stores,
25 as well as the rent issues surrounding East. (Speaking in

MOHAMMAD HAMED -- DIRECT

1 Arabic.)

2 **MR. HARTMANN:** Is that true?

3 **THE WITNESS:** Yeah.

4 **MR. HARTMANN:** Okay. That's true. Okay.

5 **Q. (Mr. Hodges)** All right. So then you under -- you
6 were involved in the decisions with respect to the payment
7 of rent, is that right?

8 **A.** Rent to who?

9 **Q.** The supermarket did not pay rent?

10 **A.** We pay rent. We talk, since we open, we talk
11 about it, and he, Mr. Yusuf the one, he put the rent. Up
12 from that time, we don't pay no rent. Still, we owe. We
13 owe Mr. Yusuf, the owner for the Plaza Extra, half of the --
14 I don't pay for half. Still we owe him some more.

15 **Q.** So I think what you're saying is you agree that
16 the partnership owes rent to United Corporation, is that
17 right?

18 **A.** Yeah, and to Mr. Yusuf, yes.

19 **Q.** Well, Mr. -- the United Corporation is the -- is
20 the company that you've been paying rent to for many years,
21 is that correct?

22 **A.** Yes, since we started.

23 **Q.** Okay. So rent would be one of the expenses that
24 the supermarket paid in order to get net profits, is that
25 right?

MOHAMMAD HAMED -- DIRECT

1 **MR. HARTMANN:** Yes.

2 **A.** We pay for the supermarket, rent for the
3 supermarket for monthly. We already give him
4 4 million-something half couple months ago for the when he
5 ask, we do pay him that.

6 **Q. (Mr. Hodges)** Okay. So what --

7 **A.** Yeah, we pay him that.

8 **Q.** The answer to my question --

9 **A.** We pay him that, and then still we owe him some
10 more.

11 **Q.** Okay. You -- you paid him some money a couple
12 months ago, you say, and you acknowledge that the
13 partnership still owes United rent?

14 **A.** Yeah. My own don't finish --

15 **Q.** Okay.

16 **A.** -- my rent one time.

17 **Q.** How much rent do you agree that the partnership
18 owes United?

19 **A.** I don't know. He don't agree they have a
20 between -- and ask him St. Thomas, and we told him it's as
21 to St. Thomas, we pay rent for St. Thomas own.

22 **Q.** Okay.

23 **A.** And we still, we don't pay, I believe.

24 **Q.** What about insurance? Was the partnership
25 required to -- to obtain and pay for insurance for the

MOHAMMAD HAMED -- DIRECT

1 building that it occupied under the -- the rental agreement
2 with United Corporation?

3 **A.** I believe the -- the -- the insurance for
4 Plaza Extra, not with United Corporation.

5 **Q.** But United --

6 **A.** And Plaza Extra owns it.

7 **Q.** Right. So United -- excuse me -- Plaza Extra
8 paid, was required by your agreement, to pay insurance to
9 cover the -- the -- the building that it was occupying, is
10 that right?

11 **MR. HARTMANN:** Object. Asked and answered.

12 **A.** Well, I don't know.

13 **Q. (Mr. Hodges)** You -- you -- you never -- you
14 never --

15 **A.** I never know.

16 **Q.** -- you never understood that part of the deal with
17 United Corporation --

18 **A.** No, I never know.

19 **Q.** Okay.

20 **MR. HARTMANN:** You keep saying "the deal with
21 United Corporation." He doesn't know of any deal with
22 United Corporation.

23 **MR. HODGES:** Are you testifying again, Carl?

24 **MR. HARTMANN:** No. I'm just trying to help
25 you through this thing.

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1 **MR. HODGES:** Well, I appreciate your help,
2 but I'll decline it.

3 **MR. HARTMANN:** Okay. Then -- then don't yell
4 at him for what he gives you for the answers.

5 **Q. (Mr. Hodges)** What about taxes? Was the
6 partnership supposed to pay taxes with respect -- gross
7 receipt taxes with respect to its business?

8 **A.** Yeah. Mr. Yusuf, he's the owner of it. He always
9 do that. And I have my -- my job is in the warehouse and in
10 the receiving area, and he take care of all the office, for
11 all the checks, for all the -- this -- the paperwork.

12 **Q.** Okay. Going back to rent real quick, you said
13 that the rent was -- was based on a -- on the St. Thomas
14 store rate, is that what you said? The -- the -- the rent
15 amount was based on the St. Thomas store, is that what you
16 said?

17 **MR. HARTMANN:** I'm going to object to this
18 line of questioning because it --

19 **A.** I don't know about the St. Thomas store or what.

20 **MR. HARTMANN:** -- invades on settlement
21 discussions.

22 **Q. (Mr. Hodges)** You just mentioned --

23 **MR. HARTMANN:** Excuse me.

24 **A.** I don't mention nothing about the St. Thomas.

25 **MR. HARTMANN:** Everybody stop.

MOHAMMAD HAMED -- DIRECT

1 I object.

2 A. You put me in the St. Thomas.

3 MR. HARTMANN: Stop.

4 A. I don't go for St. Thomas. I don't work in
5 St. Thomas.

6 MR. HARTMANN: Stop for a second.

7 You're inquiring into settlement discussions.
8 I object.

9 MR. HODGES: Okay.

10 MR. HARTMANN: Okay.

11 You can answer now.

12 THE WITNESS: Okay.

13 Q. (Mr. Hodges) How is -- was the rent, you said you
14 paid a large sum of money for rent a couple months ago. How
15 was that sum determined? How did you reach the -- agree on
16 the amount to pay?

17 MR. HARTMANN: Same objection.

18 A. Pay for who?

19 Q. (Mr. Hodges) You said just a few moments ago that
20 a couple of months ago, you paid, or the partnership paid, a
21 large sum of money for rent, is that right?

22 A. I don't know. I don't understand the question.
23 And you tell me, You say. I'm not saying nothing. Give me
24 that question in Arabic. As soon I know it, then I give you
25 the answer.

MOHAMMAD HAMED -- DIRECT

1 Q. Are you telling me that I can't ask you --

2 A. I can't -- I can't -- I don't know what you
3 talking about.

4 Q. Do you understand this question?

5 A. What's that?

6 Q. You just -- you just answered that question, did
7 you not?

8 A. No. Until you ask --

9 MR. HARTMANN: No, he said what's the --

10 A. -- for St. Thomas here. I'm not talking in
11 St. Thomas. I'm not going in St. Thomas. I'm not involved
12 with -- with the St. Thomas there.

13 Q. (Mr. Hodges) Okay. Let's -- well, let's cut to
14 the chase, then.

15 A. And you want to put me in St. Thomas here. For
16 what?

17 Q. Let's go to Plaza East. The original agreement
18 for payment of rent, how was the amount of the rent
19 determined?

20 A. The rent is with the man in there in St. Thomas,
21 the owner (inaudible) in St. Thomas.

22 Q. Okay. And what was the agreement about the amount
23 of rent that Plaza Extra would pay United?

24 A. They paid, they have agreement between that man
25 and the Plaza Extra.

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1 (Discussion held off the record.)

2 Q. (Mr. Hodges) The question that Mr. Nizar will ask
3 you in Arabic is, Was there an agreement between you and
4 Mr. Yusuf for the payment --

5 A. I don't have no agreement.

6 MR. HARTMANN: Wait, wait, wait. He's going
7 to ask you in Arabic. Just wait. Just wait.

8 Okay. Go ahead.

9 A. I don't have no agreement with Mr. Yusuf. We
10 talk, since we start, as a partner.

11 Q. (Mr. Hodges) You said that many times. I
12 understand.

13 A. He tell -- yeah, I say many times, and still I say
14 that to let you know.

15 Q. I know. I know. You don't need to say it
16 anymore.

17 A. He tell me, Give me 200,000, you being my partner.
18 That's all. I don't write no paper between me and he. I
19 give him the money. I don't get nothing. I tell him, I
20 trust you. You go ahead. Do whatever you want.

21 MR. HARTMANN: Rather than explaining what
22 you're going to do, just --

23 A. What you want me to tell you? I don't have no
24 agreement, no signing, no signature between me and this man.
25 I tell him, Go ahead and do it.

MOHAMMAD HAMED -- DIRECT

1 **MR. HODGES:** Ask him the question.

2 **MR. HARTMANN:** Wait one second. Wait one
3 second.

4 (Discussion held off the record.)

5 **MR. HARTMANN:** And ask it in Arabic first, if
6 you would, and just ask me if it's correct.

7 **MR. DEWOOD:** Let me get the right word.

8 **MR. HARTMANN:** Okay.

9 **MR. DEWOOD:** (Speaking in Arabic.)

10 Has there been agreement --

11 **A.** (Through Mr. DeWood:) There is no agreement --
12 Since we opened.

13 **MR. HARTMANN:** Translate that.

14 **A.** (Through Mr. DeWood:) There is no agreement
15 whatsoever since we opened. (Speaking in Arabic.)

16 We didn't agreed. He was the one who put the
17 rent amount. We did not.

18 **MR. HARTMANN:** Okay. Go ahead.

19 **A.** We start, we stay longer, we don't pay rent. Till
20 couple months ago, they pay him out of the loan. Exactly
21 the number, I don't know. A million four or more. Two,
22 three, four. We still, we owe him of rent.

23 **Q.** (**Mr. Hodges**) Do you know how much you owe?

24 **A.** No.

25 **Q.** Millions of dollars?

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1 **A.** Not even a dollar or fifty cents.

2 **Q.** That's all that you owe?

3 **A.** I don't know how much I owe him.

4 **Q.** So if he -- if he -- if he told you how much you
5 owe, would you disagree with him?

6 **MR. HARTMANN:** Object. Asked and answered.
7 He said he doesn't know.

8 **A.** Yes, he know exactly.

9 **Q.** **(Mr. Hodges)** He knows exactly how much is owed?

10 **A.** Yeah, how much we owe him.

11 **Q.** And you don't disagree with him about the amount
12 owed, do you?

13 **MR. HARTMANN:** Objection. Asked and
14 answered. Objection to form.

15 **A.** I agree with him it's that the rest of it,
16 everybody know he used to pay me like \$200 allotment. This
17 year he is going to pay 250. If we agree or not, we pay
18 250. If they ask 500, if they know we can't pay you 500. I
19 know too much. Give me number. If I put it in my mind,
20 I'll work with it.

21 **Q.** **(Mr. Hodges)** Your role in the partnership was to
22 be responsible for receiving, is that right?

23 **A.** Huh?

24 **Q.** Is that right?

25 **A.** What's that?

MOHAMMAD HAMED -- DIRECT

1 Q. Your -- your -- under your agreement with
2 Mr. Yusuf, --

3 A. Uh-huh.

4 Q. -- you were responsible for the warehouse.

5 A. Yeah.

6 Q. That's right?

7 A. Uh-huh.

8 Q. And what was his responsibilities?

9 A. In the office.

10 Q. And when you say "in the office," what do you mean
11 by that?

12 A. He's in charge for the office. He's in the one
13 who say yes or no. Buy paper, buy money, buy everything.

14 Q. Okay. Now --

15 A. Hiring, firing.

16 Q. Did there come a time that you retired from the --
17 your warehouse supervision, and -- and went back to Jordan?

18 A. Yeah, I going temporary and I come back.

19 Q. Well, in -- when was that, in 1996?

20 A. I don't know exactly.

21 Q. Well, you -- you -- you retired, did you not? You
22 retired and went back to Jordan.

23 MR. HARTMANN: Object. Asked and answered.

24 A. Yeah.

25 Q. (Mr. Hodges) Okay. Why did you retire?

MOHAMMAD HAMED -- DIRECT

1 **A.** Why?

2 **Q.** Why?

3 **A.** Because I getted 79 years.

4 **Q.** You were 79 years?

5 **A.** I'm going to start with 80.

6 **Q.** Not in 1996, you weren't 79, were you?

7 **A.** Yeah, mon, now I'm past 79.

8 **Q.** Okay. In 19 --

9 **A.** I start to 80. What you want me, to work with
10 you?

11 **Q.** If you'll work till 90, that will be okay.

12 **A.** No, I don't work.

13 **Q.** Okay.

14 **A.** Why you working with that? What's that question?

15 **Q.** When you retired in 1996, you would agree with me
16 that you no longer had any day-to-day involvement in the
17 operations of the partnership, is that right?

18 **MR. HARTMANN:** Object. Mischaracterizes the
19 prior testimony.

20 **Q.** **(Mr. Hodges)** Is that right?

21 **A.** Is that's right? What's that, when I told you
22 right? What's that?

23 **Q.** What is right? I don't want --

24 **A.** Well, isn't you tell me, it's right? How I tell
25 you right, --

MOHAMMAD HAMED -- DIRECT

1 Q. You told me --

2 A. -- and I don't know the question, what you want.

3 MR. HARTMANN: Say in your own words.

4 Q. (Mr. Hodges) How were you involved in the
5 day-to-day operations of Plaza Extra after 1996?

6 A. I don't know.

7 Q. Were you involved in decisions that involved --
8 that the -- the warehouse, involving the warehouse?

9 A. No.

10 Q. That was your -- your primary role before you
11 retired, isn't it?

12 A. The warehouse is already, we took all my teeth in
13 the warehouse. Now the warehouse is out. I'm out of the
14 warehouse.

15 Q. Okay.

16 A. Yeah.

17 Q. Believe me, I appreciate the desire to retire,
18 and -- but what I'm trying to figure out is what you did
19 with respect to the partnership business after you retired?
20 So if you would just explain.

21 A. Nothing.

22 Q. Okay. Fair enough.

23 A. Nothing.

24 Q. Okay.

25 MR. HODGES: Given that we have thirty

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1 seconds left on this tape, it's probably a good time to take
2 a break.

3 Break for lunch now? Yeah. It's 12:30, I'm
4 pretty sure.

5 **THE VIDEOGRAPHER:** Going off the record at
6 12:29.

7 (Noon recess taken.)

8 **THE VIDEOGRAPHER:** We're returning on record
9 at 1:55 p.m.

10 **Q. (Mr. Hodges)** Good afternoon, Mr. Hamed.

11 **A.** Good afternoon, sir.

12 **Q.** Could you tell me please, sir, what the expenses
13 were that were netted out of the operations of the
14 Plaza Extra to create net profits?

15 **MR. HARTMANN:** Object. Asks for a legal
16 conclusion.

17 **Q. (Mr. Hodges)** Do you understand my question?

18 **A.** No.

19 **MR. HODGES:** In light of what has transpired
20 earlier this morning and the witness's answer to that
21 straightforward question, and his comments to counsel during
22 the course of the deposition that he wanted a translator, I
23 am going to suspend this deposition and seek a protective
24 order with respect to this deposition, and the remaining
25 depositions this week.

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1 **MR. HARTMANN:** Okay. I wanted the record to
2 reflect that on Friday afternoon in a conference with
3 Attorney Hodges, I stated that I believed we needed a
4 translator, and would arrange for one. Attorney Hodges
5 stated that he didn't believe that there was a need for a
6 translator. It was worked out between the parties on that
7 call that Attorney Nizar and Wally Hamed would supply
8 translation where necessary.

9 Second of all, depositions are noticed for
10 tomorrow for Wally Hamed. We've agreed to have Wally Hamed
11 available. We've agreed that no transcript would be
12 printed -- would be transcribed until after all of the
13 transcriptions were done. We've agreed that I wouldn't
14 attend for that -- that matter. They still won't take it.
15 There's an outstanding deposition notice. We intend to
16 attend for the deposition.

17 Also, Wednesday there are noticed depositions
18 which were noticed on stipulation with counsel, which stated
19 that the depositions of Mr. Yusuf, United Corporation,
20 Mr. Gaffney and others would take place Wednesday, Thursday,
21 Friday. Attorney Hodges has taken three hours of the
22 testimony of one witness here. It has now discontinued what
23 he says is the rest of the proceedings for the entire week
24 with no basis.

25 I've asked him to cite me a rule which allows

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1 him to do that, and he says there is no rule, but there's a
2 custom. Okay.

3 **MR. HODGES:** I disagree.

4 **MR. HARTMANN:** We'll -- we'll appear -- by
5 the way, we will appear tomorrow morning. We will appear
6 Wednesday morning.

7 **MR. HODGES:** I would respectfully submit that
8 that would be an unnecessary waste of time, unless the Court
9 orders otherwise.

10 **MR. HARTMANN:** We have a noticed deposition,
11 and you have no protective order.

12 **MR. HODGES:** I don't --

13 **MR. HARTMANN:** By the way, a deposition that
14 you stipulated to that we moved on your request to this
15 date.

16 **MR. HODGES:** I would submit that I'm not
17 going to make a speech for the record as counsel has. I
18 disagree with his -- his presentation. I think it is
19 certainly unfair for us to be saddled with a transcript of a
20 person who can say, I didn't understand the question,
21 whenever he doesn't like the answer. Because that's the way
22 you want it, I can understand that.

23 **MR. HARTMANN:** You have it -- you have a
24 translator. Ask --

25 **MR. DEWOOD:** I'm not a translator.

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1 **MR. HODGES:** He is my co-counsel. He is not
2 a certified translator. I do not want to put him in a
3 position of ever being questioned on anything other than
4 what he does as an attorney in this case. So we're
5 suspending the deposition. We'll seek an appropriate
6 protective order.

7 **MR. HARTMANN:** And we'll seek appropriate
8 costs.

9 **MR. HOLT:** Just on a side note --

10 **MR. HARTMANN:** Are we still on the record?

11 **MR. HOLT:** Yeah. It's 2:00 o'clock. We have
12 three hours to find a translator on this island, so let's
13 just -- let's start here tomorrow morning. We'll just move
14 all the depositions back. We can find a translator.
15 There's lots of people on this island that speak Arabic.

16 **MR. DEWOOD:** Then propose one.

17 **MR. HOLT:** Huh?

18 **MR. DEWOOD:** Propose one.

19 **MR. HOLT:** Well, I guess I'll make some phone
20 calls, unless you got somebody. How about the gentleman
21 from Best Furniture?

22 **MR. DEWOOD:** I don't know. I don't know.

23 **MR. HOLT:** That's who the District Court
24 uses.

25 **MR. YUSUF:** Is this a certified one?

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1 **MR. HODGES:** Is there some need for this to
2 be on the record?

3 **MR. HOLT:** Well, I -- I -- I want to keep the
4 depositions going because we've got deadlines for extras and
5 everything else. I don't see why -- all we're going to do
6 is move them back a day. We'll start -- start with his
7 again tomorrow, we'll do Wally on Wednesday, we'll do Fathi
8 on Thursday.

9 **MR. DEWOOD:** Is he a certified translator?

10 **MR. HOLT:** Huh?

11 **MR. DEWOOD:** Is he a certified translator?

12 **MR. HOLT:** You know, I don't know what you
13 mean by "certified translator." We need somebody who can
14 speak the language who can translate. There's no
15 requirement for certified --

16 **MR. DEWOOD:** Someone -- there is. I mean,
17 someone who's been tested.

18 **MR. HOLT:** You know what? The good news is,
19 you speak enough Arabic, Wally speaks enough Arabic, that we
20 can all assume that we're on video, and we'll be able to
21 figure out if the guy's giving a translation.

22 **MR. ECKARD:** Plus it's on video.

23 **MR. HOLT:** It's not -- it's not like there's
24 a requirement -- it is a requirement for somebody who can
25 speak the language. When we use a Spanish-speaking

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1 interpreter in the courtroom, we don't have one that's
2 certified. We have one that the court uses. They're not
3 certified. And if they're sick, we bring in someone else.
4 There's no such thing as a certified translator on this
5 island.

6 So I suggest that we start tomorrow morning
7 at 9:00 o'clock.

8 **MR. HARTMANN:** 10:00 o'clock.

9 **MR. HOLT:** 10:00 o'clock. And in the
10 meantime, we will find a translator.

11 **MR. DEWOOD:** Let me know.

12 **MR. HOLT:** Huh?

13 **MR. HODGES:** Unless a -- a qualified
14 translator is obtained, you know, we're -- obviously, call
15 us as soon as you propose somebody.

16 **MR. HARTMANN:** You know, this is your burden.

17 **MR. HOLT:** That's all right. You're good.

18 **MR. HODGES:** No. No. You're the one that --

19 **MR. HOLT:** It doesn't matter.

20 **MR. HODGES:** -- offered to pay --

21 **MR. DEWOOD:** Come on.

22 **MR. HOLT:** We object to you leaving. You're
23 leaving. We made a proposal. We'll see you tomorrow
24 morning at 10:00 o'clock, and hopefully with a translator.

25 **MR. HODGES:** Thank you.

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1 **MR. HARTMANN:** We're off the record?

2 **THE VIDEOGRAPHER:** We're going off the
3 record.

4 (Whereupon the deposition concluded
5 at 2:03 p.m.)

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CERTIFICATE**C-E-R-T-I-F-I-C-A-T-E**

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2
3 I, CHERYL L. HAASE, a Registered Professional Reporter
4 and Notary Public No. NP-158-03 for the U.S. Virgin Islands,
5 Christiansted, St. Croix, do hereby certify that the above
6 and named witness, MOHAMMAD HAMED, was first duly sworn to
7 testify the truth; that said witness did thereupon testify
8 as is set forth; that the answers of said witness to the
9 oral interrogatories propounded by counsel were taken by me,
10 in Stenotype and thereafter reduced to typewriting under my
11 personal direction and supervision.

12 I further certify that the facts stated in the caption
13 hereto are true; and that all of the proceedings in the
14 course of the hearing of said deposition are correctly and
15 accurately set forth herein, to the best of my ability.

16 I further certify that I am not counsel, attorney or
17 relative of either party, nor financially or otherwise
18 interested in the event of this suit.

19 IN WITNESS WHEREOF, I have hereunto set my hand as such
20 Certified Court Reporter on this the 18th day of April,
21 2014, at Christiansted, St. Croix, United States Virgin
22 Islands.

23 _____
24 Cheryl L. Haase, RPR
25 My Commission Expires 2/10/16