ln.1

ln.1 IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

ln.2

MOHAMMED HAMED by His Authorized )

ln.3 Agent WALEED HAMED, )

)

ln.4 Plaintiff/Counterclaim Defendant, )

)

ln.5 vs. ) Case No. SX-12-CV-370

)

ln.6 FATHI YUSUF and UNITED CORPORATION, )

)

ln.7 Defendants/Counterclaimants, )

)

ln.8 vs. )

)

ln.9 WALEED HAMED, WAHEED HAMED, MUFEED )

HAMED, HISHAM HAMED, and PLESSEN )

ln.10 ENTERPRISES, INC., )

)

ln.11 Additional Counterclaim Defendants.)

ln.12 THE VIDEOTAPED ORAL DEPOSITION OF MOHAMMAD HAMED

ln.13 was taken on the 31st day of March, 2014, at the Law Offices

ln.14 of Adam Hoover, 2006 Eastern Suburb, Christiansted,

ln.15 St. Croix, U.S. Virgin Islands, between the hours of

ln.16 10:05 a.m. and 2:03 p.m. pursuant to Notice and Federal

ln.17 Rules of Civil Procedure.

ln.18 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ln.19

Reported by:

ln.20

Cheryl L. Haase

ln.21 Registered Professional Reporter

Caribbean Scribes, Inc.

ln.22 ln.2132 Company Street, Suite 3

Christiansted, St. Croix U.S.V.I.

ln.23 (340) 773-8161

ln.24

ln.25

begin page #2

APPEARANCES

ln.1

A-P-P-E-A-R-A-N-C-E-S

ln.2

ln.3

For the Plaintiff/Counterclaim Defendant:

ln.4

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ln.7 U.S. Virgin Islands 00820

ln.8 By: Joel H. Holt

ln.9 and

ln.10 Law Offices of

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ln.11 5000 Estate Coakley Bay, #L6

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ln.12

By: Hartmann, III

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ln.14 For the Defendant/Counterclaimants

ln.15 Law Offices of

Dudley, Topper & Feuerzeig

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Charlotte Amalie, St. Thomas

ln.17 U.S. Virgin Islands 00804

ln.18 By: Gregory H. Hodges

ln.19 and

ln.20 Law Offices of

Nizar A. DeWood

ln.21 2006 Eastern Suburbs, Suite 101

Christiansted, VI 00830

ln.22

By: Nizar A. DeWood

ln.23

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ln.25

begin page #3

APPEARANCES

ln.1

ln.2 For Waleed Hamed:

ln.3 Law Offices of

Eckard, P.C.

ln.4 P.O. Box 24849

Christiansted, VI 00824

ln.5

By: Mark W. Eckard

ln.6

ln.7

ln.8 For Fathi Yusuf:

ln.9 Law Offices of

K. Glenda Cameron

ln.10 2006 Eastern Suburb, Suite 101

Christiansted, St. Croix

ln.11 U.S. Virgin Islands 00820

ln.12 By: K. Glenda Cameron

ln.13

ln.14

ln.15 Also Present:

ln.16 Josiah Wynans, Videographer

Kim Japinga

ln.17 Waleed Hamed

Hisham Hamed

ln.18 Mufeed Hamed

Maher Yusuf

ln.19 Fathi Yusuf

ln.20

ln.21

ln.22

ln.23

ln.24

ln.25

begin page #4

COLLOQUY

ln.1

ln.2 E-X-A-M-I-N-A-T-I-O-N

ln.3 Description Counsel Page

ln.4 Direct by Mr. Hodges ln.6

ln.5 E-X-H-I-B-I-T-S

ln.6 Exhibit Description Page

ln.7 1 First Amended Complaint ln.61

ln.8 2 Plaintiff Hamed's Responses to ln.76

Defendant Fathi Yusuf's First Set of

ln.9 Interrogatories to Plaintiff Mohammad

Hamed, dated December 23, 2013

ln.10

ln.11

ln.12

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ln.25

begin page #5

ln.1 THE VIDEOGRAPHER: In the matter of Mohammad

ln.2 Hamed and Fathi Yusuf (sic) v. Waleed Hamed, Waheed Hamed,

ln.3 Mufeed Hamed, Hisham Hamed, and Plessen Enterprises, in the

ln.4 Superior Court of the Virgin Islands, Division of St. Croix,

ln.5 Civil Action No. SX-12-CV-370.

ln.6 My name is Josiah Wynans. I am the

ln.7 videographer for today's proceedings. Our court reporter is

ln.8 Cheryl Haase. Today's date is March 31st, 2014. The

ln.9 deponent is Mohammad Hamed. The time is 10:08 a.m.

ln.10 For the purpose of voice identification, I'm

ln.11 requesting that the attorneys present identify themselves at

ln.12 this time.

ln.13 MR. HODGES: Good morning. Greg Hodges on

ln.14 behalf of the defendants.

ln.15 MR. DEWOOD: Morning. Nizar DeWood on behalf

ln.16 of the defendants.

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

ln.18 MR. HARTMANN: Carl Hartmann on behalf of the

ln.19 plaintiff.

ln.20 MR. HOLT: Joel Holt on behalf of the

ln.21 plaintiff.

ln.22 MR. ECKARD: Mark Eckard on behalf of Waleed

ln.23 Hamed.

ln.24 MS. CAMERON: K. Glenda Cameron on behalf of

ln.25 Fathi Yusuf.

begin page #6

MOHAMMAD HAMED -- DIRECT

ln.1 THE VIDEOGRAPHER: All right. Please swear

ln.2 the witness.

ln.3 THE REPORTER: Would you raise your right

ln.4 hand, sir? Raise your right hand?

ln.5 THE WITNESS: Yes.

ln.6 MOHAMMAD HAMED,

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

ln.8 Testified on his oath as follows:

ln.9 DIRECT EXAMINATION

ln.10 BY MR. HODGES:

ln.11 Q. Good morning, sir.

ln.12 A. Good morning, sir.

ln.13 Q. As I indicated earlier, my name is Greg Hodges. I

ln.14 represent the -- the people that you're suing, Mr. Fathi

ln.15 Yusuf and United Corporation. Okay?

ln.16 A. Uh-huh.

ln.17 Q. Would you please state your full name for the

ln.18 record?

ln.19 A. My name?

ln.20 Q. Yes, sir.

ln.21 A. Mohammad A. Hamed.

ln.22 Q. Is that your full name?

ln.23 A. I said Mohammad A.A. Hamed.

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

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

begin page #7

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Do you need the -- do you need

ln.2 the witness to spell that for you, please?

ln.3 Q. (Mr. Hodges) Would you spell your name for -- for

ln.4 the court reporter?

ln.5 A. Mohammad Abdulqader Asad Hamed. This is my full

ln.6 name.

ln.7 Q. I appreciate that. Would you spell your name for

ln.8 the court reporter? She -- she can't spell it as well as

ln.9 you can.

ln.10 MR. HOLT: Just for the record, it's on the

ln.11 caption. Just move on.

ln.12 MR. HODGES: No, his full name is not on the

ln.13 caption.

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

ln.15 MR. HODGES: Are you going to defend this

ln.16 case, or is --

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

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

ln.19 MR. HOLT: He is.

ln.20 MR. HODGES: Well, then I -- I'd appreciate

ln.21 if you'd keep the comments to a minimum.

ln.22 MR. HOLT: No, move on. We'll provide that

ln.23 to you in writing.

ln.24 Q. (Mr. Hodges) Mr. Hamed, would you please state

ln.25 the date of your birth?

begin page #8

MOHAMMAD HAMED -- DIRECT

ln.1 A. February 17, 1935.

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

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

ln.4 Q. Okay.

ln.5 A. In West Bank.

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

ln.7 A. In Jordan.

ln.8 Q. All right.

ln.9 A. Yeah.

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

ln.11 A. Sealat El Daher.

ln.12 MR. HODGES: Will counsel provide the

ln.13 spelling of that -- that village, please?

ln.14 MR. HOLT: Yeah.

ln.15 MR. HARTMANN: Certainly.

ln.16 Q. (Mr. Hodges) And where -- where do you currently

ln.17 reside?

ln.18 A. In West Bank.

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

ln.20 A. Yeah.

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

ln.22 A. No.

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

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

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

begin page #9

MOHAMMAD HAMED -- DIRECT

ln.1 residence, where you live now?

ln.2 A. Now, I live in the United States of America, in

ln.3 St. Croix.

ln.4 Q. Okay.

ln.5 A. Yeah.

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

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

ln.8 Q. Okay. And how long have you had the residence at

ln.9 6H Estate Carlton?

ln.10 A. About twenty-seven years.

ln.11 Q. All right. And I believe you indicated you have a

ln.12 home in the West Bank, is that correct?

ln.13 A. Yes.

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

ln.15 A. Sealat El Daher.

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

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

ln.18 Q. Okay. So you -- that's where your current -- you

ln.19 have a current residence there?

ln.20 A. Yes, sir.

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

ln.22 A. No.

ln.23 Q. If you would, briefly tell us what your

ln.24 educational background is?

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

begin page #10

MOHAMMAD HAMED -- DIRECT

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

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

ln.3 Q. Okay.

ln.4 A. Yeah.

ln.5 Q. That was the extent of your education, was the --

ln.6 the fifth grade?

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

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

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

ln.10 Q. All right. So you -- you quit school when you

ln.11 were -- after the fifth grade?

ln.12 A. No. They need money. My father, he don't have no

ln.13 money. They put me out, because I don't pay the money.

ln.14 Q. I see. So you, instead of going to school after

ln.15 the fifth grade, you went to work?

ln.16 A. Yeah.

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

ln.18 A. Farmer.

ln.19 Q. Farmer?

ln.20 A. Yeah.

ln.21 Q. What kind of farmer?

ln.22 A. Dig the ground, plant, take care of the trees, all

ln.23 the apricot, the all kind of thing.

ln.24 Q. Okay. Anything else that --

ln.25 A. No.

begin page #11

MOHAMMAD HAMED -- DIRECT

ln.1 Q. So did you work with your -- your family in -- in

ln.2 a farming business?

ln.3 A. Yes.

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

ln.5 A. My father, my grandfather.

ln.6 Q. Okay.

ln.7 A. Yeah.

ln.8 Q. So what -- what sort of products did they -- did

ln.9 they farm and -- and sell?

ln.10 A. That's the fair, the season for the olive. We

ln.11 start to take the olive from the tree and fix it with the

ln.12 machine to make olive wine.

ln.13 Q. Okay.

ln.14 A. To make a living from it.

ln.15 Q. All right. So you -- you grew olives and made

ln.16 olive oil?

ln.17 A. Not only me. The whole family. The boy, the

ln.18 mother, the father, the girl, the sister.

ln.19 Q. Okay.

ln.20 A. Everybody.

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

ln.22 A. Every year.

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

ln.24 A. How long? Till I getting fourteen years old, and

ln.25 I getting better job. I start to look outside --

begin page #12

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Okay.

ln.2 A. -- to work.

ln.3 Q. So you -- would it be fair to say, then, that you

ln.4 were basically a farmer until you were about fourteen years

ln.5 old?

ln.6 A. Yeah.

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

ln.8 A. I do that, the -- the -- the take care of the

ln.9 animal. The -- the sheep and goat, to raise it around my

ln.10 villages there.

ln.11 Q. Okay. So you became a shepherd, is that right,

ln.12 after you --

ln.13 A. Yeah. We milk it, make a cheese, and make all

ln.14 yogurt, and we sell it.

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

ln.16 A. Yes, my own.

ln.17 Q. All right. So from fourteen until when did you

ln.18 do the -- the shepherd, the goats?

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

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

ln.21 A. I going to Kuwait.

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

ln.23 A. I start to work in WAPA.

ln.24 Q. Say again?

ln.25 A. I start to work in WAPA.

begin page #13

MOHAMMAD HAMED -- DIRECT

ln.1 Q. What is WABA?

ln.2 A. WAPA is run electricity.

ln.3 THE REPORTER: I didn't get that.

ln.4 Q. (Mr. Hodges) You'll -- you'll need to say that

ln.5 again. What do you mean by WABA?

ln.6 Is that W-A-B-A?

ln.7 A. That's is like WAPA here.

ln.8 Q. Oh, like the --

ln.9 A. They give electricity for your house. And I used

ln.10 to work an operator to put the water up from the system to

ln.11 the city. Shift, morning and afternoon and in the night.

ln.12 Q. Okay.

ln.13 A. They have shift from all of us. They have too

ln.14 many people in that.

ln.15 Q. So, if you would, help us understand exactly what

ln.16 you did while you worked for the power authority?

ln.17 A. Yeah, I used to work operator. Take the number,

ln.18 how much we pull gallon to the city. Every hour, we write

ln.19 it down with (inaudible), and we make a record with it.

ln.20 They find how many million gallon we pull to the city, to

ln.21 Kuwait.

ln.22 Q. All right. So your job was to -- to take down

ln.23 numbers and write them down?

ln.24 A. Yeah.

ln.25 Q. And what --

begin page #14

MOHAMMAD HAMED -- DIRECT

ln.1 A. And I -- I used to teach the Kuwaiti people how to

ln.2 start the machine in there.

ln.3 Q. So you -- you took down the numbers for the amount

ln.4 of oil that was being --

ln.5 A. Water.

ln.6 Q. Water?

ln.7 A. Water?

ln.8 Q. Oh, okay. Water.

ln.9 So basically you were measuring the use or

ln.10 the transmission of water, is that what you're saying?

ln.11 A. Not to measure. They have a machine in this big

ln.12 shop around there. The machine make an enturation

ln.13 (phonetic) with the piping to the system, to the well. They

ln.14 make it in concrete, 15 million gallon.

ln.15 Q. Okay.

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

ln.17 And I used to work in that machine, and I

ln.18 pull the water, take the water up from the well to the -- to

ln.19 the cis -- to the city.

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

ln.21 A. Twelve years.

ln.22 Q. Okay. So you were, what, twenty-eight when you

ln.23 finished doing that?

ln.24 A. I be --

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

begin page #15

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yeah.

ln.2 Q. -- how old were you when you -- when you left that

ln.3 job?

ln.4 A. How old I been?

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

ln.6 A. About thirty-six years.

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

ln.8 A. Yeah.

ln.9 Q. Okay. Well, we're missing some time, then,

ln.10 because as I understand it, you were a -- you did your

ln.11 shepherding until you were about sixteen years old, and I

ln.12 thought you said you were with -- in Kuwait with the power

ln.13 authority --

ln.14 A. No, I go in Kuwait, and I go back to my country,

ln.15 and I come -- come back, and not to stay to succeed. Three,

ln.16 four months working up there, and after that, you go --

ln.17 Q. Okay.

ln.18 A. -- home.

ln.19 Q. So between the age of sixteen and thirty-six, you

ln.20 would go back and forth between Kuwait --

ln.21 A. Yeah.

ln.22 Q. -- and work at the -- the -- the water and power

ln.23 authority --

ln.24 A. Yeah.

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

begin page #16

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yes.

ln.2 Q. Okay. What did you do after you -- you -- you

ln.3 turned thirty-six, what did you do next?

ln.4 A. What I?

ln.5 Q. What -- what job did you have after you finished

ln.6 with the -- the power -- water and power authority?

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

ln.8 Q. Okay.

ln.9 A. Yeah.

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

ln.11 A. Yes, sir.

ln.12 Q. All right. So you came down here when you were

ln.13 thirty-six-years old?

ln.14 A. Yes.

ln.15 Q. Okay. All right. We'll come back to the Virgin

ln.16 Islands in a moment.

ln.17 What languages do you speak?

ln.18 A. Arabic.

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

ln.20 A. Yeah.

ln.21 Q. All right. What -- what other languages do you

ln.22 speak?

ln.23 A. Nothing.

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

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

begin page #17

MOHAMMAD HAMED -- DIRECT

ln.1 Islands.

ln.2 Q. Okay.

ln.3 A. Yeah.

ln.4 Q. Forty years?

ln.5 A. Forty years.

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

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

ln.8 Q. So if you came in '73 and you're 40, you been here

ln.9 forty, how old are you?

ln.10 A. Forty years now in 79.

ln.11 Q. How old are you right now?

ln.12 A. I told you, --

ln.13 Q. Oh, 79.

ln.14 A. -- 79.

ln.15 Q. Okay. Thank you.

ln.16 A. But I have to two times to -- to tell you how much

ln.17 to take it from me. I'm not saying Arabic. I'm saying

ln.18 English.

ln.19 Q. Okay.

ln.20 A. Yeah.

ln.21 Q. All right. Do you -- can you -- do you read in

ln.22 Arabic?

ln.23 A. Yeah.

ln.24 Q. You can read Arabic?

ln.25 A. Yeah.

begin page #18

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Can you read English?

ln.2 A. No.

ln.3 Q. Okay. Not at all?

ln.4 A. A little bit.

ln.5 Q. Okay. All right. So when you came down here to

ln.6 the Virgin Islands, what did you do? What was your first

ln.7 job?

ln.8 A. I used to selling the clothes from house to house.

ln.9 Salesman.

ln.10 Q. Okay.

ln.11 A. Yeah.

ln.12 Q. Whose clothes did you sell?

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

ln.14 Q. But where did you get the clothes to sell? Who

ln.15 gave them to you?

ln.16 A. I went to Puerto Rico and buy it and I bring it.

ln.17 And I buy it from a guy, Arab, who was here. He leave the

ln.18 island, I buy his clothes, the one he had, and I buy his

ln.19 customers too.

ln.20 Q. Okay. Where did you live when you first came down

ln.21 here? Did you live with friends or family, or did you buy a

ln.22 house?

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

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

ln.25 A. Yeah.

begin page #19

MOHAMMAD HAMED -- DIRECT

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

ln.2 A. About one week.

ln.3 Q. Okay. And how did you come to -- to -- to stay

ln.4 with Mr. Yusuf?

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

ln.6 Q. Okay. But how --

ln.7 A. -- for my family alone.

ln.8 Q. So, but why -- this -- the first week you were in

ln.9 the Virgin Islands, you stayed with Mr. Yusuf?

ln.10 A. Yeah.

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

ln.12 A. Because he's my brother-in-law. He's the one who

ln.13 sent me the paper. His wife, my sister-in-law.

ln.14 Q. Okay.

ln.15 A. Yeah.

ln.16 Q. All right. When you came down to the Virgin

ln.17 Islands, how did you get here?

ln.18 A. How I get?

ln.19 Q. How did you get here? What -- what -- did you

ln.20 come by plane, by boat?

ln.21 A. By plane.

ln.22 Q. Okay. From where to where?

ln.23 A. From Amman, Jordan to New York. From New York, to

ln.24 here, St. Croix.

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

begin page #20

MOHAMMAD HAMED -- DIRECT

ln.1 A. New York.

ln.2 Q. Okay. Stop right there for a second. We need to

ln.3 go off the record for the court reporter -- I mean, the

ln.4 videographer.

ln.5 THE VIDEOGRAPHER: We're going off record at

ln.6 10:24.

ln.7 (Respite.)

ln.8 THE VIDEOGRAPHER: All right. We're going

ln.9 back on the record, and the time is 10:27.

ln.10 Q. (Mr. Hodges) Mr. Hamed, did somebody sponsor you

ln.11 to come to the -- to the Virgin Islands or to the United

ln.12 States?

ln.13 A. Somebody?

ln.14 Q. Yes, did -- who -- did you have a sponsor to -- to

ln.15 come to the Virgin Islands or to the United States?

ln.16 A. No. It's Mr. Yusuf the one, he fix me the paper

ln.17 to come. My wife and his wife sister.

ln.18 Q. Mr. Yusuf provided the papers, or his wife

ln.19 provided the papers?

ln.20 A. His wife, she applied the paper for her sister.

ln.21 Q. Okay.

ln.22 A. And when I go to embassy in Kuwait, I used to

ln.23 working in Kuwait, they asked how -- how -- who you want

ln.24 take with you. She say, My husband and my kids.

ln.25 Q. Okay.

begin page #21

MOHAMMAD HAMED -- DIRECT

ln.1 A. And we went over there, we get the visa, and we

ln.2 comed.

ln.3 Q. Okay.

ln.4 A. Yeah.

ln.5 Q. At that time, did you have all your children? How

ln.6 many children did you have at that time?

ln.7 A. Six.

ln.8 Q. Six children?

ln.9 A. Yeah.

ln.10 Q. So six children, your wife and you, flew down from

ln.11 Amman to New York?

ln.12 A. Yeah.

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

ln.14 A. Yes.

ln.15 Q. Okay. And then you stayed the first week with

ln.16 Mr. Yusuf and --

ln.17 A. Yes, sir.

ln.18 Q. -- and his family?

ln.19 And then after that, where did you go?

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

ln.21 Q. Okay. In Estate Whim?

ln.22 A. Yeah.

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

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

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

begin page #22

MOHAMMAD HAMED -- DIRECT

ln.1 door-to-door salesman that you described when you first got

ln.2 here?

ln.3 Did somebody help you get that job, or -- or

ln.4 tell us how you got it?

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

ln.6 Q. So you -- that was something you came up with

ln.7 yourself?

ln.8 A. I have the clothes with me in my car. I bought a

ln.9 car, and I start to run here and this house and this, and

ln.10 ask the people if they want to buy. We start little by

ln.11 little.

ln.12 Q. Okay.

ln.13 A. Yeah.

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

ln.15 A. About three years.

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

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

ln.18 Q. So when you say you opened it, how -- how did you

ln.19 go about it?

ln.20 A. I rented --

ln.21 Q. Okay.

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

ln.23 Q. From whom?

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

ln.25 Q. Midwest?

begin page #23

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yeah.

ln.2 Q. Okay. And where did you get the money to buy

ln.3 the -- the products that you would sell in your grocery?

ln.4 A. The one I work with, I working three years with

ln.5 the selling salesman, from house to house.

ln.6 Q. Okay.

ln.7 A. Yeah. Whatever I make, I open a little shop.

ln.8 Not -- not half of this.

ln.9 Q. When you say "half of this," you mean half of this

ln.10 office space that we're sitting in right now?

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

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

ln.13 A. Yeah.

ln.14 Q. All right. You say you started with it. Did

ln.15 you -- did you get another grocery store --

ln.16 A. Yes.

ln.17 Q. -- at some point?

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

ln.19 Q. And when did you start the grocery store in Estate

ln.20 Carlton, what year?

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

ln.22 Q. 1977?

ln.23 A. Yeah.

ln.24 Q. Okay. And then when did you open the grocery

ln.25 store in Estate Glynn?

begin page #24

MOHAMMAD HAMED -- DIRECT

ln.1 A. Maybe after one year.

ln.2 Q. So '79?

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

ln.4 Q. Okay.

ln.5 A. Yeah.

ln.6 Q. Okay. All right. So I guess it's fair to say

ln.7 that you operated two grocery stores at the same time?

ln.8 A. No, one after one.

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

ln.10 A. I opened Carlton first. I work and make a little

ln.11 money, and I rent the other place. I put somebody in it to

ln.12 work with me.

ln.13 Q. Who was that?

ln.14 A. It's an Arab guy. He was a young man here in the

ln.15 island. I give him 175 a week, and he start to work with

ln.16 me.

ln.17 Q. Work with you where, in Estate Carlton or in

ln.18 Estate Glynn?

ln.19 A. In Glynn.

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

ln.21 A. Yeah, because it's my son, they went to the

ln.22 college in that time. I don't have no kids bigger to take

ln.23 care of the business.

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

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

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MOHAMMAD HAMED -- DIRECT

ln.1 me in there.

ln.2 Q. Do you remember the person that you -- that you

ln.3 paid 175 a week to help you?

ln.4 A. Yeah.

ln.5 Q. You remember his name?

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

ln.7 MR. HODGES: And -- and will counsel help the

ln.8 court reporter with the -- the name?

ln.9 MR. HARTMANN: Certainly.

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

ln.11 A. Hytham, Hytham, Hytham.

ln.12 Q. -- first name?

ln.13 A. His name Hytham.

ln.14 Q. Is that his first or last name?

ln.15 A. First name.

ln.16 Q. Okay. All right. So I take it, then, what you're

ln.17 saying is that by 1979, you were owning and operating two

ln.18 grocery stores?

ln.19 A. Yes, sir.

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

ln.21 A. Hytham, yeah. He used to work. And -- and after,

ln.22 he buyed the store from me.

ln.23 Q. Hytham bought the --

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

ln.25 Q. The Estate Glynn store?

begin page #26

MOHAMMAD HAMED -- DIRECT

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

ln.2 Q. Okay. When was that?

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

ln.4 remember.

ln.5 Q. Well, if you opened the Glynn store in 1979, how

ln.6 many years do you think do you recall owning it?

ln.7 A. Maybe two years.

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

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

ln.10 Q. All right. So is it fair to say that -- that the

ln.11 gentleman that you just mentioned and his associate

ln.12 purchased Estate Glynn in some -- around 1981?

ln.13 A. Yeah.

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

ln.15 A. How much? They -- they count how many cost the

ln.16 one on the shelf, the stuff.

ln.17 Q. Okay.

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

ln.19 Q. Okay. So I -- I -- I think I understand what

ln.20 you're saying. They basically bought your inventory, is

ln.21 that what you said?

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

ln.23 Q. Qkay.

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

ln.25 Q. All right. For $35,000?

begin page #27

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yes, sir.

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

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

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

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

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

ln.7 How did they pay, just whatever --

ln.8 A. Whatever he made, he start to open the shop, and

ln.9 his brother working in the street, salesman, too. Whatever

ln.10 he made, he and his brother, they give it to us.

ln.11 Q. Okay. All right. So that's -- you sold Estate --

ln.12 the Estate Glynn store in around 1981 for $35,000 payable

ln.13 over time, right?

ln.14 A. Yeah.

ln.15 Q. What about the Estate Carlton store, how long did

ln.16 you own that?

ln.17 A. I worked it.

ln.18 Q. You kept working it?

ln.19 A. No, not now.

ln.20 Q. No, I -- but how long did you continue owning the

ln.21 Estate Carlton store?

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

ln.23 Q. Okay. I understand.

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

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

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MOHAMMAD HAMED -- DIRECT

ln.1 in the business, know, and at the store, and at the job to

ln.2 work with, and I sell the two shop.

ln.3 Q. Well, when did you -- when did you sell the Estate

ln.4 Carlton store? When did you sell that store?

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

ln.6 Q. How much long -- was it long after you sold the

ln.7 Estate Glynn store?

ln.8 A. No, not long. After Wally, he going in college, I

ln.9 sold it.

ln.10 Q. When did -- when did your son Waleed go to

ln.11 college?

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

ln.13 Q. So whenever he went to college, you sold the

ln.14 Estate Carlton store?

ln.15 A. Yeah.

ln.16 Q. How much did you sell that for?

ln.17 A. I sell it 45,000.

ln.18 Q. Who did you sell that to?

ln.19 A. The two Arab guy in there.

ln.20 Q. Do you remember their names?

ln.21 A. Yeah.

ln.22 Q. What's their name?

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

ln.24 Mahmud.

ln.25 Q. Do you remember their last name?

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MOHAMMAD HAMED -- DIRECT

ln.1 A. Eylan.

ln.2 Q. Okay. Counsel will --

ln.3 A. Eylan. That's the last name for his uncle of

ln.4 Jamal.

ln.5 Q. Okay.

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

ln.7 Q. Okay. You sold it for $45,000. Did you sell it

ln.8 like the other one, a little bit money down, --

ln.9 A. Yes, sir.

ln.10 Q. -- payable over time?

ln.11 A. Yes, sir.

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

ln.13 A. Fifteen.

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

ln.15 A. Yeah.

ln.16 Q. -- monthly?

ln.17 A. Monthly, --

ln.18 Q. Or whenever?

ln.19 A. -- every two weeks.

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

ln.21 pay me.

ln.22 Q. All right. Well, I take it both -- both of these

ln.23 buyers for both of your stores eventually paid you?

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

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

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MOHAMMAD HAMED -- DIRECT

ln.1 your stores?

ln.2 A. Uh-huh.

ln.3 Q. You did?

ln.4 A. Yeah.

ln.5 Q. Okay. How many -- how long did it take them to

ln.6 pay off their obligation for the purchase price?

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

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

ln.9 A. Yeah.

ln.10 Q. All right. So when did you -- after you sold the

ln.11 Estate Carlton store, what did you do after that?

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

ln.13 Q. What did you do to make money after you sold the

ln.14 Estate Carlton store?

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

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

ln.17 A. I have over money in my hand, I start to -- his

ln.18 brother send, buy inventory and they bring it here and sell

ln.19 it for all the grocery, wholesaler.

ln.20 Q. Okay.

ln.21 A. Yeah.

ln.22 Q. So I'm not sure, what did -- what did you do to

ln.23 make money after you sold the Estate Carlton store?

ln.24 A. Just what I told you, I start to work, sell to the

ln.25 grocery with the money I had.

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MOHAMMAD HAMED -- DIRECT

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

ln.2 into business with?

ln.3 A. With his nephew.

ln.4 Q. Okay.

ln.5 A. And I start to go Puerto Rico with him, and we buy

ln.6 the stuff, and I start to sell it here for all the grocery.

ln.7 We going all over, sell one box here, one box here, one

ln.8 here.

ln.9 Q. And you say you sold wholesale?

ln.10 A. And we make a living like that.

ln.11 Q. Okay.

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

ln.13 Q. So did you have any -- when did you come to some

ln.14 agreement with Mr. Yusuf regarding what -- what was going to

ln.15 become of your money?

ln.16 A. The man, not agreement or nothing. He's my

ln.17 brother-in-law. He tell me, Get $200,000, we'll put you on

ln.18 ashri (phonetic), as a partner.

ln.19 Q. Okay.

ln.20 A. I went and I make all the money and I got it, and

ln.21 I give it to him.

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

ln.23 A. No, a little by little first. And after that, we

ln.24 got all what I have, I have -- used to have in Tortola, and

ln.25 I used to have in bank, and I cleared it out all, and I give

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MOHAMMAD HAMED -- DIRECT

ln.1 it to him.

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

ln.3 A. Yes, sir.

ln.4 Q. And that -- and you say you gave that to him over

ln.5 time?

ln.6 A. Not one time, there man.

ln.7 Q. Right. How long did -- how long did it take

ln.8 you --

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

ln.10 Q. Okay.

ln.11 A. After the last, we make it all together until we

ln.12 get 200,000.

ln.13 Q. Okay. And once you gave -- once you got up to

ln.14 $200,000, is that when you say that you reached an --

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

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

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

ln.18 Q. Okay. So you're saying that that was your life's

ln.19 savings?

ln.20 A. Yes.

ln.21 Q. That $200,000?

ln.22 A. Yes.

ln.23 Q. Okay. Now, around that time, had you won the

ln.24 lottery?

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

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MOHAMMAD HAMED -- DIRECT

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

ln.2 A. No, with him. I give it to him, the two -- two --

ln.3 20,000 I gave him. I keep 2,000 mine.

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

ln.5 A. Yeah.

ln.6 Q. You never won the lottery again?

ln.7 A. No.

ln.8 Q. So you only won one time?

ln.9 A. Yeah.

ln.10 Q. Okay.

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

ln.12 Q. Before we -- we start reviewing your complaint,

ln.13 Mr. Hamed, just tell -- tell us in your own words why you're

ln.14 suing your brother-in-law?

ln.15 A. Why?

ln.16 Q. Yes.

ln.17 A. I suing?

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

ln.19 A. Because he don't want to be a -- a partner in

ln.20 there. Now he start to tell me, You's the employee, with

ln.21 your kids. My son, four son, they working in the

ln.22 supermarket twenty-five years, and the last he tell me,

ln.23 you's employee and your kids is employee. Come on, man.

ln.24 How must I start with you twenty-five years, and I give you

ln.25 what you ask for, I was coming a partner.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. So --

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

ln.3 fair.

ln.4 Q. Are you telling me Mr. Yusuf has not treated you

ln.5 as a partner?

ln.6 A. He is my partner.

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

ln.8 A. He -- yeah, he --

ln.9 MR. HARTMANN: Object. He gets to answer.

ln.10 Wait. He gets to answer. You asked him a question. Go

ln.11 ahead. Stop interrupting him.

ln.12 Q. (Mr. Hodges) Go ahead.

ln.13 A. He put me a partner.

ln.14 Q. Right.

ln.15 A. And my work is 25 years.

ln.16 MR. HARTMANN: Stop talking over him.

ln.17 A. Twenty-five years. Each my son finishing college,

ln.18 they come in and start to work in the Plaza. And he tell

ln.19 me, Your son is not my partner. You is my partner. I say,

ln.20 Okay. I'm not tell you my son isn't your partner. He say,

ln.21 4.65 an hour. I tell him, Okay. Whatever you say, we're

ln.22 going for.

ln.23 Q. (Mr. Hodges) So you agree that none of your sons

ln.24 is Mr. Yusuf's partner, is that right?

ln.25 A. No.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. Only you?

ln.2 A. Only me, yeah.

ln.3 Q. Right.

ln.4 So what's the problem? Has he not treated

ln.5 you as a partner?

ln.6 A. I don't know.

ln.7 MR. HARTMANN: Object.

ln.8 A. I don't know. Up to now, I don't know. And I

ln.9 went to Jordan, and he went over there, and he come back.

ln.10 He say, You t'ief me 2 million. I'm a t'ief. I'm an honest

ln.11 guy, I'm a good man in the village, in the village, in

ln.12 Kuwait, in Jordan, in here, in anywhere. I never touch a

ln.13 thing it's not belong to me. And I'm trust the man,

ln.14 whatever you wanted to do, I tell him, Go ahead. I trust

ln.15 you. But here the last minute, he tell me, You t'ief me

ln.16 2 million. I'm a t'ief.

ln.17 I'm an honest guy. I'm a good man, in the

ln.18 (inaudible), in the village, in Kuwait, in Jordan, in here,

ln.19 in anywhere. I never touch a thing that not belong to me.

ln.20 And I trust the man, whatever you wanted to do, I tell him,

ln.21 Go ahead. I trust you. Then last year, the last minute, he

ln.22 tell me, You t'ief me 2 million. I'm not t'ief 2 million.

ln.23 Where I putted 2 million? Where?

ln.24 Q. (Mr. Hodges) Okay.

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

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MOHAMMAD HAMED -- DIRECT

ln.1 you go West Bank, you go America. I don't have no money for

ln.2 $2 million. And he tell me, You t'iefed 2 million. No. My

ln.3 father not t'ief, my grandfather not t'ief, my mother not

ln.4 t'ief, my wife not t'ief, my kids not t'ief, my daughter not

ln.5 t'ief. That's what I owned. And you put me I'm a t'ief,

ln.6 man? No. I can't take it.

ln.7 Q. Now, Mr. Hamed, we're talking about the -- the

ln.8 lawsuit I was talking about, suing Mr. Yusuf, is -- is not

ln.9 the defamation suit that you're talking. I'm talking about

ln.10 the one where you filed a suit against him to -- for breach

ln.11 of the partnership agreement, and for -- for relief with

ln.12 respect to your partnership.

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

ln.14 Object. Asked and answered. You asked him

ln.15 what his suit was about. He said it was because he was a

ln.16 partner and Mr. Yusuf was trying to make him not a partner.

ln.17 He was trying to make him into an employee.

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

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

ln.20 Q. (Mr. Hodges) All right. You can answer the

ln.21 question. Go ahead.

ln.22 A. Yeah.

ln.23 Q. What is the relief you're -- that you want in this

ln.24 case that we're here for today? What relief --

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

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ln.1 answered.

ln.2 Q. (Mr. Hodges) Go ahead, you can answer it. What

ln.3 do you want the court to do in this lawsuit that you're here

ln.4 this morning for?

ln.5 MR. HARTMANN: Object. Asked and answered.

ln.6 A. I don't understand that.

ln.7 MR. HARTMANN: Object. Asked and answered.

ln.8 Object, form of the question.

ln.9 Q. (Mr. Hodges) Go ahead.

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

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

ln.12 A. I asked for somebody.

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

ln.14 A. -- to talk in Arabic.

ln.15 Q. He needs to let me answer --

ln.16 A. Let me understand it in Arabic, and I give you a

ln.17 answer. Where is the guy, you telling me you going to get

ln.18 somebody?

ln.19 MR. HARTMANN: He's --

ln.20 You've asked and answered.

ln.21 He can say --

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

ln.23 MR. HARTMANN: Yes, he has.

ln.24 MR. HODGES: If -- if you want to instruct

ln.25 him not to answer --

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: I'm not instructing him

ln.2 anything. He answered the question.

ln.3 MR. HODGES: I'm going to continue asking the

ln.4 question.

ln.5 MR. HARTMANN: You can ask him as many times

ln.6 as you want, and he can say he believes he answered it as

ln.7 many times.

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

ln.9 A. Yeah.

ln.10 Q. -- very simply, you -- you -- you acknowledged

ln.11 that you sued Mr. Yusuf and United Corporation, right?

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

ln.13 Q. Are you saying that you did not sue Mr. Yusuf

ln.14 and -- and United Corporation?

ln.15 A. Not sue United Corporation.

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

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

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

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

ln.20 Supermarket.

ln.21 Q. (Mr. Hodges) Mr. Hamed, what I'm -- I'm -- I want

ln.22 the -- for you to at least acknowledge that you filed the

ln.23 suit in this case against Mr. Yusuf and United Corporation,

ln.24 did you not?

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

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MOHAMMAD HAMED -- DIRECT

ln.1 Object as to form.

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

ln.3 THE WITNESS: Let me understand what he's

ln.4 saying.

ln.5 MR. HARTMANN: No, no, no. That's okay. If

ln.6 you can answer it, answer it. If you can't answer it, don't

ln.7 answer it.

ln.8 Q. (Mr. Hodges) You don't understand what I just

ln.9 asked?

ln.10 A. No.

ln.11 MR. HARTMANN: I don't understand what you're

ln.12 asking anymore. You've asked --

ln.13 MR. HODGES: No.

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

ln.15 MR. DEWOOD: Just wait a minute. Wait a

ln.16 minute.

ln.17 MR. HODGES: Wait. You're not under oath and

ln.18 testifying.

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

ln.20 I'm objecting.

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

ln.22 MR. HARTMANN: You can't make him answer

ln.23 something.

ln.24 MR. DEWOOD: Attorney Hartmann.

ln.25 MR. HARTMANN: Go ahead.

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ln.1 (Discussion held off the record.)

ln.2 Q. (Mr. Hodges) You want the question put to you

ln.3 in -- in Arabic?

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

ln.5 A. No.

ln.6 Q. You want my question put to you in Arabic, is that

ln.7 what you want?

ln.8 A. Yes, sir.

ln.9 MR. HODGES: Okay.

ln.10 MR. HARTMANN: Just state your question as a

ln.11 single sentence, please.

ln.12 Q. (Mr. Hodges) I'm -- I'm asking you, and

ln.13 Mr. DeWood will testify.

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

ln.15 MR. HODGES: Excuse me. Translate.

ln.16 Q. (Mr. Hodges) What relief do you want the court to

ln.17 give you in this case that we're here for today?

ln.18 MR. HODGES: Okay. This is Attorney DeWood

ln.19 for the defendants translating Attorney Hodges' single

ln.20 question.

ln.21 MR. HARTMANN: Louder.

ln.22 MR. DEWOOD: Just one second.

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

ln.24 battery.

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

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MOHAMMAD HAMED -- DIRECT

ln.1 here?

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

ln.3 THE VIDEOGRAPHER: Going off record. The

ln.4 time is 10:53.

ln.5 (Respite.)

ln.6 THE VIDEOGRAPHER: Going back on record. The

ln.7 time is 10:55.

ln.8 MR. DEWOOD: Yes, back on the record. Again,

ln.9 Attorney DeWood for the defendants, and translating the

ln.10 single question: What relief are you requesting from the

ln.11 Court, Mr. Mohammad Hamed? in Arabic. (Speaking in Arabic.)

ln.12 MR. HODGES: Wait a minute.

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

ln.14 MR. HARTMANN: In English.

ln.15 MR. HODGES: Please.

ln.16 MR. HARTMANN: In English.

ln.17 A. They put my share the profit, it's my share, they

ln.18 say, this guy, he working employee. I'm not employee. I'm

ln.19 his partner since we start. Now you tell me, You's an

ln.20 employee? No. I give you my money to be and share half of

ln.21 the Plaza Extra. You told me that.

ln.22 Q. (Mr. Hodges) So you're suing Mr. Yusuf because

ln.23 he's not recognizing you as a partner, is that what

ln.24 you're --

ln.25 A. Yeah.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. And you're saying, as of today, he's not -- he's

ln.2 still not recognizing you as a partner?

ln.3 A. No, he's my partner. He is up to now, you going

ln.4 up or coming down, I'm his partner. I stay with him

ln.5 whatever. I trust him more than I trust my brother, and I

ln.6 stay with him 25 years. While, honest, my kids working in

ln.7 the supermarket, they working they got paid for his hour.

ln.8 I'm not give him how much I'm going to pay you. He's the

ln.9 one in charge to give him whatever he want. I'm not saying

ln.10 nothing, because I'm his partner, or he's my partner. He is

ln.11 in charge to tell my son how much they going to pay you.

ln.12 Q. Okay.

ln.13 A. Yeah. I'm not tell him how much I pay you. In

ln.14 case (inaudible), that's his son, no.

ln.15 Q. You're not saying --

ln.16 MR. HOLT: Wait a second. Did you finish

ln.17 that answer?

ln.18 MR. HODGES: Again, for the record, I would

ln.19 object to two attorneys defending this deposition.

ln.20 MR. HARTMANN: And I'd object to your cutting

ln.21 off the witness repeatedly.

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

ln.23 A. Yes.

ln.24 Q. -- you're not saying that Mr. Yusuf has to

ln.25 continue being your partner whether he likes it or not, are

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MOHAMMAD HAMED -- DIRECT

ln.1 you?

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

ln.3 Q. If he doesn't want to be your partner anymore,

ln.4 he's allowed to stop being your partner, right?

ln.5 A. Yeah. I'm -- I'm a start with him with the first

ln.6 step, and I tell him, I trust you. Whatever you did, you go

ln.7 ahead. I back you up. And after that, they tell me, Your

ln.8 kids getting a lot big, and my kids getting a lot. We have

ln.9 to separate. Okay, and you separate it. Give me my own and

ln.10 take your own, and that's it. We don't leave nothing.

ln.11 Q. And -- and -- and that's all you're looking for in

ln.12 this lawsuit, is to separate? Is -- is that what you're

ln.13 saying?

ln.14 MR. HARTMANN: Object to --

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

ln.16 MR. HARTMANN: Excuse me. Wait, wait, wait.

ln.17 Object to form.

ln.18 Q. (Mr. Hodges) Go ahead.

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

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

ln.21 you?

ln.22 A. No.

ln.23 Q. Why are you suing United?

ln.24 A. I'm only Plaza Extra.

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

begin page #44

MOHAMMAD HAMED -- DIRECT

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

ln.2 Q. So you're not -- you don't have any claim against

ln.3 United?

ln.4 A. No.

ln.5 MR. HARTMANN: No, object. Mischaracterizes

ln.6 testimony. Object as to form.

ln.7 Q. (Mr. Hodges) What you're saying is you don't have

ln.8 a claim against United, isn't that right?

ln.9 MR. HARTMANN: Object.

ln.10 A. I don't go for United. I'm going with the

ln.11 Plaza Extra only.

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

ln.13 A. Yeah.

ln.14 Q. Now, let's go back to the -- the Plaza Extra, the

ln.15 partnership that you're talking about, okay? The one that

ln.16 you -- you want to end, is that right?

ln.17 You want to end the partnership too, right?

ln.18 A. I'm in.

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

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

ln.21 You can tell him if he wants to ask it again

ln.22 for the third time.

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

ln.24 Q. (Mr. Hodges) And -- and want to end that

ln.25 partnership, is that correct?

begin page #45

MOHAMMAD HAMED -- DIRECT

ln.1 A. Don't start to push me this way or this way. I'm

ln.2 in with him as a partner up to when the heaven coming.

ln.3 Q. So are you saying that you want to continue the

ln.4 partnership?

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

ln.6 Q. Do you -- and -- and what if he doesn't want to

ln.7 continue?

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

ln.9 Q. Well, he's already told you that he doesn't want

ln.10 to, right?

ln.11 A. I'm -- I'm --

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

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

ln.14 MR. HARTMANN: Wait, wait, wait one second.

ln.15 Object as to form. Argumentative. You can

ln.16 ask questions. You can't yell at the guy. You know,

ln.17 just --

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

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

ln.20 MR. HODGES: As I understand, he has a hard

ln.21 time hearing me.

ln.22 MR. HARTMANN: He does, but he doesn't need

ln.23 you to lean forward and start yelling at him. Just ask him

ln.24 the question.

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

begin page #46

MOHAMMAD HAMED -- DIRECT

ln.1 objecting too much on everything.

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

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

ln.4 MR. HARTMANN: It is.

ln.5 MR. HODGES: So Mr. Hamed, Mr. Hamed, you

ln.6 agree with me that Mr. Yusuf, if he doesn't want to be your

ln.7 partner anymore, he can stop the partnership, right?

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

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

ln.10 Q. (Mr. Hodges) Well, are you saying that if you

ln.11 want to continue the partnership and he doesn't, that he has

ln.12 to -- to continue the partnership?

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

ln.14 Object as to form. Object, argumentative.

ln.15 A. We have to separate, that's it. You take yours

ln.16 and give me mine, and that's it.

ln.17 Q. (Mr. Hodges) Okay. Now, when you -- I think we

ln.18 left off when you said you had given Mr. Yusuf $200,000,

ln.19 right? Remember that?

ln.20 Is that when you formed the partnership with

ln.21 him?

ln.22 A. Yeah.

ln.23 Q. And approximately when was that?

ln.24 A. I can't remember.

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

begin page #47

MOHAMMAD HAMED -- DIRECT

ln.1 opened?

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

ln.3 Q. All right. And did you have a partnership

ln.4 agreement with him at that time?

ln.5 A. He is my partnership.

ln.6 Q. My -- my question --

ln.7 A. He is the one, I make agreement with him. He

ln.8 telling me before I open.

ln.9 Q. Okay. So you're saying that before you opened the

ln.10 first Plaza Extra store, you had an agreement --

ln.11 A. Yeah.

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

ln.13 A. Yes, sir.

ln.14 Q. Okay. Please tell --

ln.15 A. And he telling me, You is my partner. You own

ln.16 50 percent of the supermarket. That's what I go for. And

ln.17 we start to work 25 years, one years each other till now.

ln.18 Q. Okay. So what other -- did you have any other

ln.19 terms with him as far as the -- the agreement? You agreed

ln.20 to share the profits --

ln.21 A. No.

ln.22 Q. No other agreement?

ln.23 A. No. We start with him first, we talk with him as

ln.24 a man to man, and I agree. He tell me, Okay. You is in

ln.25 charge in the warehouse, I'm take care of the office. I

begin page #48

MOHAMMAD HAMED -- DIRECT

ln.1 say, Okay. I trust you, whatever you did, you buy, whatever

ln.2 you want, go ahead. I back you up.

ln.3 Q. Okay.

ln.4 A. That's what I did.

ln.5 Q. So under your agreement, was Mr. Yusuf in charge

ln.6 of taking care of the business?

ln.7 A. The office.

ln.8 Q. The office.

ln.9 A. Not business, --

ln.10 Q. Okay.

ln.11 A. -- for the whole business.

ln.12 I'm in charge of the receiving. Don't start

ln.13 to put me in this area and this area.

ln.14 Q. Okay.

ln.15 A. Only straight.

ln.16 Q. So you were in charge of receiving?

ln.17 A. Yeah.

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

ln.19 A. By receiving, I'm everything coming to the

ln.20 warehouse in the back, I'm whole in receiving.

ln.21 Q. Okay. All right. So were there any other terms

ln.22 of the partnership agreement, other than that you would

ln.23 share --

ln.24 A. Not -- we didn't have no more partnership. Just

ln.25 he and me. Just two.

begin page #49

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Okay. Now, was the $200,000 that we've already

ln.2 talked about, was that the only money that you gave to

ln.3 Mr. Yusuf?

ln.4 A. How many time I tell you that?

ln.5 Q. I'm not answering your questions, sir. You get to

ln.6 answer mine.

ln.7 A. You asked me. You keep asking me. The 200, all

ln.8 what I make in my life, I give it to him.

ln.9 Q. No, I'm talking about after the 200, did you give

ln.10 Mr. Yusuf --

ln.11 A. You say that many times. I told you, what I have,

ln.12 I give it to him.

ln.13 Q. All right. How much more, if any, other than the

ln.14 $200,000, did you give to Mr. Yusuf?

ln.15 A. I don't give him nothing.

ln.16 Q. All right. So, is it fair to say, then, that the

ln.17 only money that you gave to him was approximately $200,000?

ln.18 A. Yeah.

ln.19 Q. Okay. And the -- tell us what the -- what the

ln.20 purpose of the $200,000 that you gave to Mr. Yusuf -- I

ln.21 mean, yeah, Mr. Yusuf -- what was the purpose of that -- of

ln.22 that -- what do you want to call it, a loan or an

ln.23 investment?

ln.24 A. We done that.

ln.25 Q. What was the purpose of it?

begin page #50

MOHAMMAD HAMED -- DIRECT

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

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

ln.3 Q. I'm sorry.

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

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

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

ln.7 Q. All right.

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

ln.9 Q. I'm simply asking the purpose of the whatever you

ln.10 want to call it; a loan, an investment?

ln.11 A. No loan.

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

ln.13 A. I left him the money.

ln.14 Q. All right.

ln.15 A. I'm not --

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

ln.17 A. What the profit, to be a partner for the business,

ln.18 supermarket. He told me that.

ln.19 Q. Okay. And had he already opened the supermarket

ln.20 by the time you gave him the money, or did he need it to

ln.21 open the supermarket?

ln.22 A. Oh, God. Young man, you's a lawyer, and you's a

ln.23 (inaudible). How, when I give him the money, right away he

ln.24 opened the store? I working two years inside the Plaza,

ln.25 working inside with his son Maher.

begin page #51

MOHAMMAD HAMED -- DIRECT

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

ln.2 A. Before the store opened.

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

ln.4 sir.

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

ln.6 Q. Tell us how your money was used to open the store.

ln.7 How about that?

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

ln.9 Do you want to take a minute off?

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

ln.11 MR. HARTMANN: Well, you got to answer him.

ln.12 Let's take a minute. Let's take a five-minute break.

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

ln.14 time for a break.

ln.15 THE VIDEOGRAPHER: We're going off the record

ln.16 at 11:08.

ln.17 (Short recess taken.)

ln.18 THE VIDEOGRAPHER: Going back on record. The

ln.19 time is 11:18.

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

ln.21 A. Yes.

ln.22 Q. -- was the money that you provided to Mr. Yusuf

ln.23 used to open what became known as the Plaza Extra East

ln.24 supermarket store?

ln.25 A. Yeah.

begin page #52

MOHAMMAD HAMED -- DIRECT

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

ln.2 A. How?

ln.3 Q. Right.

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

ln.5 Q. Do you know what was done with the money that you

ln.6 gave to Mr. -- to Yusuf?

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

ln.8 supermarket.

ln.9 Q. All right. So do I take it, then, that the money

ln.10 you gave, the $200,000 we're talking about --

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

ln.12 Q. I understand.

ln.13 A. Yeah.

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

ln.15 A. Yeah, not all one time.

ln.16 Q. All right. Good.

ln.17 A. Yeah.

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

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

ln.20 Q. Okay. And --

ln.21 A. Yeah.

ln.22 Q. -- do you know how that money was used by

ln.23 Mr. Yusuf to open the supermarket store?

ln.24 A. Yeah, that's what I give it to him, to buy the

ln.25 stuff to open the store.

begin page #53

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Okay.

ln.2 A. Yeah.

ln.3 Q. All right. Well -- well, you don't recall when

ln.4 you sold the last store, right? The Carlton store?

ln.5 A. What you mean, that?

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

ln.7 A. What year you open it?

ln.8 Q. Yeah. Yeah.

ln.9 No, what year you sold the last store, which

ln.10 I think you testified was Estate Carlton.

ln.11 A. I can't remember.

ln.12 Q. But it was -- was it a couple years before the

ln.13 Plaza East supermarket opened?

ln.14 A. Yeah.

ln.15 Q. So my question is, what did you do in that time

ln.16 between you sold the last store that you owned, and started

ln.17 working with Mr. Yusuf in the Plaza Extra store, what did

ln.18 you do during that period of time?

ln.19 A. I -- I give it to all my children. I get my money

ln.20 back. I save it every month until I get finish with him,

ln.21 and I bring it all, and I give it to Mr. Yusuf, till I went

ln.22 to 200,000.

ln.23 Q. I understand. I understand.

ln.24 A. Yeah.

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

begin page #54

MOHAMMAD HAMED -- DIRECT

ln.1 couple years, between the time you sold the Estate Carlton

ln.2 store in 1986 when you know the -- the Plaza Extra

ln.3 supermarket store opened.

ln.4 What I'm -- what I'm asking you, sir, is what

ln.5 did you do to make money for your family during the --

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

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

ln.8 What did you do to make money for your family

ln.9 during that approximately two-year period?

ln.10 A. I don't make no money. All what I save. I

ln.11 don't -- my son, he used to work. My son and next son, he

ln.12 used to work too. They -- they going to school, and when

ln.13 they finish the school, they going to work.

ln.14 Q. Okay.

ln.15 A. And we tried to make a living like that. And I

ln.16 told my wife, Hit the belt (indicating) hard to, because

ln.17 it's too hard to us. I put all my money with the -- with

ln.18 the supermarket. We waiting for the loan to open the

ln.19 supermarket.

ln.20 Q. Okay.

ln.21 A. Yeah.

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

ln.23 A. When we got the loan, we start to work in the --

ln.24 in the supermarket with his son, his Maher here. I'm going

ln.25 every day with him, working inside the supermarket.

begin page #55

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Okay.

ln.2 A. Construction.

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

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

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

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

ln.7 A. I don't know what year.

ln.8 Q. All right.

ln.9 A. 1986 is the one the place there open. Before

ln.10 that, we used to working inside the store.

ln.11 Q. Okay.

ln.12 A. Yeah.

ln.13 Q. So you're saying that you helped build the store,

ln.14 too?

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

ln.16 Q. Okay. Now, at the time the store opened in 1986,

ln.17 did the loan that you talked about, did -- had that been

ln.18 gotten from by Mr. Yusuf, or -- or was he still waiting to

ln.19 get that loan?

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

ln.21 supermarket.

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

ln.23 1986 --

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

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

begin page #56

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yeah.

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

ln.3 A. Yeah.

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

ln.5 A. I don't know.

ln.6 Q. Okay. But at the time he was applying for the

ln.7 loan, you're saying the partnership you had with him was

ln.8 already in existence, is that right?

ln.9 A. He is the one that planned the loan. He told me,

ln.10 Don't put your name in there, because if they see your name

ln.11 in there, they don't give us the loan. I tell him, Do

ln.12 whatever you want. I trust you. And he applied for his

ln.13 name. He do whatever he do, until he get the -- the -- the

ln.14 loan.

ln.15 Q. Okay. Well, at the time that -- when you say "he

ln.16 applied," United Corporation applied for that loan, right?

ln.17 A. I don't have nothing to do with the

ln.18 United Corporation.

ln.19 Q. Okay. But you -- you -- you agree with me, don't

ln.20 you, that United Corporation was the one that got the loan

ln.21 from the bank?

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

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

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

ln.25 A. No.

begin page #57

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Who got the loan?

ln.2 A. No.

ln.3 Q. Okay. You know that Mr. Yusuf had to put up his

ln.4 house to get the loan, didn't you?

ln.5 A. Yeah, Mr. Yusuf, he is the one that running behind

ln.6 the loan until he get it.

ln.7 Q. Okay. He had to -- to mortgage his house to be

ln.8 able to get the loan, isn't that right?

ln.9 A. Yes, sir.

ln.10 Q. Okay. Did you mortgage your house?

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

ln.12 Q. No, that -- my question is, did you mortgage your

ln.13 house to get the loan?

ln.14 A. No.

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

ln.16 A. Yes.

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

ln.18 A. Yes.

ln.19 Q. The one in Estate Carlton?

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

ln.21 Q. Did you own any other significant assets at that

ln.22 time?

ln.23 A. No.

ln.24 Q. Okay. Did you have a mortgage against your house

ln.25 at that time?

begin page #58

MOHAMMAD HAMED -- DIRECT

ln.1 A. No.

ln.2 Q. Okay. So you owned Estate Carlton free of liens,

ln.3 is that right?

ln.4 A. (Witness shrugs shoulders.) I don't understand

ln.5 what you're saying.

ln.6 Q. In 1986, you owned Estate Carlton free and clear,

ln.7 is that right?

ln.8 A. No.

ln.9 Q. So did somebody have a mortgage on -- on your

ln.10 house?

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

ln.12 Q. Okay.

ln.13 A. I used to rent it before. After I opened the --

ln.14 the supermarket, and I start to work with my kids, I buy the

ln.15 house.

ln.16 Q. I see. Okay.

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

ln.18 Q. Okay. All right. So when the store opened in

ln.19 1986, you didn't own the house? You were renting?

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

ln.21 Q. Very well. Very well. Now, you say you agreed

ln.22 with Mr. Yusuf to split the profits of the -- the store

ln.23 50/50, right?

ln.24 A. Yeah.

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

begin page #59

MOHAMMAD HAMED -- DIRECT

ln.1 A. With everything.

ln.2 Q. Okay. But you -- you didn't have any mortgage

ln.3 on -- on any property of yours in order to get the loan.

ln.4 A. No.

ln.5 Q. Okay. Now, what -- when you say is the -- the

ln.6 agreement was to -- to split the net profits 50/50, isn't

ln.7 that right?

ln.8 Isn't that right?

ln.9 A. Yeah.

ln.10 Q. What expenses were netted out in order to get to

ln.11 the net profits?

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

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

ln.14 Object as to form.

ln.15 Q. (Mr. Hodges) What expenses were taken out of

ln.16 the -- the proceeds generated by the supermarket in order to

ln.17 arrive at net profits?

ln.18 A. I don't understand.

ln.19 Q. Do you know, do you understand what the word

ln.20 net --

ln.21 A. No.

ln.22 Q. Well, your complaint says that you agreed to split

ln.23 the net profits 50/50, --

ln.24 A. No.

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

begin page #60

MOHAMMAD HAMED -- DIRECT

ln.1 Doesn't your complaint say that?

ln.2 MR. HARTMANN: You want to show him the

ln.3 complaint?

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

ln.5 MR. HARTMANN: Okay.

ln.6 MR. HODGES: I'm sorry, counsel down the

ln.7 line. I only have one extra.

ln.8 MR. HARTMANN: And how are you going to

ln.9 question him on this? He doesn't read English --

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

ln.11 MR. HARTMANN: -- and you don't want a

ln.12 translator, so this is going to be kind of tough.

ln.13 MR. HODGES: Are -- are -- are you finished

ln.14 commenting?

ln.15 MR. HARTMANN: No, I'm just asking. Are you

ln.16 going to read to him?

ln.17 THE WITNESS: I told him I wanted somebody in

ln.18 Arabic.

ln.19 MR. HARTMANN: I understand you did. I

ln.20 thought we had an agreement to have someone read it to you

ln.21 in Arabic.

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

ln.23 MR. HARTMANN: That's okay. You can only

ln.24 answer what you can answer.

ln.25 Is this going to be an exhibit, Counsel?

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Yes. Exhibit 1.

ln.2 (Deposition Exhibit No. 1 was

ln.3 marked for identification.)

ln.4 MR. HARTMANN: Could we identify it for the

ln.5 record?

ln.6 MR. HODGES: Could you please look at what's

ln.7 been marked as Plaintiff's Exhibit 1?

ln.8 Has it been marked?

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

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

ln.11 MR. HARTMANN: Mine?

ln.12 MR. HODGES: You don't have to have it if you

ln.13 don't want it.

ln.14 MR. HARTMANN: Okay.

ln.15 Q. (Mr. Hodges) Mr. Yusuf -- I mean, Mr. Hamed, have

ln.16 you seen what has been marked as Plaintiff's Exhibit No. 1

ln.17 in front of you?

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

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

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

ln.21 Q. So the question to my answer -- the answer to my

ln.22 question is, yes, you've never seen it before?

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

ln.24 Q. Okay.

ln.25 A. Yeah.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. So I take it, then, that you have -- you've never

ln.2 read Exhibit No. 1 because you can't read English, is that

ln.3 right?

ln.4 A. Yeah.

ln.5 Q. Did somebody translate this document for you?

ln.6 A. They have somebody speaking Arabic, they will read

ln.7 it and tell me.

ln.8 Q. Did -- my question was, did someone translate the

ln.9 First Amended Complaint that is Exhibit 1 for you?

ln.10 MR. HARTMANN: Object. Asked and answered.

ln.11 A. No.

ln.12 MR. HARTMANN: He said his son did.

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

ln.14 A. No.

ln.15 Q. Okay. Well, then you don't -- you don't

ln.16 understand the complaint that you have filed in this case to

ln.17 commence the lawsuit against Mr. Yusuf and -- and

ln.18 United Corporation?

ln.19 MR. HARTMANN: Object. Mischaracterizes the

ln.20 prior testimony. He said it was read to him in Arabic.

ln.21 MR. HODGES: Counsel, will you stop

ln.22 testifying for your witness?

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

ln.24 MR. HODGES: Make an objection --

ln.25 MR. HARTMANN: I did.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: -- and nothing more.

ln.2 MR. HARTMANN: I have.

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

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

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

ln.6 Q. (Mr. Hodges) So you've -- you've never seen this

ln.7 document before, and it hasn't been translated for you.

ln.8 MR. HARTMANN: I object.

ln.9 Don't answer the question.

ln.10 MR. HODGES: And the basis of

ln.11 your instruction?

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

ln.13 MR. HODGES: What's the basis?

ln.14 MR. HARTMANN: That you've asked the

ln.15 question. He answered that it was read to him in Arabic.

ln.16 That his son read it to him.

ln.17 MR. HODGES: He did not.

ln.18 MR. HARTMANN: And now you just said to

ln.19 him --

ln.20 MR. HODGES: He did not.

ln.21 MR. HARTMANN: Do you want to go back for a

ln.22 read-back? He absolutely did.

ln.23 MR. HODGES: No.

ln.24 If you continue this kind of behavior,

ln.25 Counsel, we're going to have a -- a talk with the judge, if

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MOHAMMAD HAMED -- DIRECT

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

ln.2 MR. HARTMANN: Okay.

ln.3 Q. (Mr. Hodges) Mr. Hamed, are you aware that a

ln.4 complaint has been filed on your behalf to commence this

ln.5 case that we've been -- we've been talking about this

ln.6 morning?

ln.7 MR. HARTMANN: Object, asked and answered.

ln.8 Object as to form. Object, argumentative.

ln.9 Q. (Mr. Hodges) You can answer it, sir. Go ahead.

ln.10 Can you answer the question?

ln.11 A. No.

ln.12 Q. Why not?

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

ln.14 Q. But you're asking the Court to do something with

ln.15 respect to my clients, aren't you?

ln.16 MR. HARTMANN: Object, asked and answered.

ln.17 Object as to form.

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

ln.19 A. No.

ln.20 Q. Mr. Hamed, tell us, when you -- the -- the

ln.21 partnership that you -- that you described first started

ln.22 business in 1986, right?

ln.23 A. Uh-huh.

ln.24 Q. What were its assets?

ln.25 A. What's that?

begin page #65

MOHAMMAD HAMED -- DIRECT

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

ln.2 A. We open a supermarket.

ln.3 Q. I'm -- I'm asking you what the assets of the --

ln.4 the partnership were --

ln.5 MR. HARTMANN: Object asked and answered.

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

ln.7 A. We working together with whatever, the

ln.8 supermarket.

ln.9 Q. Okay.

ln.10 A. That's all.

ln.11 Q. What did the supermarket own?

ln.12 A. They own merchandise inside.

ln.13 Q. Okay.

ln.14 A. Yeah.

ln.15 Q. Anything else?

ln.16 A. The shelf and warehouse full, and the plant full

ln.17 of everything.

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

ln.19 the equipment?

ln.20 A. Yeah, the equipment too.

ln.21 Q. Did the partnership own the land or the building

ln.22 on which it did business?

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

ln.24 Q. The partnership did?

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

begin page #66

MOHAMMAD HAMED -- DIRECT

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

ln.2 A. He own it.

ln.3 Q. When you say "he," do you mean United Corporation

ln.4 owned it?

ln.5 A. No, not United Corporation. Fathi Yusuf, he have

ln.6 half of the Plaza Extra. He owned the building.

ln.7 Q. All by himself?

ln.8 A. He and his family.

ln.9 Q. Okay. You don't claim any ownership of the

ln.10 building, is that what I hear you saying?

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

ln.12 Q. All right. So you don't claim anything, you don't

ln.13 claim any ownership in the building or the land on which

ln.14 Plaza Extra East is located, is that right?

ln.15 A. Yeah, mon. It's there, when they got fire. It's

ln.16 the -- the Plaza Extra belonged to Fathi Yusuf and Mohammad

ln.17 Hamed, and when we got the check, he is the one that take

ln.18 the check from the insurance and they build back the

ln.19 Plaza Extra.

ln.20 Q. Okay.

ln.21 A. And then they buy an acre land from the back of

ln.22 the warehouse, and it -- they make -- they make it bigger,

ln.23 the warehouse with it.

ln.24 Q. Uh-huh.

ln.25 A. Yeah.

begin page #67

MOHAMMAD HAMED -- DIRECT

ln.1 Q. So you're claiming that you own that acre,

ln.2 one-half of it, is that what you're saying?

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

ln.4 supermarket.

ln.5 Q. What I'm trying to find out, sir, is are you

ln.6 claiming that you are 50-percent owner of that acre that you

ln.7 were just talking about?

ln.8 A. Yeah, what you believe in there.

ln.9 Q. What do you believe?

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

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

ln.12 trying --

ln.13 A. Yeah.

ln.14 Q. -- to find out?

ln.15 A. And I got the check from the insurance, and

ln.16 Mr. Yusuf, he took the check, he built back. We build with

ln.17 him --

ln.18 Q. Right.

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

ln.20 back.

ln.21 Q. When Mr. Yusuf got that insurance check, he

ln.22 offered to cash it and give you half of it, isn't that

ln.23 right?

ln.24 A. I don't got a penny.

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

begin page #68

MOHAMMAD HAMED -- DIRECT

ln.1 you half of it?

ln.2 A. And they give me -- not give me nothing. All what

ln.3 the check is doing, they build a Plaza Extra, the walls.

ln.4 Q. Mr. Hamed --

ln.5 A. They got fire, and they got burn up, and they got

ln.6 down roof, and we start to fix everything.

ln.7 Q. All right. But when he got that insurance check,

ln.8 are you telling me he didn't offer to take it, cash it and

ln.9 give you half of it?

ln.10 A. No.

ln.11 MR. HODGES: He did not.

ln.12 A. We have to build.

ln.13 MR. HARTMANN: Object. Asked and answered.

ln.14 You've asked it four times now.

ln.15 A. We have to -- to build the supermarket first. We

ln.16 build it up, fix it what the damage was.

ln.17 Q. (Mr. Hodges) He gave you the choice, though. He

ln.18 said either you could have the money --

ln.19 MR. HARTMANN: Object. Mischaracterizes the

ln.20 testimony.

ln.21 MR. HODGES: Will you please let me finish my

ln.22 question, Counsel?

ln.23 MR. HARTMANN: Sure.

ln.24 Q. (Mr. Hodges) Mr. Yusuf gave you a choice, didn't

ln.25 he? Either you could take the money from the insurance

begin page #69

MOHAMMAD HAMED -- DIRECT

ln.1 check or you can build --

ln.2 A. No.

ln.3 Q. -- the place back?

ln.4 A. No. They didn't offer me for money to take it to

ln.5 put it in my pocket. Asked if you want to build the

ln.6 Plaza Extra as was --

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

ln.8 A. -- before.

ln.9 Q. All right.

ln.10 A. And we go for that.

ln.11 Q. Now, that -- that additional acre that you -- you

ln.12 talked about?

ln.13 A. Yeah, that's what the money, they got it from the

ln.14 check and insurance. First thing we do, we build the

ln.15 Plaza Extra back.

ln.16 Q. Didn't Mr. Yusuf contribute some of his own money

ln.17 to the -- to the purchase of that acre?

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

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

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

ln.21 Q. Are you saying that Mr. Yusuf had no money of his

ln.22 own at that time?

ln.23 A. I don't know what he have in there. Just the

ln.24 check, it belong to Plaza Extra.

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

begin page #70

MOHAMMAD HAMED -- DIRECT

ln.1 saying he didn't put in any of his own money, or that you

ln.2 just don't know?

ln.3 MR. HARTMANN: Object. Confusing.

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

ln.5 MR. HARTMANN: Form.

ln.6 A. I don't know.

ln.7 Q. (Mr. Hodges) You don't know. So he could have

ln.8 put some of his own money to purchase that property. You

ln.9 just don't know, is that right?

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

ln.11 A. Because he didn't do that in his own money to fix

ln.12 the Plaza. The insurance company, they pay the check, and

ln.13 they give him the check to pay for that.

ln.14 Q. (Mr. Hodges) All right. And that -- that money

ln.15 was used to rebuild the supermarket, right?

ln.16 A. Yes.

ln.17 Q. And there was -- are you saying that that money

ln.18 was sufficient not only to rebuild the supermarket, but to

ln.19 buy that extra acre, as well?

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

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

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

ln.23 Q. Okay. So if Mr. Yusuf claimed that he gave a -- a

ln.24 hundred thousand dollars of his own money to purchase that

ln.25 property, would you say that's not true?

begin page #71

MOHAMMAD HAMED -- DIRECT

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

ln.2 A. I don't know.

ln.3 Q. (Mr. Hodges) Okay. Now, what were the expenses

ln.4 of the supermarket?

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

ln.6 Q. What sort of -- did you have any agreement with

ln.7 Mr. Yusuf? You know that his family owns

ln.8 United Corporation, right?

ln.9 A. How many times you come for this? Agreement that

ln.10 you do make, we talked together as brother. As

ln.11 brother-in-law. You give me 200,000, I put you a partner.

ln.12 And we did that, and every minute you tell me the agreement.

ln.13 We don't talk about agreement. We talk with him as a

ln.14 brother, tell him, You want to be a partner? Yes. Give me

ln.15 200,000. I get the 200,000, I give it to him.

ln.16 Q. All right. The partnership, as you said, owned

ln.17 the equipment and inventory, right?

ln.18 Did you just testify to that?

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

ln.20 Q. It did not own the land. That was owned by United

ln.21 Corporation.

ln.22 MR. HARTMANN: Object. Mischaracterizes the

ln.23 prior -- prior testimony.

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

ln.25 A. What's right that?

begin page #72

MOHAMMAD HAMED -- DIRECT

ln.1 Q. I'm sorry?

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

ln.3 Q. United Corporation owned the whole supermarket,

ln.4 did it not, sir?

ln.5 MR. HARTMANN: Object. Mischaracterizes the

ln.6 prior testimony.

ln.7 A. I don't know.

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

ln.9 A. No.

ln.10 Q. You've never known that?

ln.11 A. Mr. Yusuf, he do make United Corporation. I'm

ln.12 Plaza Extra, a partner to Mr. Yusuf. Not to the

ln.13 United Corporation.

ln.14 Q. I understand. You -- you don't claim any

ln.15 ownership of the stock of United Corporation?

ln.16 A. Nothing.

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

ln.18 A. Nothing.

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

ln.20 You don't claim any ownership of any of the

ln.21 assets that United owns, isn't that correct?

ln.22 A. We don't own them, we don't build, we don't claim,

ln.23 we don't do nothing to United Corporation.

ln.24 Q. Okay. Now, the -- I'm going to read Paragraph 15

ln.25 of your First Amended Complaint. Okay?

begin page #73

MOHAMMAD HAMED -- DIRECT

ln.1 A. Uh-huh.

ln.2 Q. And counsel can tell me if I'm not reading the

ln.3 words correctly. All right?

ln.4 You allege at Paragraph 15 that, As part of

ln.5 his partnership activities, Yusuf made the decision that the

ln.6 reporting of all accounting and other filings for these

ln.7 partnership operations to the government would be done by

ln.8 United, such as tax filings and similar matters. He

ln.9 provided the services of United as part of his partnership

ln.10 contribution, to which Mohammad Hamed did not object.

ln.11 Do you agree with that, sir?

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

ln.13 A. (Witness shakes head).

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

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

ln.16 Q. Do you agree with the words that just came out of

ln.17 my mouth?

ln.18 A. I don't know, I don't read it, I don't -- nobody

ln.19 tell me is that did that.

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

ln.21 A. No.

ln.22 Q. Okay.

ln.23 MR. HARTMANN: We'll stipulate that that is

ln.24 the paragraph in our complaint.

ln.25 MR. HODGES: No.

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MOHAMMAD HAMED -- DIRECT

ln.1 Okay. Thank you.

ln.2 THE VIDEOGRAPHER: Going off record. The

ln.3 time is 11:46.

ln.4 (Short recess taken.)

ln.5 THE VIDEOGRAPHER: Going back on record on

ln.6 11:57.

ln.7 Q. (Mr. Hodges) Mr. Hamed, I -- I would like to

ln.8 return to the -- the -- the concept of what expenses the

ln.9 supermarket paid in order to determine the net profits that

ln.10 were to be split.

ln.11 Okay? Do you understand that?

ln.12 A. Say it again.

ln.13 Q. I would like to -- to come back to the concept of

ln.14 what expenses the supermarket agreed to pay in order to --

ln.15 to arrive at the net profits that were going to be split

ln.16 between you and Mr. Yusuf. Okay?

ln.17 A. Ah.

ln.18 Q. You understand that?

ln.19 A. Yeah.

ln.20 Q. All right. What expenses did you agree with

ln.21 Mr. Yusuf that the supermarket would pay? For example, did

ln.22 you agree with Mr. Yusuf that the supermarket would pay

ln.23 United rent for the space that it occupied?

ln.24 A. We agree, Mr. Yusuf, when he put hisself in charge

ln.25 for the office. Whatever he did, I never tell him no.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. But my question, sir, is did you agree with him

ln.2 that the supermarket, Plaza Extra, would pay United rent for

ln.3 occupying the building that the supermarket did business out

ln.4 of?

ln.5 A. That's why I told you, when Mr. Yusuf, he stay in

ln.6 the office. And we got the fire, and we get a problem with

ln.7 the -- the -- the breakdown in the store. All the money, if

ln.8 he use it, whatever he did, I never tell him no. Even if he

ln.9 put the store, fixed the store, whatever he did, I tell you,

ln.10 I trust him. Whatever he put his hand and he say, I want

ln.11 it, you go ahead and do it. I'm backing up.

ln.12 Q. So you're -- you're saying that you never had any

ln.13 agreement with him about the payment of rent?

ln.14 A. No.

ln.15 MR. HARTMANN: Object. Mischaracterizes

ln.16 prior testimony.

ln.17 A. No.

ln.18 Q. (Mr. Hodges) Okay. You never -- you never

ln.19 participated in any decision regarding the payment of rent.

ln.20 A. No.

ln.21 Q. Okay. Let's pull out the answers to

ln.22 interrogatories.

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

ln.24 second.

ln.25 This will be 2.

begin page #76

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Do you mind if I identify it

ln.2 for the record?

ln.3 MR. HODGES: Sure.

ln.4 (Deposition Exhibit No. 2 was

ln.5 marked for identification.)

ln.6 MR. HARTMANN: Okay. This is Plaintiff

ln.7 Hamed's Responses to Defendant Fathi Yusuf's First Set of

ln.8 Interrogatories to Plaintiff Mohammad Hamed, which is dated

ln.9 23rd day of December, 2013. And it's Exhibit No. 2.

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

ln.11 Q. (Mr. Hodges) Mr. Hamed, would you take a look at

ln.12 Exhibit No. 2? Turn to the second-to-the-last page.

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

ln.14 MR. HODGES: It's the second-to-the-last

ln.15 page.

ln.16 MR. HARTMANN: My second-to-the-last page is

ln.17 a verification page.

ln.18 MR. HODGES: Okay.

ln.19 Q. (Mr. Hodges) Mr. Hamed, is that your signature

ln.20 that appears on this page?

ln.21 MR. HARTMANN: Mr. Hamed, is that your

ln.22 signature?

ln.23 Did you sign it?

ln.24 A. Ah. Yeah.

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

begin page #77

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yes.

ln.2 Q. Did you read the answers to interrogatories that

ln.3 you swore to when you signed this document?

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

ln.5 A. Yeah.

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

ln.7 A. Yeah.

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

ln.9 Q. (Mr. Hodges) Okay. Did somebody translate the

ln.10 answers that you swore to in these interrogatories?

ln.11 A. My son, he write and he tell me, Sign it, and I

ln.12 signed it.

ln.13 Q. Okay.

ln.14 A. That's what.

ln.15 Q. When you say your son, you were pointing to your

ln.16 right, I believe.

ln.17 A. Uh-huh.

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

ln.19 A. Yeah.

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

ln.21 A. Yeah.

ln.22 Q. Did -- did he translate all of your answers that

ln.23 are set forth in -- in these documents for you?

ln.24 A. Yeah.

ln.25 Q. He did?

begin page #78

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yeah.

ln.2 Q. When?

ln.3 A. When he coming me.

ln.4 Q. When was that?

ln.5 A. I can't remember.

ln.6 MR. HODGES: Counsel.

ln.7 A. I don't know.

ln.8 MR. HARTMANN: You had this before him. I'm

ln.9 not doing anything.

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

ln.11 MR. HARTMANN: No. You just asked him when

ln.12 he signed it.

ln.13 MR. HODGES: Yeah.

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

ln.15 MR. HODGES: And you're pointing -- you're

ln.16 pointing him to a date, is that correct?

ln.17 MR. HARTMANN: No. No, you directed him to

ln.18 his signature.

ln.19 MR. HODGES: Okay.

ln.20 MR. HARTMANN: I simply put the document in

ln.21 front of him.

ln.22 MR. HODGES: Counsel, you're -- you're beyond

ln.23 the pale, you know that?

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

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

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MOHAMMAD HAMED -- DIRECT

ln.1 Mr. Hamed?

ln.2 A. Yeah.

ln.3 Q. Did your son translate this document after you

ln.4 signed it, or before?

ln.5 MR. HARTMANN: Object to form.

ln.6 A. (Speaking in Arabic.)

ln.7 Before.

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

ln.9 A. Yeah.

ln.10 Q. And he went through, he read each and every page

ln.11 to you in Arabic?

ln.12 A. No.

ln.13 Q. No?

ln.14 A. No.

ln.15 Q. What pages did he read to you?

ln.16 A. All I don't know what he told me that time. I

ln.17 can't remember.

ln.18 Q. Isn't it fair to say that he just told you to sign

ln.19 it, and that was okay with you?

ln.20 MR. HARTMANN: Object. Mischaracterizes

ln.21 prior testimony. Object as to form, argumentative.

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

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

ln.24 Q. I'm sorry?

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

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MOHAMMAD HAMED -- DIRECT

ln.1 follow.

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

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

ln.4 Q. Okay. Now, Mr. Hamed, I'm -- I'm looking at

ln.5 Page 5 of this document.

ln.6 MR. HARTMANN: May I turn to Page 5 of the

ln.7 document?

ln.8 MR. HODGES: You may.

ln.9 MR. HARTMANN: Thank you.

ln.10 Q. (Mr. Hodges) And if you look at the paragraph

ln.11 that begins in short --

ln.12 MR. HODGES: Counsel, you see that?

ln.13 MR. HARTMANN: I'm not testifying. You can

ln.14 direct the witness.

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

ln.16 A. Yeah.

ln.17 Q. -- I will read to you the -- the answer that you

ln.18 gave under oath, okay? And if I don't read it correctly,

ln.19 I'm sure your counsel will object.

ln.20 MR. HARTMANN: His counsel isn't testifying

ln.21 here.

ln.22 THE WITNESS: I told you since I come into

ln.23 this place, --

ln.24 MR. HARTMANN: If you want a translator, you

ln.25 need to get a translator.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE WITNESS: -- it's I told you, they have

ln.2 somebody to take -- to writed that in Arabic to understand

ln.3 it --

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

ln.5 THE WITNESS: -- to give him the answer. I

ln.6 can't give him no answer when I misunderstand what he say.

ln.7 MR. HARTMANN: I understand that.

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

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

ln.10 A. I can't answer you because you don't -- I don't

ln.11 understand what you say.

ln.12 Q. (Mr. Hodges) Okay. So what you're saying, then,

ln.13 is that when you testified --

ln.14 A. You try to --

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

ln.16 You testified under oath on January 25, 2013

ln.17 in this case, did you not?

ln.18 A. I can't remember.

ln.19 Q. You can't remember whether you testified --

ln.20 A. No.

ln.21 Q. -- in a -- a preliminary --

ln.22 A. No.

ln.23 Q. -- a -- a temporary restraining order hearing?

ln.24 A. No.

ln.25 Q. You don't remember answering questions that

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MOHAMMAD HAMED -- DIRECT

ln.1 Mr. Holt asked you at that -- at that hearing?

ln.2 A. I don't understand that.

ln.3 Q. You don't remember answering questions from

ln.4 Mr. Holt?

ln.5 A. Not Mr. Holt, not anybody. I have to have

ln.6 somebody to tell me what that's in Arabic. Then I answer

ln.7 you.

ln.8 Q. So you -- but you didn't tell the -- the judge on

ln.9 January 25th that you couldn't understand the questions that

ln.10 were being put to you, could -- did you?

ln.11 MR. HARTMANN: Object, argumentative.

ln.12 A. Whatever who's the judge, the judge, I asked

ln.13 somebody to come to here with this -- with this in Arabic

ln.14 language.

ln.15 MR. HARTMANN: I don't understand what the

ln.16 problem is. Why don't you have Mr. Nizar simply read what

ln.17 you want him to under -- here in Arabic, or Mr. Hamed?

ln.18 Q. (Mr. Hodges) Mr. DeWood will read from Page 5 of

ln.19 your sworn responses to Interrogatory No. 2.

ln.20 MR. HARTMANN: Just watch it to make sure

ln.21 that it's a correct translation. Okay. Just to 5.

ln.22 Which question are you on? Where are you on

ln.23 Page 5?

ln.24 MR. HODGES: On the paragraph beginning, In

ln.25 short.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Okay.

ln.2 MR. DEWOOD: So now, just for the record, am

ln.3 I reading this in English and then Arabic?

ln.4 MR. HARTMANN: Yes.

ln.5 MR. HODGES: Or should I break it down

ln.6 sentence by sentence?

ln.7 MR. HARTMANN: Yes. Either way. Why don't

ln.8 you just read through in English first, and then read it in

ln.9 Arabic?

ln.10 MR. DEWOOD: Okay. Very well. Page 5, first

ln.11 paragraph, In short, Yusuf and I agreed that Waleed Hamed,

ln.12 a/k/a Wally Hamed, would act on my behalf as to my

ln.13 day-to-day partnership rights and obligations pursuant to a

ln.14 power of attorney.

ln.15 Translation by stipulation.

ln.16 MR. HARTMANN: Okay. Listen to him.

ln.17 MR. DEWOOD: (Speaking in Arabic.)

ln.18 The second sentence (speaking in Arabic), I

ln.19 did not end my oversight of major partnership issues. Just

ln.20 the daily operations. (Speaking in Arabic.)

ln.21 One second. Let me just get the right word

ln.22 on this.

ln.23 Once again, I did not end my oversight of

ln.24 major partnership issues. Just the daily operations.

ln.25 THE WITNESS: Talk in Arabic, not in English.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. DEWOOD: Yes, sir. I'm going to --

ln.2 MR. HARTMANN: Sir --

ln.3 MR. DEWOOD: -- I'm going to translate. I'm

ln.4 going to translate.

ln.5 THE WITNESS: Yeah.

ln.6 MR. DEWOOD: (Speaking in Arabic.)

ln.7 THE WITNESS: What that man, that mean?

ln.8 (Speaking in Arabic).

ln.9 MR. DEWOOD: (Speaking in Arabic.) That's

ln.10 what's written here. That's what your answer is.

ln.11 MR. HARTMANN: Okay. Now, is there a

ln.12 question?

ln.13 MS. JAPINGA: There's one more sentence.

ln.14 MR. HARTMANN: Oh, I'm sorry.

ln.15 MR. HODGES: Ask him, Do you agree with what

ln.16 was just translated?

ln.17 MR. DEWOOD: (Speaking in Arabic.) Do you

ln.18 agree with my translation of the sentences I just stated?

ln.19 A. (Through Mr. DeWood): I did not understand

ln.20 anything. (Speaking in Arabic.)

ln.21 You tried to say it in Arabic, and then you

ln.22 came back to say it in English, and then you -- and then I

ln.23 lost it.

ln.24 MR. HARTMANN: Okay. Why don't we do this?

ln.25 Why don't you read the first question -- do what Greg said.

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MOHAMMAD HAMED -- DIRECT

ln.1 Read the first sentence to him, and ask him if he agrees

ln.2 with it.

ln.3 MR. DEWOOD: Okay.

ln.4 MR. HARTMANN: Okay. Then go to the second

ln.5 question.

ln.6 MR. DEWOOD: Sure. (Speaking in Arabic.)

ln.7 Okay. I'm going to read to you the first

ln.8 sentence (speaking in Arabic).

ln.9 In short, (speaking in Arabic).

ln.10 MR. HARTMANN: Is that true?

ln.11 THE WITNESS: Yeah.

ln.12 MR. HARTMANN: Okay. He said yes. Go to the

ln.13 second sentence.

ln.14 MR. DEWOOD: I did not end my oversight of

ln.15 major partnership issues. Just the daily operations.

ln.16 (Speaking in Arabic).

ln.17 A. That's good.

ln.18 MR. DEWOOD: He agrees.

ln.19 MR. HARTMANN: Is that true?

ln.20 THE WITNESS: Yeah.

ln.21 MR. HARTMANN: Yes. Okay. Now the third

ln.22 sentence.

ln.23 MR. DEWOOD: For instance, I was still

ln.24 consulted on the opening of the St. Thomas and West stores,

ln.25 as well as the rent issues surrounding East. (Speaking in

begin page #86

MOHAMMAD HAMED -- DIRECT

ln.1 Arabic.)

ln.2 MR. HARTMANN: Is that true?

ln.3 THE WITNESS: Yeah.

ln.4 MR. HARTMANN: Okay. That's true. Okay.

ln.5 Q. (Mr. Hodges) All right. So then you under -- you

ln.6 were involved in the decisions with respect to the payment

ln.7 of rent, is that right?

ln.8 A. Rent to who?

ln.9 Q. The supermarket did not pay rent?

ln.10 A. We pay rent. We talk, since we open, we talk

ln.11 about it, and he, Mr. Yusuf the one, he put the rent. Up

ln.12 from that time, we don't pay no rent. Still, we owe. We

ln.13 owe Mr. Yusuf, the owner for the Plaza Extra, half of the --

ln.14 I don't pay for half. Still we owe him some more.

ln.15 Q. So I think what you're saying is you agree that

ln.16 the partnership owes rent to United Corporation, is that

ln.17 right?

ln.18 A. Yeah, and to Mr. Yusuf, yes.

ln.19 Q. Well, Mr. -- the United Corporation is the -- is

ln.20 the company that you've been paying rent to for many years,

ln.21 is that correct?

ln.22 A. Yes, since we started.

ln.23 Q. Okay. So rent would be one of the expenses that

ln.24 the supermarket paid in order to get net profits, is that

ln.25 right?

begin page #87

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Yes.

ln.2 A. We pay for the supermarket, rent for the

ln.3 supermarket for monthly. We already give him

ln.4 4 million-something half couple months ago for the when he

ln.5 ask, we do pay him that.

ln.6 Q. (Mr. Hodges) Okay. So what --

ln.7 A. Yeah, we pay him that.

ln.8 Q. The answer to my question --

ln.9 A. We pay him that, and then still we owe him some

ln.10 more.

ln.11 Q. Okay. You -- you paid him some money a couple

ln.12 months ago, you say, and you acknowledge that the

ln.13 partnership still owes United rent?

ln.14 A. Yeah. My own don't finish --

ln.15 Q. Okay.

ln.16 A. -- my rent one time.

ln.17 Q. How much rent do you agree that the partnership

ln.18 owes United?

ln.19 A. I don't know. He don't agree they have a

ln.20 between -- and ask him St. Thomas, and we told him it's as

ln.21 to St. Thomas, we pay rent for St. Thomas own.

ln.22 Q. Okay.

ln.23 A. And we still, we don't pay, I believe.

ln.24 Q. What about insurance? Was the partnership

ln.25 required to -- to obtain and pay for insurance for the

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MOHAMMAD HAMED -- DIRECT

ln.1 building that it occupied under the -- the rental agreement

ln.2 with United Corporation?

ln.3 A. I believe the -- the -- the insurance for

ln.4 Plaza Extra, not with United Corporation.

ln.5 Q. But United --

ln.6 A. And Plaza Extra owns it.

ln.7 Q. Right. So United -- excuse me -- Plaza Extra

ln.8 paid, was required by your agreement, to pay insurance to

ln.9 cover the -- the -- the building that it was occupying, is

ln.10 that right?

ln.11 MR. HARTMANN: Object. Asked and answered.

ln.12 A. Well, I don't know.

ln.13 Q. (Mr. Hodges) You -- you -- you never -- you

ln.14 never --

ln.15 A. I never know.

ln.16 Q. -- you never understood that part of the deal with

ln.17 United Corporation --

ln.18 A. No, I never know.

ln.19 Q. Okay.

ln.20 MR. HARTMANN: You keep saying "the deal with

ln.21 United Corporation." He doesn't know of any deal with

ln.22 United Corporation.

ln.23 MR. HODGES: Are you testifying again, Carl?

ln.24 MR. HARTMANN: No. I'm just trying to help

ln.25 you through this thing.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Well, I appreciate your help,

ln.2 but I'll decline it.

ln.3 MR. HARTMANN: Okay. Then -- then don't yell

ln.4 at him for what he gives you for the answers.

ln.5 Q. (Mr. Hodges) What about taxes? Was the

ln.6 partnership supposed to pay taxes with respect -- gross

ln.7 receipt taxes with respect to its business?

ln.8 A. Yeah. Mr. Yusuf, he's the owner of it. He always

ln.9 do that. And I have my -- my job is in the warehouse and in

ln.10 the receiving area, and he take care of all the office, for

ln.11 all the checks, for all the -- this -- the paperwork.

ln.12 Q. Okay. Going back to rent real quick, you said

ln.13 that the rent was -- was based on a -- on the St. Thomas

ln.14 store rate, is that what you said? The -- the -- the rent

ln.15 amount was based on the St. Thomas store, is that what you

ln.16 said?

ln.17 MR. HARTMANN: I'm going to object to this

ln.18 line of questioning because it --

ln.19 A. I don't know about the St. Thomas store or what.

ln.20 MR. HARTMANN: -- invades on settlement

ln.21 discussions.

ln.22 Q. (Mr. Hodges) You just mentioned --

ln.23 MR. HARTMANN: Excuse me.

ln.24 A. I don't mention nothing about the St. Thomas.

ln.25 MR. HARTMANN: Everybody stop.

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MOHAMMAD HAMED -- DIRECT

ln.1 I object.

ln.2 A. You put me in the St. Thomas.

ln.3 MR. HARTMANN: Stop.

ln.4 A. I don't go for St. Thomas. I don't work in

ln.5 St. Thomas.

ln.6 MR. HARTMANN: Stop for a second.

ln.7 You're inquiring into settlement discussions.

ln.8 I object.

ln.9 MR. HODGES: Okay.

ln.10 MR. HARTMANN: Okay.

ln.11 You can answer now.

ln.12 THE WITNESS: Okay.

ln.13 Q. (Mr. Hodges) How is -- was the rent, you said you

ln.14 paid a large sum of money for rent a couple months ago. How

ln.15 was that sum determined? How did you reach the -- agree on

ln.16 the amount to pay?

ln.17 MR. HARTMANN: Same objection.

ln.18 A. Pay for who?

ln.19 Q. (Mr. Hodges) You said just a few moments ago that

ln.20 a couple of months ago, you paid, or the partnership paid, a

ln.21 large sum of money for rent, is that right?

ln.22 A. I don't know. I don't understand the question.

ln.23 And you tell me, You say. I'm not saying nothing. Give me

ln.24 that question in Arabic. As soon I know it, then I give you

ln.25 the answer.

begin page #91

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Are you telling me that I can't ask you --

ln.2 A. I can't -- I can't -- I don't know what you

ln.3 talking about.

ln.4 Q. Do you understand this question?

ln.5 A. What's that?

ln.6 Q. You just -- you just answered that question, did

ln.7 you not?

ln.8 A. No. Until you ask --

ln.9 MR. HARTMANN: No, he said what's the --

ln.10 A. -- for St. Thomas here. I'm not talking in

ln.11 St. Thomas. I'm not going in St. Thomas. I'm not involved

ln.12 with -- with the St. Thomas there.

ln.13 Q. (Mr. Hodges) Okay. Let's -- well, let's cut to

ln.14 the chase, then.

ln.15 A. And you want to put me in St. Thomas here. For

ln.16 what?

ln.17 Q. Let's go to Plaza East. The original agreement

ln.18 for payment of rent, how was the amount of the rent

ln.19 determined?

ln.20 A. The rent is with the man in there in St. Thomas,

ln.21 the owner (inaudible) in St. Thomas.

ln.22 Q. Okay. And what was the agreement about the amount

ln.23 of rent that Plaza Extra would pay United?

ln.24 A. They paid, they have agreement between that man

ln.25 and the Plaza Extra.

begin page #92

MOHAMMAD HAMED -- DIRECT

ln.1 (Discussion held off the record.)

ln.2 Q. (Mr. Hodges) The question that Mr. Nizar will ask

ln.3 you in Arabic is, Was there an agreement between you and

ln.4 Mr. Yusuf for the payment --

ln.5 A. I don't have no agreement.

ln.6 MR. HARTMANN: Wait, wait, wait. He's going

ln.7 to ask you in Arabic. Just wait. Just wait.

ln.8 Okay. Go ahead.

ln.9 A. I don't have no agreement with Mr. Yusuf. We

ln.10 talk, since we start, as a partner.

ln.11 Q. (Mr. Hodges) You said that many times. I

ln.12 understand.

ln.13 A. He tell -- yeah, I say many times, and still I say

ln.14 that to let you know.

ln.15 Q. I know. I know. You don't need to say it

ln.16 anymore.

ln.17 A. He tell me, Give me 200,000, you being my partner.

ln.18 That's all. I don't write no paper between me and he. I

ln.19 give him the money. I don't get nothing. I tell him, I

ln.20 trust you. You go ahead. Do whatever you want.

ln.21 MR. HARTMANN: Rather than explaining what

ln.22 you're going to do, just --

ln.23 A. What you want me to tell you? I don't have no

ln.24 agreement, no signing, no signature between me and this man.

ln.25 I tell him, Go ahead and do it.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Ask him the question.

ln.2 MR. HARTMANN: Wait one second. Wait one

ln.3 second.

ln.4 (Discussion held off the record.)

ln.5 MR. HARTMANN: And ask it in Arabic first, if

ln.6 you would, and just ask me if it's correct.

ln.7 MR. DEWOOD: Let me get the right word.

ln.8 MR. HARTMANN: Okay.

ln.9 MR. DEWOOD: (Speaking in Arabic.)

ln.10 Has there been agreement --

ln.11 A. (Through Mr. DeWood:) There is no agreement --

ln.12 Since we opened.

ln.13 MR. HARTMANN: Translate that.

ln.14 A. (Through Mr. DeWood:) There is no agreement

ln.15 whatsoever since we opened. (Speaking in Arabic.)

ln.16 We didn't agreed. He was the one who put the

ln.17 rent amount. We did not.

ln.18 MR. HARTMANN: Okay. Go ahead.

ln.19 A. We start, we stay longer, we don't pay rent. Till

ln.20 couple months ago, they pay him out of the loan. Exactly

ln.21 the number, I don't know. A million four or more. Two,

ln.22 three, four. We still, we owe him of rent.

ln.23 Q. (Mr. Hodges) Do you know how much you owe?

ln.24 A. No.

ln.25 Q. Millions of dollars?

begin page #94

MOHAMMAD HAMED -- DIRECT

ln.1 A. Not even a dollar or fifty cents.

ln.2 Q. That's all that you owe?

ln.3 A. I don't know how much I owe him.

ln.4 Q. So if he -- if he -- if he told you how much you

ln.5 owe, would you disagree with him?

ln.6 MR. HARTMANN: Object. Asked and answered.

ln.7 He said he doesn't know.

ln.8 A. Yes, he know exactly.

ln.9 Q. (Mr. Hodges) He knows exactly how much is owed?

ln.10 A. Yeah, how much we owe him.

ln.11 Q. And you don't disagree with him about the amount

ln.12 owed, do you?

ln.13 MR. HARTMANN: Objection. Asked and

ln.14 answered. Objection to form.

ln.15 A. I agree with him it's that the rest of it,

ln.16 everybody know he used to pay me like $200 allotment. This

ln.17 year he is going to pay 250. If we agree or not, we pay

ln.18 250. If they ask 500, if they know we can't pay you 500. I

ln.19 know too much. Give me number. If I put it in my mind,

ln.20 I'll work with it.

ln.21 Q. (Mr. Hodges) Your role in the partnership was to

ln.22 be responsible for receiving, is that right?

ln.23 A. Huh?

ln.24 Q. Is that right?

ln.25 A. What's that?

begin page #95

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Your -- your -- under your agreement with

ln.2 Mr. Yusuf, --

ln.3 A. Uh-huh.

ln.4 Q. -- you were responsible for the warehouse.

ln.5 A. Yeah.

ln.6 Q. That's right?

ln.7 A. Uh-huh.

ln.8 Q. And what was his responsibilities?

ln.9 A. In the office.

ln.10 Q. And when you say "in the office," what do you mean

ln.11 by that?

ln.12 A. He's in charge for the office. He's in the one

ln.13 who say yes or no. Buy paper, buy money, buy everything.

ln.14 Q. Okay. Now --

ln.15 A. Hiring, firing.

ln.16 Q. Did there come a time that you retired from the --

ln.17 your warehouse supervision, and -- and went back to Jordan?

ln.18 A. Yeah, I going temporary and I come back.

ln.19 Q. Well, in -- when was that, in 1996?

ln.20 A. I don't know exactly.

ln.21 Q. Well, you -- you -- you retired, did you not? You

ln.22 retired and went back to Jordan.

ln.23 MR. HARTMANN: Object. Asked and answered.

ln.24 A. Yeah.

ln.25 Q. (Mr. Hodges) Okay. Why did you retire?

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MOHAMMAD HAMED -- DIRECT

ln.1 A. Why?

ln.2 Q. Why?

ln.3 A. Because I getted 79 years.

ln.4 Q. You were 79 years?

ln.5 A. I'm going to start with 80.

ln.6 Q. Not in 1996, you weren't 79, were you?

ln.7 A. Yeah, mon, now I'm past 79.

ln.8 Q. Okay. In 19 --

ln.9 A. I start to 80. What you want me, to work with

ln.10 you?

ln.11 Q. If you'll work till 90, that will be okay.

ln.12 A. No, I don't work.

ln.13 Q. Okay.

ln.14 A. Why you working with that? What's that question?

ln.15 Q. When you retired in 1996, you would agree with me

ln.16 that you no longer had any day-to-day involvement in the

ln.17 operations of the partnership, is that right?

ln.18 MR. HARTMANN: Object. Mischaracterizes the

ln.19 prior testimony.

ln.20 Q. (Mr. Hodges) Is that right?

ln.21 A. Is that's right? What's that, when I told you

ln.22 right? What's that?

ln.23 Q. What is right? I don't want --

ln.24 A. Well, isn't you tell me, it's right? How I tell

ln.25 you right, --

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. You told me --

ln.2 A. -- and I don't know the question, what you want.

ln.3 MR. HARTMANN: Say in your own words.

ln.4 Q. (Mr. Hodges) How were you involved in the

ln.5 day-to-day operations of Plaza Extra after 1996?

ln.6 A. I don't know.

ln.7 Q. Were you involved in decisions that involved --

ln.8 that the -- the warehouse, involving the warehouse?

ln.9 A. No.

ln.10 Q. That was your -- your primary role before you

ln.11 retired, isn't it?

ln.12 A. The warehouse is already, we took all my teeth in

ln.13 the warehouse. Now the warehouse is out. I'm out of the

ln.14 warehouse.

ln.15 Q. Okay.

ln.16 A. Yeah.

ln.17 Q. Believe me, I appreciate the desire to retire,

ln.18 and -- but what I'm trying to figure out is what you did

ln.19 with respect to the partnership business after you retired?

ln.20 So if you would just explain.

ln.21 A. Nothing.

ln.22 Q. Okay. Fair enough.

ln.23 A. Nothing.

ln.24 Q. Okay.

ln.25 MR. HODGES: Given that we have thirty

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MOHAMMAD HAMED -- DIRECT

ln.1 seconds left on this tape, it's probably a good time to take

ln.2 a break.

ln.3 Break for lunch now? Yeah. It's 12:30, I'm

ln.4 pretty sure.

ln.5 THE VIDEOGRAPHER: Going off the record at

ln.6 12:29.

ln.7 (Noon recess taken.)

ln.8 THE VIDEOGRAPHER: We're returning on record

ln.9 at 1:55 p.m.

ln.10 Q. (Mr. Hodges) Good afternoon, Mr. Hamed.

ln.11 A. Good afternoon, sir.

ln.12 Q. Could you tell me please, sir, what the expenses

ln.13 were that were netted out of the operations of the

ln.14 Plaza Extra to create net profits?

ln.15 MR. HARTMANN: Object. Asks for a legal

ln.16 conclusion.

ln.17 Q. (Mr. Hodges) Do you understand my question?

ln.18 A. No.

ln.19 MR. HODGES: In light of what has transpired

ln.20 earlier this morning and the witness's answer to that

ln.21 straightforward question, and his comments to counsel during

ln.22 the course of the deposition that he wanted a translator, I

ln.23 am going to suspend this deposition and seek a protective

ln.24 order with respect to this deposition, and the remaining

ln.25 depositions this week.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Okay. I wanted the record to

ln.2 reflect that on Friday afternoon in a conference with

ln.3 Attorney Hodges, I stated that I believed we needed a

ln.4 translator, and would arrange for one. Attorney Hodges

ln.5 stated that he didn't believe that there was a need for a

ln.6 translator. It was worked out between the parties on that

ln.7 call that Attorney Nizar and Wally Hamed would supply

ln.8 translation where necessary.

ln.9 Second of all, depositions are noticed for

ln.10 tomorrow for Wally Hamed. We've agreed to have Wally Hamed

ln.11 available. We've agreed that no transcript would be

ln.12 printed -- would be transcribed until after all of the

ln.13 transcriptions were done. We've agreed that I wouldn't

ln.14 attend for that -- that matter. They still won't take it.

ln.15 There's an outstanding deposition notice. We intend to

ln.16 attend for the deposition.

ln.17 Also, Wednesday there are noticed depositions

ln.18 which were noticed on stipulation with counsel, which stated

ln.19 that the depositions of Mr. Yusuf, United Corporation,

ln.20 Mr. Gaffney and others would take place Wednesday, Thursday,

ln.21 Friday. Attorney Hodges has taken three hours of the

ln.22 testimony of one witness here. It has now discontinued what

ln.23 he says is the rest of the proceedings for the entire week

ln.24 with no basis.

ln.25 I've asked him to cite me a rule which allows

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MOHAMMAD HAMED -- DIRECT

ln.1 him to do that, and he says there is no rule, but there's a

ln.2 custom. Okay.

ln.3 MR. HODGES: I disagree.

ln.4 MR. HARTMANN: We'll -- we'll appear -- by

ln.5 the way, we will appear tomorrow morning. We will appear

ln.6 Wednesday morning.

ln.7 MR. HODGES: I would respectfully submit that

ln.8 that would be an unnecessary waste of time, unless the Court

ln.9 orders otherwise.

ln.10 MR. HARTMANN: We have a noticed deposition,

ln.11 and you have no protective order.

ln.12 MR. HODGES: I don't --

ln.13 MR. HARTMANN: By the way, a deposition that

ln.14 you stipulated to that we moved on your request to this

ln.15 date.

ln.16 MR. HODGES: I would submit that I'm not

ln.17 going to make a speech for the record as counsel has. I

ln.18 disagree with his -- his presentation. I think it is

ln.19 certainly unfair for us to be saddled with a transcript of a

ln.20 person who can say, I didn't understand the question,

ln.21 whenever he doesn't like the answer. Because that's the way

ln.22 you want it, I can understand that.

ln.23 MR. HARTMANN: You have it -- you have a

ln.24 translator. Ask --

ln.25 MR. DEWOOD: I'm not a translator.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: He is my co-counsel. He is not

ln.2 a certified translator. I do not want to put him in a

ln.3 position of ever being questioned on anything other than

ln.4 what he does as an attorney in this case. So we're

ln.5 suspending the deposition. We'll seek an appropriate

ln.6 protective order.

ln.7 MR. HARTMANN: And we'll seek appropriate

ln.8 costs.

ln.9 MR. HOLT: Just on a side note --

ln.10 MR. HARTMANN: Are we still on the record?

ln.11 MR. HOLT: Yeah. It's 2:00 o'clock. We have

ln.12 three hours to find a translator on this island, so let's

ln.13 just -- let's start here tomorrow morning. We'll just move

ln.14 all the depositions back. We can find a translator.

ln.15 There's lots of people on this island that speak Arabic.

ln.16 MR. DEWOOD: Then propose one.

ln.17 MR. HOLT: Huh?

ln.18 MR. DEWOOD: Propose one.

ln.19 MR. HOLT: Well, I guess I'll make some phone

ln.20 calls, unless you got somebody. How about the gentleman

ln.21 from Best Furniture?

ln.22 MR. DEWOOD: I don't know. I don't know.

ln.23 MR. HOLT: That's who the District Court

ln.24 uses.

ln.25 MR. YUSUF: Is this a certified one?

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Is there some need for this to

ln.2 be on the record?

ln.3 MR. HOLT: Well, I -- I -- I want to keep the

ln.4 depositions going because we've got deadlines for extras and

ln.5 everything else. I don't see why -- all we're going to do

ln.6 is move them back a day. We'll start -- start with his

ln.7 again tomorrow, we'll do Wally on Wednesday, we'll do Fathi

ln.8 on Thursday.

ln.9 MR. DEWOOD: Is he a certified translator?

ln.10 MR. HOLT: Huh?

ln.11 MR. DEWOOD: Is he a certified translator?

ln.12 MR. HOLT: You know, I don't know what you

ln.13 mean by "certified translator." We need somebody who can

ln.14 speak the language who can translate. There's no

ln.15 requirement for certified --

ln.16 MR. DEWOOD: Someone -- there is. I mean,

ln.17 someone who's been tested.

ln.18 MR. HOLT: You know what? The good news is,

ln.19 you speak enough Arabic, Wally speaks enough Arabic, that we

ln.20 can all assume that we're on video, and we'll be able to

ln.21 figure out if the guy's giving a translation.

ln.22 MR. ECKARD: Plus it's on video.

ln.23 MR. HOLT: It's not -- it's not like there's

ln.24 a requirement -- it is a requirement for somebody who can

ln.25 speak the language. When we use a Spanish-speaking

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MOHAMMAD HAMED -- DIRECT

ln.1 interpreter in the courtroom, we don't have one that's

ln.2 certified. We have one that the court uses. They're not

ln.3 certified. And if they're sick, we bring in someone else.

ln.4 There's no such thing as a certified translator on this

ln.5 island.

ln.6 So I suggest that we start tomorrow morning

ln.7 at 9:00 o'clock.

ln.8 MR. HARTMANN: 10:00 o'clock.

ln.9 MR. HOLT: 10:00 o'clock. And in the

ln.10 meantime, we will find a translator.

ln.11 MR. DEWOOD: Let me know.

ln.12 MR. HOLT: Huh?

ln.13 MR. HODGES: Unless a -- a qualified

ln.14 translator is obtained, you know, we're -- obviously, call

ln.15 us as soon as you propose somebody.

ln.16 MR. HARTMANN: You know, this is your burden.

ln.17 MR. HOLT: That's all right. You're good.

ln.18 MR. HODGES: No. No. You're the one that --

ln.19 MR. HOLT: It doesn't matter.

ln.20 MR. HODGES: -- offered to pay --

ln.21 MR. DEWOOD: Come on.

ln.22 MR. HOLT: We object to you leaving. You're

ln.23 leaving. We made a proposal. We'll see you tomorrow

ln.24 morning at 10:00 o'clock, and hopefully with a translator.

ln.25 MR. HODGES: Thank you.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: We're off the record?

ln.2 THE VIDEOGRAPHER: We're going off the

ln.3 record.

ln.4 (Whereupon the deposition concluded

ln.5 at 2:03 p.m.)

ln.6

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CERTIFICATE

ln.1 C-E-R-T-I-F-I-C-A-T-E

ln.2

ln.3 I, CHERYL L. HAASE, a Registered Professional Reporter

ln.4 and Notary Public No. NP-158-03 for the U.S. Virgin Islands,

ln.5 Christiansted, St. Croix, do hereby certify that the above

ln.6 and named witness, MOHAMMAD HAMED, was first duly sworn to

ln.7 testify the truth; that said witness did thereupon testify

ln.8 as is set forth; that the answers of said witness to the

ln.9 oral interrogatories propounded by counsel were taken by me,

ln.10 in Stenotype and thereafter reduced to typewriting under my

ln.11 personal direction and supervision.

ln.12 I further certify that the facts stated in the caption

ln.13 hereto are true; and that all of the proceedings in the

ln.14 course of the hearing of said deposition are correctly and

ln.15 accurately set forth herein, to the best of my ability.

ln.16 I further certify that I am not counsel, attorney or

ln.17 relative of either party, nor financially or otherwise

ln.18 interested in the event of this suit.

ln.19 IN WITNESS WHEREOF, I have hereunto set my hand as such

ln.20 Certified Court Reporter on this the 18th day of April,

ln.21 2014, at Christiansted, St. Croix, United States Virgin

ln.22 Islands.

ln.23 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ln.24 Cheryl L. Haase, RPR

My Commission Expires 2/10/16

ln.25

VOL 2

ln.1

ln.1 IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

ln.2

MOHAMMED HAMED by His Authorized )

ln.3 Agent WALEED HAMED, )

)

ln.4 Plaintiff/Counterclaim Defendant, )

)

ln.5 vs. ) Case No. SX-12-CV-370

) Volume 2

ln.6 FATHI YUSUF and UNITED CORPORATION, )

)

ln.7 Defendants/Counterclaimants, )

)

ln.8 vs. )

)

ln.9 WALEED HAMED, WAHEED HAMED, MUFEED )

HAMED, HISHAM HAMED, and PLESSEN )

ln.10 ENTERPRISES, INC., )

)

ln.11 Additional Counterclaim Defendants.)

ln.12 THE VIDEOTAPED ORAL DEPOSITION OF MOHAMMAD HAMED

ln.13 was taken on the 1st day of April, 2014, at the Law Offices

ln.14 of Adam Hoover, 2006 Eastern Suburb, Christiansted,

ln.15 St. Croix, U.S. Virgin Islands, between the hours of

ln.16 9:12 a.m. and 5:13 p.m. pursuant to Notice and Federal Rules

ln.17 of Civil Procedure.

ln.18 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ln.19

Reported by:

ln.20

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ln.21 Registered Professional Reporter

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begin page #2

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begin page #3

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Hatim Yusuf, Interpreter

ln.17 Kim Japinga

Waleed Hamed

ln.18 Hisham Hamed

Mufeed Hamed

ln.19 Maher Yusuf

Fathi Yusuf

ln.20

ln.21

ln.22

ln.23

ln.24

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MOHAMMAD HAMED -- DIRECT

ln.1 THE VIDEOGRAPHER: In the matter of Mohammad

ln.2 Hamed v. Fathi Yusuf and United Corporation, Waleed Hamed,

ln.3 Waheed Hamed, Mufeed Hamed, Hisham Hamed, and Plessen

ln.4 Enterprises, Inc., in the Superior Court of the Virgin

ln.5 Islands, Division of St. Croix, Civil Action

ln.6 No. SX-12-CV-370.

ln.7 My name is Josiah Wynans. I am the

ln.8 videographer for today's proceedings. Our court reporter is

ln.9 Cheryl Haase. Today's date is April 1st, 2014. The

ln.10 deponent is Mohammad Hamed. The time is -- the time is

ln.11 9:12.

ln.12 For the purpose of voice identification, I'm

ln.13 requesting that the attorneys present identify themselves at

ln.14 this time.

ln.15 MR. HODGES: Good morning, Greg Hodges on

ln.16 behalf of the defendants.

ln.17 MR. DEWOOD: Morning, Nizar DeWood on behalf

ln.18 of the defendants.

ln.19 MR. HARTMANN: Carl Hartmann on behalf of the

ln.20 plaintiff.

ln.21 MR. HOLT: Joel Holt on behalf of the

ln.22 plaintiff.

ln.23 MR. ECKARD: Mark Eckard on behalf of Waleed

ln.24 Hamed.

ln.25 THE VIDEOGRAPHER: Will you please swear the

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MOHAMMAD HAMED -- DIRECT

ln.1 interpreter?

ln.2 THE REPORTER: Would you raise your right

ln.3 hand, please?

ln.4 HATIM YUSUF,

ln.5 After having been first duly sworn to

ln.6 translate from English to Arabic and

ln.7 from Arabic to English, interpreted as follows:

ln.8 THE VIDEOGRAPHER: Will you swear the

ln.9 witness?

ln.10 THE REPORTER: Would you raise your right

ln.11 hand, please?

ln.12 MOHAMMAD HAMED,

ln.13 Called as a witness, having been first duly sworn,

ln.14 Testified on his oath as follows:

ln.15 THE INTERPRETER: He says yes.

ln.16 A. Yeah.

ln.17 THE INTERPRETER: Yes.

ln.18 DIRECT EXAMINATION

ln.19 BY MR. HODGES:

ln.20 Q. Good morning, Mr. Hamed.

ln.21 A. Good morning, sir.

ln.22 Q. If you would, tell us what you did to prepare for

ln.23 your deposition yesterday?

ln.24 THE INTERPRETER: He says, Nothing.

ln.25 A. All what I have in my mind or whatever happened,

begin page #8

MOHAMMAD HAMED -- DIRECT

ln.1 will come in to talk about it.

ln.2 THE INTERPRETER: He says, whatever he knows

ln.3 in his mind, based on what he understood was the agreement

ln.4 originally with Abu Maher, is what he's going to discuss and

ln.5 talk about.

ln.6 Q. (Mr. Hodges) Okay. Are you saying that you

ln.7 didn't meet with anybody to prepare for your deposition

ln.8 yesterday?

ln.9 A. No. No.

ln.10 THE INTERPRETER: No.

ln.11 Q. (Mr. Hodges) Okay. So you didn't --

ln.12 A. I didn't need to.

ln.13 THE INTERPRETER: He says, There's no need

ln.14 to.

ln.15 Q. (Mr. Hodges) Okay. So you didn't meet for even

ln.16 ten minutes with anybody to prepare for your deposition

ln.17 yesterday?

ln.18 A. No. With my family, yes. I talk with my kids,

ln.19 with my wife.

ln.20 THE INTERPRETER: He says just --

ln.21 Sorry.

ln.22 THE REPORTER: Can we -- can we either have

ln.23 English or Arabic? It's going to be very difficult to do,

ln.24 so ask him, please, to speak in Arabic, --

ln.25 THE INTERPRETER: Okay.

begin page #9

MOHAMMAD HAMED -- DIRECT

ln.1 THE REPORTER: -- and you'll translate for

ln.2 him.

ln.3 THE INTERPRETER: (Speaking in Arabic.)

ln.4 A. Okay, boss. (Speaking in Arabic.)

ln.5 MR. HARTMANN: I'd just interpose, the

ln.6 problem is that the questions need to be in Arabic.

ln.7 THE REPORTER: He's translating.

ln.8 MR. HARTMANN: Okay.

ln.9 THE INTERPRETER: His response was, he met

ln.10 with his family, his sons, his wife, and he discussed

ln.11 amongst themselves yesterday.

ln.12 MR. HODGES: Okay. Remember the admonition

ln.13 about "I" as opposed to "he."

ln.14 THE INTERPRETER: Yeah. I'll try to remember

ln.15 that.

ln.16 Q. (Mr. Hodges) So Mr. Hamed, --

ln.17 A. Yeah.

ln.18 Q. -- how long did you meet with your family to

ln.19 prepare for the deposition yesterday?

ln.20 A. (Speaking in Arabic). It's my family, we live in

ln.21 the house. Time coming to eat, everybody come in to eat?

ln.22 THE INTERPRETER: Arabic.

ln.23 He says it's -- it's -- I'm sorry. It's not

ln.24 an official meeting. It's rather, you know, spontaneous.

ln.25 We're a family, we live together. Some of my sons visit.

begin page #10

MOHAMMAD HAMED -- DIRECT

ln.1 We have dinner. Over dinner, we discussed the matter, but

ln.2 there -- there was no specific time that he -- he specified.

ln.3 Q. (Mr. Hodges) Okay. So you're -- are -- do I

ln.4 understand you correctly, then, Mr. Hamed, that you did not

ln.5 meet with your attorneys to prepare for the deposition

ln.6 yesterday?

ln.7 A. No.

ln.8 THE INTERPRETER: No.

ln.9 Q. (Mr. Hodges) Did you review any documents to

ln.10 prepare for your deposition yesterday?

ln.11 THE INTERPRETER: He says no.

ln.12 Q. (Mr. Hodges) Okay. Now, after the deposition

ln.13 yesterday, did anybody tell you that anything you said was

ln.14 wrong?

ln.15 A. No.

ln.16 Q. Okay. Did anybody tell you, after the deposition

ln.17 yesterday, did anybody tell you or suggest what you should

ln.18 say in response to any questions?

ln.19 A. No. (Speaking in Arabic) I'm getting 79 years

ln.20 old. I don't need nobody to tell me what you want to say.

ln.21 THE INTERPRETER: (Speaking in Arabic.) No.

ln.22 I am seventy-nine, almost eighty years old. I don't need

ln.23 anybody to tell me what to say or what -- what to do.

ln.24 Q. (Mr. Hodges) Okay. Now, Mr. Hamed, as I

ln.25 understand your testimony yesterday, there was approximately

begin page #11

MOHAMMAD HAMED -- DIRECT

ln.1 two years between the time you sold your store in Estate

ln.2 Carlton and the time you started working at Plaza Extra, is

ln.3 that correct?

ln.4 MR. HOLT: Object. Asked and answered.

ln.5 THE INTERPRETER: No, it's not.

ln.6 A. (Speaking in Arabic) or anybody come in my place.

ln.7 THE INTERPRETER: Arabic, Arabic.

ln.8 A. (Speaking in Arabic). Even in St. Thomas, when

ln.9 they wanted to open St. Thomas, or St. Croix. They go and

ln.10 help the construction people to build in the supermarket.

ln.11 No charge.

ln.12 THE INTERPRETER: Arabic. Arabic.

ln.13 A. (Speaking in Arabic).

ln.14 THE INTERPRETER: All right. He -- I worked

ln.15 two years prior to the loan, he says, is what I understood.

ln.16 I -- I'm not sure if you want to follow up, or -- I'm not

ln.17 clear on --

ln.18 Q. (Mr. Hodges) You worked at what for two years

ln.19 prior to the loan?

ln.20 THE INTERPRETER: (Speaking in Arabic.)

ln.21 A. Construction. The supermarket, inside, when they

ln.22 were --

ln.23 THE REPORTER: Arabic.

ln.24 THE INTERPRETER: Arabic, Arabic.

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

begin page #12

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: I worked for two years

ln.2 during the construction period. The time leading up to the

ln.3 opening of the store, in other words. I worked in the

ln.4 construction. I was there welding, and, you know, doing a

ln.5 number of related construction tasks.

ln.6 Q. (Mr. Hodges) Okay. The construction work you

ln.7 were doing, Mr. Hamed, was on the inside after the building

ln.8 had already been put up, isn't that correct?

ln.9 THE INTERPRETER: Okay. I worked inside the

ln.10 store, and I was involved in -- in welding, bringing

ln.11 materials, and Maher was there.

ln.12 Q. (Mr. Hodges) Okay. So you agree with me, then,

ln.13 that the construction work that you did was inside after the

ln.14 structure had already been put up by Mr. Yusuf?

ln.15 THE INTERPRETER: He says yes, he's -- he

ln.16 agrees.

ln.17 Q. (Mr. Hodges) Okay. And when you mention the

ln.18 people that were working with you on the construction inside

ln.19 to get the building ready, you mentioned Maher Yusuf, Mike

ln.20 Yusuf, right?

ln.21 THE INTERPRETER: He says yes, and he says, I

ln.22 still say that.

ln.23 Q. (Mr. Hodges) Okay. And not only Mike Yusuf was

ln.24 working there, but the other Yusuf children, as well, isn't

ln.25 that correct?

begin page #13

MOHAMMAD HAMED -- DIRECT

ln.1 A. No, he was in the -- in the school.

ln.2 THE INTERPRETER: Arabic.

ln.3 THE WITNESS: Oh, sorry.

ln.4 THE INTERPRETER: No, they were not.

ln.5 Q. (Mr. Hodges) So you never saw Mr. -- Mr. Yusuf's

ln.6 daughter working to prepare loan packages at that time?

ln.7 A. No, I don't go for the office. (Speaking in

ln.8 Arabic) inside the store.

ln.9 THE INTERPRETER: I did not see, because my

ln.10 work was not inside the office. My work was as he described

ln.11 earlier.

ln.12 Q. (Mr. Hodges) Okay. So you don't recall seeing

ln.13 any of the other Yusuf children working along with Mike

ln.14 at -- for the construction?

ln.15 MR. HARTMANN: Object. Asked and answered.

ln.16 THE INTERPRETER: No.

ln.17 Q. (Mr. Hodges) Okay. Now, when you were to do this

ln.18 work on the inside of the building, Wally was off at

ln.19 college, right?

ln.20 A. Yeah.

ln.21 THE INTERPRETER: Yes.

ln.22 Q. (Mr. Hodges) And none of your children were

ln.23 helping you in the construction process, is that correct?

ln.24 THE INTERPRETER: All of them used to, as

ln.25 soon as they would come back from school, the first day they

begin page #14

MOHAMMAD HAMED -- DIRECT

ln.1 would be at home, second day they would go to work.

ln.2 He referred to Waleed, Wally, at one time

ln.3 helping the welder, and that, you know, he was all night

ln.4 working, the next day he was coughing, you know, dirt from

ln.5 the work.

ln.6 Q. (Mr. Hodges) So as I understand it, his children

ln.7 would only assist when they returned from school?

ln.8 THE INTERPRETER: Yes.

ln.9 A. Yeah.

ln.10 Q. (Mr. Hodges) Okay. What children other than

ln.11 Wally were actually attending school at that time?

ln.12 THE INTERPRETER: Waheed and Mufeed.

ln.13 Q. (Mr. Hodges) Were both attending school at that

ln.14 time?

ln.15 A. Yes.

ln.16 Q. And what time was that? What period of time are

ln.17 you talking about?

ln.18 A. I don't know now. I can't remember. They have

ln.19 maybe twenty years, twenty-five years ago.

ln.20 THE INTERPRETER: Arabic.

ln.21 A. (Speaking in Arabic.)

ln.22 THE INTERPRETER: He doesn't -- I don't

ln.23 remember. This was maybe twenty -- twenty, twenty-five

ln.24 years ago.

ln.25 Q. (Mr. Hodges) Okay. But you do remember when the

begin page #15

MOHAMMAD HAMED -- DIRECT

ln.1 store opened, don't you?

ln.2 THE INTERPRETER: Yes.

ln.3 Q. (Mr. Hodges) When was that?

ln.4 MR. HARTMANN: Object. Asked and answered.

ln.5 A. 1986.

ln.6 THE INTERPRETER: 1986.

ln.7 Q. (Mr. Hodges) Okay. So let's say between 1983 and

ln.8 '86, were any of your children, other than Wally, going to

ln.9 school?

ln.10 MR. HARTMANN: Object. Asked and answered.

ln.11 A. Exactly time, I'm not (inaudible). I can't

ln.12 remember how, what time.

ln.13 THE REPORTER: Arabic.

ln.14 THE WITNESS: I'm sorry.

ln.15 THE INTERPRETER: He says -- I'm sorry.

ln.16 Waleed was the first to go, and they all followed each other

ln.17 one after the other. Next was Waheed and then Mufeed.

ln.18 I'm --

ln.19 Is that correct? (Speaking in Arabic.)

ln.20 Waheed and then Mufeed.

ln.21 But he does not -- I don't remember the exact

ln.22 time periods.

ln.23 Q. (Mr. Hodges) Okay. Mr. Hamed, I believe you said

ln.24 that Mr. Yusuf told you that there was no need to put your

ln.25 name on the loan, is that -- do I recall that correctly?

begin page #16

MOHAMMAD HAMED -- DIRECT

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

ln.2 THE INTERPRETER: He told me that I -- we

ln.3 would not be able to get the loan if I used my name.

ln.4 Q. (Mr. Hodges) Okay. Did -- loan from -- from what

ln.5 bank, do you recall?

ln.6 MR. HARTMANN: Object. Asked and answered.

ln.7 A. Banco Popular.

ln.8 THE INTERPRETER: Banco Popular.

ln.9 A. Our bank, Banco Popular.

ln.10 THE INTERPRETER: Banco Popular.

ln.11 Q. (Mr. Hodges) Are you sure about that, sir?

ln.12 A. Yeah. He told me. Mr. Yusuf tell me.

ln.13 THE INTERPRETER: Arabic. Arabic.

ln.14 A. Mr. Fathi tell me I had the loan, 1 million

ln.15 (Speaking in Arabic) from the bank.

ln.16 THE INTERPRETER: Mr. Fathi told me the loan

ln.17 amount was 1 million from Banco Popular; that the interest

ln.18 would be 8,000 -- his share of it would be 8,000, and

ln.19 equally 8,000 for Mr. Fathi Yusuf.

ln.20 Q. (Mr. Hodges) Okay. And at the time -- is this at

ln.21 the beginning, right at the beginning of the opening of the

ln.22 store?

ln.23 A. Before they opened the store.

ln.24 THE INTERPRETER: Arabic.

ln.25 Before we opened the store.

begin page #17

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. And didn't Mr. Yusuf tell you

ln.2 that one of the reasons you didn't need to be on the loan is

ln.3 that you had no collateral to offer the bank?

ln.4 MR. HARTMANN: Object. Asked and answered.

ln.5 THE INTERPRETER: Okay. We were willing to

ln.6 go to any length to be able to get the loan secured. He

ln.7 used the term in Arabic, you know, We were willing to go to

ln.8 the moon or to the sky to -- to be able to get the loan.

ln.9 But he, referring to Mr. Fathi, did not tell me about any

ln.10 collateral that I would need. And at the time, I didn't

ln.11 have any.

ln.12 Q. (Mr. Hodges) Okay. So you agree with me,

ln.13 Mr. Hamed, that at the time that Mr. Yusuf was trying to get

ln.14 a loan, you had no home to put up as a -- as a mortgage.

ln.15 Or, excuse me, you couldn't mortgage your -- your home to

ln.16 secure the loan.

ln.17 MR. HARTMANN: Object. Mischaracterizes

ln.18 prior testimony. Also, asked and answered.

ln.19 THE INTERPRETER: I did not have even

ln.20 something this much to collateralize.

ln.21 MR. HODGES: Fair enough.

ln.22 A. How many times he ask me this question?

ln.23 MR. HARTMANN: That's all right.

ln.24 A. (Speaking in Arabic.) I got seven children in my

ln.25 house. I rent a house, and I don't -- I fight to eat, to

begin page #18

MOHAMMAD HAMED -- DIRECT

ln.1 give food for my kids, and he asked me, what you have? I

ln.2 tell you the first time, we don't have. I don't own no

ln.3 house. I don't own no land. I don't own nothing. I fight

ln.4 to make money to give Mr. Yusuf to be a partner in this

ln.5 business, in this supermarket.

ln.6 THE INTERPRETER: It's clear.

ln.7 MR. HODGES: That part is, but I would like

ln.8 to hear what he said in Arabic.

ln.9 MR. HARTMANN: Excuse me. There's no

ln.10 question pending.

ln.11 MR. HODGES: He -- he spoke in Arabic just a

ln.12 moment ago.

ln.13 THE INTERPRETER: I -- I translated -- I

ln.14 interpreted what he said in Arabic, and then he spoke mostly

ln.15 in English after that. I don't recall.

ln.16 Q. (Mr. Hodges) Okay. So, but Mr. Yusuf, you agree

ln.17 with me, did put up his large home as collateral for the

ln.18 loan to the bank, isn't that right?

ln.19 MR. HARTMANN: Object. Asked and answered.

ln.20 A. (Speaking in Arabic.) I know that.

ln.21 THE INTERPRETER: He says, I know -- I know

ln.22 that.

ln.23 A. I know that. (Speaking in Arabic.) I'm going to

ln.24 put him under his foot. (Speaking in Arabic.) Like he many

ln.25 times, he tell me, You're hundred percent. (Speaking in

begin page #19

MOHAMMAD HAMED -- DIRECT

ln.1 Arabic.) I don't own no houses.

ln.2 THE REPORTER: Arabic. In Arabic. It's

ln.3 impossible to go from Arabic to English to Arabic to

ln.4 English. It's impossible.

ln.5 A. (Speaking in Arabic.) I rented. I pay rent.

ln.6 (Speaking in Arabic.) I make a mistake. I say that to out

ln.7 control. (Speaking in Arabic.)

ln.8 THE INTERPRETER: I would have done anything

ln.9 to help. If I had a home to mortgage or -- and use as

ln.10 collateral or anything, I would have done so, because at the

ln.11 time, we were -- we were all working to try and get this

ln.12 loan.

ln.13 Q. (Mr. Hodges) But my question was, isn't it true

ln.14 that Mr. Yusuf put up his large home?

ln.15 THE INTERPRETER: His response was, Yes, a

ln.16 hundred percent, he's in agreement.

ln.17 MR. HODGES: Okay. Thank you.

ln.18 Q. (Mr. Hodges) Now, Mr. Hamed, you retired in 1996

ln.19 at the age of 61, isn't that correct?

ln.20 A. I'm not retired --

ln.21 THE INTERPRETER: I'm sorry. What, the year

ln.22 was 19 --

ln.23 MR. HODGES: 1996, at the age of 61.

ln.24 A. That's not correct. I used to visit Jordan and

ln.25 then come back and work.

begin page #20

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. But in 1996, you left the

ln.2 day-to-day operations of Plaza Extra and returned to Jordan,

ln.3 isn't that correct?

ln.4 THE INTERPRETER: It was a vacation. Don't

ln.5 you go on vacation?

ln.6 Q. (Mr. Hodges) So you're saying to me, sir, that

ln.7 you did not retire in 1996?

ln.8 A. No.

ln.9 THE INTERPRETER: No. He did not. I did not

ln.10 retire.

ln.11 Q. (Mr. Hodges) So how long would you stay in Jordan

ln.12 at a time after 1996?

ln.13 A. A month.

ln.14 THE INTERPRETER: One month.

ln.15 Q. (Mr. Hodges) You never stayed in Jordan more than

ln.16 one month at a time after 1996?

ln.17 THE INTERPRETER: He says, Yes, it may

ln.18 have -- yes, it has occurred. Every year, I used to go

ln.19 visit my parents. They were alive, and I would stay during

ln.20 the -- the month of Ramadan with them.

ln.21 Q. (Mr. Hodges) Okay. So between 1996 and 2010, how

ln.22 many months a year did you spend in Jordan?

ln.23 A. I don't know.

ln.24 THE INTERPRETER: I don't know.

ln.25 A. I don't know.

begin page #21

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: How many --

ln.2 THE INTERPRETER: I don't know.

ln.3 Q. (Mr. Hodges) Between 1996 and 2010, how many

ln.4 months of the year did you spend in the Virgin Islands?

ln.5 THE INTERPRETER: All of my life has been

ln.6 here.

ln.7 Q. (Mr. Hodges) Okay. Now, Mr. -- Mr. Hamed, do you

ln.8 recall testifying at the hearing on January 25th before the

ln.9 Honorable Judge Douglas Brady?

ln.10 A. No.

ln.11 THE INTERPRETER: He says no. No.

ln.12 Q. (Mr. Hodges) Well, if the transcript of those

ln.13 hearings showed that you were asked this question, Are you

ln.14 still working at the stores, end of question, and your

ln.15 answer was, Long time I retired, do you agree with that?

ln.16 THE INTERPRETER: I -- I did not retire

ln.17 completely. When I was here, I would go to the store. I

ln.18 did not have any other work to attend to. I would -- I

ln.19 would go to the store and I would -- I would work.

ln.20 Q. (Mr. Hodges) Okay. And are you saying that

ln.21 between 1996 and today, that's -- that's what you would do

ln.22 when you come back to the Virgin Islands, you would work in

ln.23 the store?

ln.24 A. Sometime. Sometime.

ln.25 THE INTERPRETER: Sometime.

begin page #22

MOHAMMAD HAMED -- DIRECT

ln.1 A. Sometime.

ln.2 Q. (Mr. Hodges) Okay.

ln.3 A. I'm not going every day.

ln.4 THE INTERPRETER: Arabic. Arabic.

ln.5 A. (Speaking in Arabic.) I got sick. I start to --

ln.6 THE INTERPRETER: Arabic. Arabic.

ln.7 A. (Speaking in Arabic.) Sometime I go --

ln.8 THE REPORTER: Arabic.

ln.9 THE INTERPRETER: Arabic.

ln.10 A. (Speaking in Arabic.)

ln.11 THE INTERPRETER: Okay. Excuse me. I -- I

ln.12 occasionally go, but since I've become ill, I -- I'm not

ln.13 going as frequently, but I still do go. At this stage, I

ln.14 am -- you know, I can't go every day.

ln.15 Q. (Mr. Hodges) Okay. When did you become ill,

ln.16 Mr. Hamed?

ln.17 A. (Speaking in Arabic.) I can't remember when.

ln.18 THE INTERPRETER: He says, I -- I am sick. I

ln.19 have cancer in my throat. I have had an operation in my

ln.20 head, and he -- he says, he keeps repeating, I'm very sick,

ln.21 but I can't remember.

ln.22 MR. HODGES: He can't -- he can't remember

ln.23 when he became ill?

ln.24 THE INTERPRETER: I asked him that question.

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

begin page #23

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. Now, when you returned to the

ln.2 Virgin Islands and you say you went to the store, what kind

ln.3 of work did you do there?

ln.4 THE INTERPRETER: I'm sorry.

ln.5 MR. HODGES: When he returned to the Virgin

ln.6 Islands and -- and worked in the store, what kind of work

ln.7 did he do?

ln.8 MR. HARTMANN: Object as to form.

ln.9 A. Nothing. (Speaking in Arabic.) They didn't need

ln.10 me to work, I mean in that, do something. Nothing.

ln.11 (Speaking in Arabic.)

ln.12 THE INTERPRETER: He says, There was no

ln.13 specific work. I would walk around work, look around. They

ln.14 really didn't want me to work, but I would be there at the

ln.15 store looking at employees, looking at the -- at the

ln.16 business.

ln.17 Q. (Mr. Hodges) So other than looking, you didn't

ln.18 actually do any work.

ln.19 THE INTERPRETER: No.

ln.20 Q. (Mr. Hodges) Since 1996?

ln.21 THE INTERPRETER: Yes.

ln.22 Q. (Mr. Hodges) Now, you would agree with me,

ln.23 Mr. Hamed, would you not, that Mr. Yusuf has never retired

ln.24 from the business?

ln.25 MR. HARTMANN: Object. Mischaracterizes the

begin page #24

MOHAMMAD HAMED -- DIRECT

ln.1 prior testimony. He said he didn't retire.

ln.2 MR. HODGES: I will put on the record, now,

ln.3 given this first speaking objection, that if you continue to

ln.4 clearly violate Rule 39 of the Superior Court rules, I will

ln.5 file a motion for sanctions against you, Attorney Hartmann.

ln.6 You yesterday made repeated speaking

ln.7 objections, and a -- an instruction not to answer a question

ln.8 that involved nothing close to a attorney-client privilege.

ln.9 Therefore, you have violated Rule 39 § (a)(1) and (2). So

ln.10 if you keep it up, you're going to get a motion filed

ln.11 against you.

ln.12 MR. HARTMANN: And similarly, if you make

ln.13 long speech -- speeches onto the record, you violate the

ln.14 rule as well.

ln.15 Thank you.

ln.16 MR. HODGES: Okay. What was the question?

ln.17 I'm sorry.

ln.18 THE REPORTER: "Now, you would agree with me,

ln.19 Mr. Hamed, would you not, that Mr. Yusuf has never retired

ln.20 from the business?"

ln.21 THE INTERPRETER: He's never told me, and

ln.22 I've never heard.

ln.23 MR. HODGES: Okay. So has his role in the

ln.24 business ever changed since 1986?

ln.25 MR. HARTMANN: Object as to form.

begin page #25

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Yes.

ln.2 Q. (Mr. Hodges) How has Mr. Yusuf's role in -- in

ln.3 the business changed from 1986 to present?

ln.4 A. (Speaking in Arabic.) He stay in the office.

ln.5 THE INTERPRETER: Because -- because --

ln.6 because I used to unload trailers with him together, working

ln.7 together, alongside my son. Now, he sits in an office.

ln.8 Q. (Mr. Hodges) Well, correct me if I'm wrong,

ln.9 Mr. Hamed, you testified yesterday that Mr. Yusuf always

ln.10 took care of the office business, as I believe you described

ln.11 it, isn't that right?

ln.12 A. (Speaking in Arabic.) I used to be in the

ln.13 receiving area, in the warehouse. I'm in control in there.

ln.14 Mr. Yusuf, he's in charge of the office? (Speaking in

ln.15 Arabic.)

ln.16 THE INTERPRETER: No. You asked me the

ln.17 question yesterday about what his role is and what

ln.18 Mr. Yusuf's role is, and he answered: He was responsible

ln.19 for the warehouse -- I was, rather, I was responsible for

ln.20 the warehouse; Mr. Yusuf was responsible for the -- for the

ln.21 office.

ln.22 Q. (Mr. Hodges) And I believe you testified that he

ln.23 was in charge for everybody, is that correct?

ln.24 MR. HARTMANN: Object. Mischaracterizes

ln.25 prior testimony.

begin page #26

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Repeat your question,

ln.2 please.

ln.3 Q. (Mr. Hodges) I believe you testified that

ln.4 Mr. Yusuf was in charge for everybody in the business.

ln.5 A. Yeah, mon. He's fire and hire. He's in charge.

ln.6 MR. HARTMANN: In Arabic.

ln.7 THE INTERPRETER: Arabic.

ln.8 No. His responsibility was to receive. He

ln.9 was responsible to hire and fire. He was responsible for

ln.10 the front of the store.

ln.11 A. And the buying. (Speaking in Arabic.)

ln.12 THE INTERPRETER: Purchases.

ln.13 Q. (Mr. Hodges) Okay. Do you recall testifying at

ln.14 the preliminary injunction hearing on January 25 that

ln.15 Mr. Yusuf is in charge for everybody?

ln.16 A. I can't remember.

ln.17 THE INTERPRETER: He says he can't remember.

ln.18 I can't remember.

ln.19 Q. (Mr. Hodges) But you don't disagree with that, do

ln.20 you?

ln.21 MR. HARTMANN: Object. Asked and answered.

ln.22 THE INTERPRETER: He does not disagree.

ln.23 From day one, I worked with -- with Mr. Yusuf

ln.24 as partners together hand-in-hand. And, you know, our

ln.25 success was, you know, he was in charge, and -- and -- and

begin page #27

MOHAMMAD HAMED -- DIRECT

ln.1 I -- I -- he was fine with that. I mean, he says, you know,

ln.2 their success is from God.

ln.3 MR. DEWOOD: I want to make an objection,

ln.4 just for the record.

ln.5 MR. HARTMANN: Wait. Wait.

ln.6 MR. DEWOOD: Let me finish.

ln.7 MR. HARTMANN: You want to go off the record?

ln.8 MR. DEWOOD: No. On the record. Let me

ln.9 finish. Don't ever do that again.

ln.10 Translator, please translate every single

ln.11 word literally, and not the gist of what he testifies to.

ln.12 That is very, very important. I want, if you need a pad so

ln.13 you can break it down, please, we'll provide you with one,

ln.14 but I need the exact literal translation of Mr. Mohammad

ln.15 Hamed word for word, from Arabic to English, and English to

ln.16 Arabic, please.

ln.17 THE INTERPRETER: I will do my best, but as

ln.18 you know, it's very difficult, especially when you're

ln.19 translating.

ln.20 MR. DEWOOD: Understood. You can give the

ln.21 gist later, but I still need the literal translation. And I

ln.22 will give you, if you want, a pad, and so you can break it

ln.23 down.

ln.24 THE INTERPRETER: Give me -- give me --

ln.25 MR. HODGES: Will that help?

begin page #28

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: You know, it may be not

ln.2 helpful, but I'll do my best.

ln.3 MR. DEWOOD: Thank you.

ln.4 Thank you, Counselor.

ln.5 MR. HODGES: Counsel, can -- can we take a

ln.6 break, --

ln.7 MR. HOLT: We don't need to take a break.

ln.8 MR. HODGES: -- and maybe you can speak with

ln.9 your client about trying a little bit harder to speak in

ln.10 Arabic.

ln.11 MR. HOLT: We don't need to take a break.

ln.12 We've got a deadline to get this done so we can start the

ln.13 next one today, so keep on going.

ln.14 MR. HODGES: Well --

ln.15 MR. HOLT: We've only been going 30 minutes,

ln.16 35 minutes.

ln.17 MR. HODGES: Well, yeah. I want to take a

ln.18 break, if I can. I need to go to the -- the men's room.

ln.19 Is that okay with you, Joel?

ln.20 MR. HARTMANN: That's okay, if that's what

ln.21 you need.

ln.22 THE VIDEOGRAPHER: We're going off the record

ln.23 at 9:55.

ln.24 (Short recess taken.)

ln.25 THE VIDEOGRAPHER: Going back on the record.

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MOHAMMAD HAMED -- DIRECT

ln.1 The time is 9:58.

ln.2 Q. (Mr. Hodges) Mr. Hamed, Mr. Yusuf being in charge

ln.3 of everybody applied to all three stores, isn't that right?

ln.4 THE INTERPRETER: Yes.

ln.5 Q. (Mr. Hodges) Okay. And that has been the case up

ln.6 until the time the Court entered a preliminary injunction in

ln.7 this case, isn't that right?

ln.8 A. Yes.

ln.9 THE INTERPRETER: Yes.

ln.10 Q. (Mr. Hodges) Now, we -- we talked about all three

ln.11 stores. If you would, I think we've -- you would agree with

ln.12 me that the Plaza Extra East store began business in 1986,

ln.13 right?

ln.14 A. (Speaking in Arabic). I can't remember. I

ln.15 couldn't exactly 100 percent. (Speaking in Arabic.

ln.16 THE INTERPRETER: He can't be sure. He does

ln.17 not remember a hundred percent.

ln.18 Q. (Mr. Hodges) Do you remember -- do you remember

ln.19 when the St. Thomas store opened?

ln.20 A. No.

ln.21 THE INTERPRETER: No, he does not remember --

ln.22 I don't remember.

ln.23 Q. (Mr. Hodges) If I told you that the Plaza East

ln.24 store opened in April of 1986, would you disagree with me?

ln.25 THE INTERPRETER: It's possible.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. And if I told you that the --

ln.2 the Tutu Park store opened in 19 -- in October of 1993,

ln.3 would you have any reason to disagree?

ln.4 A. I can't remember.

ln.5 THE INTERPRETER: Is that okay with you?

ln.6 THE REPORTER: I got it.

ln.7 THE INTERPRETER: Okay.

ln.8 Q. (Mr. Hodges) What about the Plaza West store, do

ln.9 you recall when that opened?

ln.10 A. No.

ln.11 THE INTERPRETER: No. No, I don't remember.

ln.12 Q. (Mr. Hodges) Okay. Now, you always worked at the

ln.13 Plaza East store, isn't that correct?

ln.14 THE INTERPRETER: Yes.

ln.15 Q. (Mr. Hodges) Okay. Over the years, I'm talking

ln.16 about from 1986 to -- to now, how did you and Mr. Yusuf go

ln.17 about distributing the net profits from Plaza Extra?

ln.18 THE INTERPRETER: Profits were supposed to

ln.19 remain in the business.

ln.20 A. In the store. In the store.

ln.21 THE INTERPRETER: Oh. He says the profits

ln.22 were to remain in the store.

ln.23 Q. (Mr. Hodges) So you're -- are you -- you're not

ln.24 telling us that you never got a profit distribution of cash

ln.25 out of the -- the business, did you?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: No, we -- we did not

ln.2 distribute profits. However, if someone needed money, they

ln.3 would make withdrawals from the business.

ln.4 Q. (Mr. Hodges) And what do you call that? Is that

ln.5 not a distribution of profits?

ln.6 THE INTERPRETER: No.

ln.7 Q. (Mr. Hodges) What do you call that?

ln.8 A. (Speaking in Arabic.) Whatever you need, you go

ln.9 and you sign. You get your money, and you sign a paper, and

ln.10 you give it to him.

ln.11 THE INTERPRETER: If -- if anyone needed

ln.12 money, they would request it. They would be given the

ln.13 money, they would sign for it, and that's it.

ln.14 Q. (Mr. Hodges) Okay. So they would be given the --

ln.15 the money in cash?

ln.16 A. Yeah.

ln.17 THE INTERPRETER: Yes.

ln.18 Q. (Mr. Hodges) Would -- if somebody needed money,

ln.19 would they ever receive a check?

ln.20 THE INTERPRETER: Yes.

ln.21 Q. (Mr. Hodges) Who would -- where would -- where

ln.22 would the check come from?

ln.23 A. From the Plaza.

ln.24 THE INTERPRETER: From Plaza.

ln.25 A. From the Plaza.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) What name would be on the check as

ln.2 the -- as the payor?

ln.3 MR. HARTMANN: Object. Asked and answered.

ln.4 A. (Speaking in Arabic). They wanted hand work,

ln.5 right?

ln.6 THE INTERPRETER: If someone has done work

ln.7 for the store, for the business, they would be issued a

ln.8 check from the business. Who -- who would pay -- his

ln.9 response was, who would pay for -- who would pay the check?

ln.10 In other words, who would issue the check?

ln.11 It's a question back to you.

ln.12 Q. (Mr. Hodges) Okay. Mr. Hamed, I don't -- I don't

ln.13 get to answer questions today. It -- it's your job to

ln.14 answer the questions, okay?

ln.15 A. Whatever you want, and you -- you be fair. I'm

ln.16 ready any time. If the God give me a health, good health,

ln.17 to be able to (inaudible). If not, God knows.

ln.18 Q. (Mr. Hodges) Okay. So I take it you understood

ln.19 my question or my comment just a moment ago, is that

ln.20 correct?

ln.21 A. (Speaking in Arabic). Check or cash, or somebody

ln.22 name or any -- anyone (Speaking in Arabic). If you are

ln.23 Sunshine, you give the people that work for you --

ln.24 THE REPORTER: In Arabic, in Arabic.

ln.25 THE INTERPRETER: Maybe he -- maybe he

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MOHAMMAD HAMED -- DIRECT

ln.1 doesn't understand the question, because he's --

ln.2 Q. (Mr. Hodges) What -- what is he saying? Let's

ln.3 hear.

ln.4 THE INTERPRETER: He's saying the check is

ln.5 issued to the person who worked, is what I -- I'm

ln.6 understanding him to say.

ln.7 A. (Speaking in Arabic.)

ln.8 THE INTERPRETER: If I may, I'm just going to

ln.9 try one more time.

ln.10 A. (Speaking in Arabic). I don't know.

ln.11 Q. (Mr. Hodges) I think he's understanding, Who is

ln.12 the check being paid to, is I'm gathering from the response.

ln.13 MR. DEWOOD: Okay. I -- I'm going to have to

ln.14 make an objection. Okay.

ln.15 MR. HODGES: The objection would be that

ln.16 apparently there -- I don't know if you're able to translate

ln.17 each and every word that he utters in response to my

ln.18 question.

ln.19 THE INTERPRETER: It's difficult. It's

ln.20 difficult.

ln.21 MR. HODGES: It needs and should be done.

ln.22 And the constant -- constant transposition from Arabic to

ln.23 English by the witness is obviously creating difficulty for

ln.24 the court reporter, as noted by her. He needs to either do

ln.25 one or the other. Speak in Arabic only, and -- and -- and

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MOHAMMAD HAMED -- DIRECT

ln.1 so that the translator can try to, and slowly, so that the

ln.2 translator can take down --

ln.3 MR. HARTMANN: Are you telling this to him to

ln.4 translate? What are we doing right now?

ln.5 MR. HODGES: I'm putting an objection on the

ln.6 record.

ln.7 MR. HARTMANN: Objection to what?

ln.8 MR. HODGES: To what's transpiring here.

ln.9 That we're not getting verbatim translations because of the

ln.10 difficulty created by back and forth from Arabic to English,

ln.11 and the time it takes him. If he was only listening to

ln.12 Arabic, he could probably translate it a little bit easier,

ln.13 but he's switching back and forth from English to Arabic,

ln.14 taking, making him think in English, Arabic, what do I

ln.15 translate, you know, it's making it impossible.

ln.16 MR. HARTMANN: Okay. I don't know what an

ln.17 objection means in this context, but let me just tell you

ln.18 what I see.

ln.19 The translator answered that he didn't

ln.20 understand the question, and he told you that he didn't

ln.21 understand the question. You then continued. His answer

ln.22 was perfectly clear. He translated it perfectly clearly.

ln.23 MR. HODGES: What was perfectly clear?

ln.24 MR. HARTMANN: You asked him the question.

ln.25 MR. HODGES: What -- what question are you

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MOHAMMAD HAMED -- DIRECT

ln.1 talking about?

ln.2 MR. HARTMANN: Your question to him was, who

ln.3 issued the check. He answered, The checks were issued to

ln.4 people who did work for the store. He said, I don't think

ln.5 that he understood it. That has nothing to do with his

ln.6 translation.

ln.7 MR. HODGES: No, he --

ln.8 MR. HARTMANN: That's exactly what happened,

ln.9 Greg.

ln.10 MR. HODGES: Well, the record will --

ln.11 MR. HARTMANN: You can ask the question

ln.12 again, until he understands your question. He said he

ln.13 didn't understand the question. He said it twice.

ln.14 MR. HODGES: Well, then he needs to tell me

ln.15 that.

ln.16 MR. HARTMANN: He did.

ln.17 MR. HODGES: No, he didn't.

ln.18 MR. HARTMANN: Do you want to read back? He

ln.19 did twice, Greg.

ln.20 MR. HODGES: What question did he not

ln.21 understand? The question, who issued the checks.

ln.22 MR. HARTMANN: Yes, that's the question he

ln.23 didn't understand. And the translator said that twice.

ln.24 Q. (Mr. Hodges) What do you not understand about the

ln.25 question, Who issued the check?

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: He may not know what the word

ln.2 "issued" means, for instance. Most laymen don't.

ln.3 MR. HODGES: Is that an -- an objection, or

ln.4 is that coaching?

ln.5 MR. HARTMANN: No, we're having -- we're

ln.6 having a dialogue here. Do you want to stop the dialogue

ln.7 and go back to your question?

ln.8 MR. HODGES: No, I don't -- yeah, I don't

ln.9 want your --

ln.10 MR. HARTMANN: Okay.

ln.11 MR. HODGES: -- your coaching to the witness.

ln.12 MR. HARTMANN: I'm not coaching the witness,

ln.13 Greg. You made an objection. I am responding to your

ln.14 objection.

ln.15 MR. HODGES: All right.

ln.16 Q. (Mr. Hodges) What is difficult, in your mind,

ln.17 Mr. Hamed, to understand about the question, Who issued the

ln.18 check?

ln.19 MR. HARTMANN: Object as to form.

ln.20 THE INTERPRETER: You want me to translate?

ln.21 MR. HARTMANN: Argumentative.

ln.22 THE INTERPRETER: (Speaking in Arabic).

ln.23 MR. HARTMANN: In Arabic.

ln.24 THE INTERPRETER: We would make withdrawals

ln.25 from the checks that we have.

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MOHAMMAD HAMED -- DIRECT

ln.1 A. The check belong to Plaza, and the name for Plaza

ln.2 in it.

ln.3 MR. HARTMANN: Would you please translate

ln.4 what he just said about Plaza?

ln.5 THE WITNESS: The name of Plaza is on the

ln.6 check.

ln.7 MR. HARTMANN: Okay.

ln.8 MR. DEWOOD: Minor objection. One

ln.9 instruction --

ln.10 MR. HODGES: No, we can't both do this.

ln.11 MR. HARTMANN: Yeah. One of you has got to

ln.12 take the deposition.

ln.13 MR. DEWOOD: Okay. I got to make this for

ln.14 the record clear right now.

ln.15 MR. HARTMANN: Then we can go off the record

ln.16 and you can say something.

ln.17 MR. DEWOOD: Okay. Let's go off the record

ln.18 for one second.

ln.19 THE VIDEOGRAPHER: Going off the record. The

ln.20 time is 10:12.

ln.21 (Discussion held off the record.)

ln.22 THE VIDEOGRAPHER: Going back on record at

ln.23 10:15.

ln.24 MR. HARTMANN: Okay. I'd just like to make a

ln.25 point that a discussion was held off the record with

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MOHAMMAD HAMED -- DIRECT

ln.1 Attorney DeWood, who stated that he felt that the -- and

ln.2 correct me if I mischaracterize this -- he felt that the

ln.3 translator was interjecting intermediate questions, and he

ln.4 would like to have those intermediate questions translated

ln.5 into English, is that correct?

ln.6 MR. DEWOOD: That is correct. Or -- or

ln.7 preferably eliminate those questions to the extent possible.

ln.8 MR. HARTMANN: Okay.

ln.9 Q. (Mr. Hodges) Mr. Hamed, we're -- we're talking

ln.10 about the -- the concept of how the two partners, you and

ln.11 Mr. Yusuf, went about distributing the net profits. Okay?

ln.12 That's the topic we're talking about.

ln.13 MR. HARTMANN: Object as to form.

ln.14 Q. (Mr. Hodges) Okay. It's not a question. I'm

ln.15 just telling you that.

ln.16 Okay. So, as I understand your testimony, if

ln.17 you needed some cash, you would go and get Mr. Yusuf to

ln.18 agree to it, and you would sign for it, and you would get

ln.19 that cash, is that right?

ln.20 MR. HARTMANN: Object. Object, asked and

ln.21 answered. Object, mischaracterizes his prior testimony.

ln.22 THE INTERPRETER: Yes.

ln.23 Q. (Mr. Hodges) Okay. And so if, for example, your

ln.24 son Waleed Hamed wanted some money to do whatever he needed

ln.25 to do in his private life, if Mr. Yusuf would agree to it,

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MOHAMMAD HAMED -- DIRECT

ln.1 he would sign a receipt and he would get the cash, is that

ln.2 right?

ln.3 MR. HARTMANN: Object as to form. No period

ln.4 specified.

ln.5 THE INTERPRETER: Yes.

ln.6 Q. (Mr. Hodges) Okay. And that would -- that

ln.7 would -- that's the way it was from 1986 until the -- the

ln.8 raid in 2001, isn't that correct?

ln.9 Or, excuse me, was it 2001? 2001.

ln.10 THE INTERPRETER: Yes, that's correct.

ln.11 Q. (Mr. Hodges) Okay. And that was in addition, I

ln.12 mean as far as the checks that you got, you got a check

ln.13 every payday while you were working there from '86 to '96,

ln.14 isn't that right?

ln.15 A. $289 check (speaking in Arabic).

ln.16 THE INTERPRETER: Yes.

ln.17 Q. (Mr. Hodges) Okay. And that check that you got

ln.18 every payday from 1986 to 1996 had on the top of it,

ln.19 United Corporation doing business as Plaza Extra, isn't that

ln.20 right?

ln.21 MR. HARTMANN: Object. Asked and answered.

ln.22 A. I can't remember.

ln.23 THE INTERPRETER: He said, I can't remember.

ln.24 Q. (Mr. Hodges) You can't remember all those checks

ln.25 that you got?

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MOHAMMAD HAMED -- DIRECT

ln.1 A. No.

ln.2 MR. HARTMANN: Object. Asked and answered.

ln.3 A. No.

ln.4 MR. HARTMANN: You want to talk to the

ln.5 interpreter. You're looking at him and talking to him.

ln.6 That's what's happening. He's responding to you in English.

ln.7 MR. HODGES: I can look at you while I ask my

ln.8 questions, can't I?

ln.9 MR. HARTMANN: I'm just -- okay, fine.

ln.10 Q. (Mr. Hodges) So, do I understand you correctly,

ln.11 Mr. Hamed, that the only way the partners or their family

ln.12 members would get money out of the Plaza Extra stores was by

ln.13 cash and these receipts?

ln.14 THE INTERPRETER: Yes.

ln.15 Q. (Mr. Hodges) Okay. Never by check?

ln.16 A. Sometime.

ln.17 THE INTERPRETER: Sometimes.

ln.18 Q. (Mr. Hodges) And what times would these

ln.19 distributions come by check?

ln.20 MR. HARTMANN: Object as to form.

ln.21 A. I don't know exactly what time. I don't know.

ln.22 THE INTERPRETER: He does not know.

ln.23 Q. (Mr. Hodges) Is there any reason, or do you -- do

ln.24 you have any understanding as to why distributions would

ln.25 sometimes be made by check?

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MOHAMMAD HAMED -- DIRECT

ln.1 A. Employees --

ln.2 THE INTERPRETER: Arabic.

ln.3 Every week, checks would be distributed to

ln.4 all employees.

ln.5 Q. (Mr. Hodges) I'm not talking about checks from

ln.6 United Corporation d/b/a Plaza Extra to the employees. I'm

ln.7 talking about partnership distributions.

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

ln.9 THE INTERPRETER: Okay. Any time I need

ln.10 money, I go to the office, I make the request. They give it

ln.11 to me, and I sign for it.

ln.12 Q. (Mr. Hodges) Okay. Well, what about when you

ln.13 were in Jordan and you wanted some money, how would you get

ln.14 that money?

ln.15 THE INTERPRETER: I would inform my sons, and

ln.16 they would withdraw for on my behalf, and send it to me.

ln.17 Q. (Mr. Hodges) How would the money be sent to you,

ln.18 sir?

ln.19 A. Check.

ln.20 THE INTERPRETER: Check.

ln.21 Q. (Mr. Hodges) Always checks?

ln.22 A. Yeah. Yeah.

ln.23 THE INTERPRETER: Yes.

ln.24 Q. (Mr. Hodges) Never any wire transfers?

ln.25 A. No (Speaking in Arabic). Sometime, or --

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Arabic.

ln.2 MR. HODGES: Oh, sometimes he would get wire

ln.3 transfers.

ln.4 Q. (Mr. Hodges) How many times between --

ln.5 A. I can't remember how many times.

ln.6 Q. So what you're saying, correct me if I'm wrong, is

ln.7 that usually, in fact most of the time, when a partner

ln.8 wanted cash for himself or his family, he would simply sign

ln.9 a receipt and the cash would be given to him, is that

ln.10 correct?

ln.11 A. Yes.

ln.12 Q. And before the money was given, did -- for

ln.13 example, if it was given to Mr. Yusuf or -- or members of

ln.14 his family, did you have to agree to it personally?

ln.15 A. I have to ask (speaking in Arabic).

ln.16 THE INTERPRETER: I'm just going to ask your

ln.17 question, I'm going to ask him the question you asked me to

ln.18 ask him, because --

ln.19 MR. HODGES: I would -- can you tell us what

ln.20 he just said?

ln.21 THE INTERPRETER: I sure can. He basically

ln.22 repeated what he said all along, that whenever anybody

ln.23 needed anything, they would make the request to Mr. Yusuf

ln.24 and the same procedures. They would make the request, they

ln.25 would be given the money, they would sign for it. He added

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MOHAMMAD HAMED -- DIRECT

ln.1 that, you know, maybe I need to -- my son needs to get

ln.2 married, or somebody -- he gave examples of why they may

ln.3 need the money. So he's basically repeating the same -- the

ln.4 same response as he did before.

ln.5 Do you want me to ask the question that you

ln.6 asked? Because your question was when Mr. Yusuf needed

ln.7 money, correct?

ln.8 MR. HODGES: Right.

ln.9 THE INTERPRETER: No. He would withdraw as

ln.10 he wished.

ln.11 Q. (Mr. Hodges) And that was okay with you?

ln.12 A. (Speaking in Arabic) whatever you did --

ln.13 THE INTERPRETER: Arabic.

ln.14 He says he was fine with that. That's

ln.15 what -- this was the agreement he had with Mr. Yusuf, and he

ln.16 supported him a hundred percent. He had no issue with it.

ln.17 Q. (Mr. Hodges) Mr. Hamed, would you agree with me

ln.18 that other than the paychecks that you would get every

ln.19 payday from the -- as an employee of United, plus your

ln.20 distributions from the -- the partnership as we've just

ln.21 described, you have not -- no other source of income?

ln.22 THE INTERPRETER: Yes. God is my witness.

ln.23 Q. (Mr. Hodges) Okay. And the same would apply to

ln.24 all of your sons, too, isn't that correct?

ln.25 THE INTERPRETER: Yes.

begin page #44

MOHAMMAD HAMED -- DIRECT

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

ln.2 Q. (Mr. Hodges) Okay. And that would be from 1986

ln.3 until today?

ln.4 A. Yes.

ln.5 THE INTERPRETER: Yes.

ln.6 MR. HARTMANN: Object as to form.

ln.7 Q. (Mr. Hodges) Mr. Hamed, under your agreement,

ln.8 agreement with Mr. Yusuf, isn't it true that you agreed with

ln.9 each other that you would devote your full attention to the

ln.10 business of the partnership, and not do anything outside

ln.11 that business?

ln.12 A. Yes, one hundred percent.

ln.13 Q. And the same would apply to both your sons and

ln.14 Mr. Yusuf's sons, as well, isn't that correct?

ln.15 A. We followed that agreement, and we -- we

ln.16 implemented it.

ln.17 MR. HARTMANN: Object as to form.

ln.18 MR. HODGES: So his answer to my question is

ln.19 yes?

ln.20 MR. HARTMANN: Object as to form.

ln.21 THE INTERPRETER: Yes.

ln.22 Q. (Mr. Hodges) Do you have a sense, Mr. Hamed, of

ln.23 how much cash has been withdrawn from Plaza Extra for the

ln.24 benefit of you and your family from 1986 to 2003?

ln.25 THE INTERPRETER: No.

begin page #45

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) No idea whatsoever?

ln.2 A. No.

ln.3 THE INTERPRETER: Millions of --

ln.4 A. (Speaking in Arabic.) I have to sign, and have a

ln.5 check to me or my family. We used to work and we get paid.

ln.6 THE INTERPRETER: Arabic.

ln.7 My sons used to work with me in the business

ln.8 and would get -- would get a salary like everybody else.

ln.9 Q. (Mr. Hodges) When you say "like everybody else,"

ln.10 you mean like all of Mr. Yusuf's sons, as well?

ln.11 A. Yeah.

ln.12 THE INTERPRETER: Yes, the same. They --

ln.13 they get the same salary.

ln.14 Q. (Mr. Hodges) Okay. In fact, Mr. Yusuf gets a

ln.15 check for salary, as well, isn't that correct?

ln.16 A. Yeah, from the Plaza.

ln.17 THE INTERPRETER: Yes.

ln.18 Q. (Mr. Hodges) Mr. Hamed, at Paragraph 18 of your

ln.19 First Amended Complaint, and I'm quoting, you state, quote,

ln.20 Except for the recent unauthorized removal of funds

ln.21 described herein, for 25 years all distributions from the

ln.22 supermarket accounts have been split 50/50 between the

ln.23 partners?

ln.24 MR. HARTMANN: Could you direct the

ln.25 translator to where you are?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: That might be helpful.

ln.2 Q. (Mr. Hodges) End of quote.

ln.3 MR. HODGES: Yes.

ln.4 Will you hand me the First Amended Complaint,

ln.5 and I'll show you?

ln.6 MR. HARTMANN: We have no objection, if you

ln.7 just want to have the -- have him ask -- have the translator

ln.8 read that section to him?

ln.9 Q. (Mr. Hodges) I'll under --

ln.10 MR. HARTMANN: -- in preparation for a

ln.11 question.

ln.12 MR. HODGES: I'll underline it for you.

ln.13 THE INTERPRETER: (Reading in Arabic.)

ln.14 Okay. Yes. Yes, but no one is supposed to

ln.15 get more than the other. No one side is supposed to get

ln.16 more than the other.

ln.17 Q. (Mr. Hodges) Okay. Now, let's go back to the

ln.18 cash distributions for a moment, Mr. Hamed.

ln.19 A. No.

ln.20 Q. Do I understand your testimony correctly, that if

ln.21 you or some member of your family wanted to withdraw cash,

ln.22 you would have to tell Mr. Yusuf what you wanted it for?

ln.23 MR. HARTMANN: Object. Mischaracterizes his

ln.24 prior testimony. Asked and answered.

ln.25 THE INTERPRETER: Yes, or his son.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. And if Mr. Yusuf or any of

ln.2 his sons wanted to withdraw cash --

ln.3 A. They have to sign it.

ln.4 Q. (Mr. Hodges) Let me finish my question, please.

ln.5 If Mr. Yusuf or any of his sons wanted to

ln.6 withdraw cash from the partnership business, would they have

ln.7 to ask you?

ln.8 A. Yeah, they have to. I'm his partner. I did -- I

ln.9 asked him, if I need something, he tell me, go ahead. They

ln.10 sign the paper and give me the money, when how much I ask.

ln.11 Q. Okay. So you're -- you're --

ln.12 A. If Mr. Yusuf not in the office, his son, they will

ln.13 take care of it.

ln.14 Q. I'm talking about Mr. -- if Mr. Yusuf or one of

ln.15 his sons needed money and wanted to draw some cash from the

ln.16 partnership, is it your testimony that either Mr. Yusuf or

ln.17 his sons would need to get your permission?

ln.18 A. Yeah.

ln.19 Q. Okay. And so your -- your personal position --

ln.20 permission, not one of your sons?

ln.21 A. No. My son, he's not his partner. I'm his

ln.22 partner.

ln.23 Q. Okay. So you're -- are you telling me that every

ln.24 time they signed a receipt to draw money, they would get

ln.25 your permission?

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MOHAMMAD HAMED -- DIRECT

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

ln.2 Argumentative.

ln.3 A. Supposed to.

ln.4 Q. (Mr. Hodges) Okay. Have you seen all the

ln.5 receipts that have been issued by members of your family and

ln.6 the Yusuf family over the years since 1986?

ln.7 MR. HARTMANN: Object. Asked and answered.

ln.8 THE INTERPRETER: No.

ln.9 THE WITNESS: I don't see all what they ask

ln.10 for.

ln.11 Q. (Mr. Hodges) Okay. So would it be fair to say,

ln.12 then, that periodically you -- your family, or you and

ln.13 Mr. Yusuf, would settle up and make sure everything was

ln.14 even?

ln.15 THE INTERPRETER: Not once.

ln.16 A. Open the book and talked with him, so Mr. Yusuf

ln.17 would know how much we --

ln.18 MR. HARTMANN: In Arabic.

ln.19 THE INTERPRETER: Not once did I -- did I

ln.20 approach Mr. Yusuf to -- to -- we have never sat to settle

ln.21 any accounts.

ln.22 Q. (Mr. Hodges) Okay.

ln.23 A. From the time we opened, until now.

ln.24 Q. Not one time did, I believe you're testifying, not

ln.25 one time between 1986 and today, did you and Mr. Yusuf agree

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MOHAMMAD HAMED -- DIRECT

ln.1 that everything had been 50/50 split and you were even?

ln.2 MR. HARTMANN: Object, mischaracterizes the

ln.3 testimony. Object, asked and answered.

ln.4 THE INTERPRETER: Do me a favor and repeat

ln.5 the question, please.

ln.6 Q. (Mr. Hodges) Not one time between 1986 and today

ln.7 did you or Mr. Yusuf agree that you were 50/50 split, and

ln.8 everything was even?

ln.9 THE INTERPRETER: No.

ln.10 A. (Speaking in Arabic.) He asked me --

ln.11 MR. HARTMANN: Can we have an off-the-record

ln.12 one second?

ln.13 THE INTERPRETER: Sorry.

ln.14 MR. HARTMANN: We don't have to go off,

ln.15 actually.

ln.16 A. (Speaking in Arabic).

ln.17 THE INTERPRETER: If it's okay, I need to ask

ln.18 him, he said something in Arabic, "after we got burnt," and

ln.19 I just want clarification so I can understand the time

ln.20 frame.

ln.21 MR. HODGES: Could we have the translation of

ln.22 what he just said first?

ln.23 THE INTERPRETER: Sure. He said, After we

ln.24 got burnt, Mr. Yusuf asked me to give him an accounting of

ln.25 what we withdrew as a family after my daughters and sons got

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MOHAMMAD HAMED -- DIRECT

ln.1 married, and he said to me, I -- I purchased some olive

ln.2 trees, so Mr. Yusuf asked me for an accounting of those --

ln.3 those withdrawals.

ln.4 MR. HODGES: Okay. And you -- is that where

ln.5 it was left off?

ln.6 THE INTERPRETER: Yes, I believe.

ln.7 Q. (Mr. Hodges) So are you saying that after the

ln.8 store got burnt, do you remember when that was?

ln.9 A. (Speaking in Arabic.) I can't remember.

ln.10 THE INTERPRETER: He says, Yes, when the

ln.11 store was burnt, but I don't remember when.

ln.12 Q. (Mr. Hodges) Okay. So I take it, then, that

ln.13 sometime after the store burnt, you agree that there was a

ln.14 settling up of accounts?

ln.15 A. (Speaking in Arabic) in front of everybody.

ln.16 (Speaking in Arabic.) And how much, they had more.

ln.17 THE INTERPRETER: Okay. Upon the settlement

ln.18 of the account, he showed Mr. Yusuf what his family

ln.19 withdrew, and Mr. Yusuf's response to him was, It -- it

ln.20 appears we have -- we have withdrawn more than you have as a

ln.21 family, so let's just -- he's -- and he's describing what

ln.22 Mr. Yusuf said, so let's just call it, in other words,

ln.23 settled. And these were his words.

ln.24 Q. (Mr. Hodges) So do I understand your testimony

ln.25 correctly, Mr. Hamed, that you're saying that even though

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MOHAMMAD HAMED -- DIRECT

ln.1 Mr. Yusuf was on the short side --

ln.2 THE INTERPRETER: No, it's the other way.

ln.3 MR. HODGES: Oh, okay.

ln.4 THE INTERPRETER: In other words --

ln.5 MR. HODGES: Even though the Yusuf family had

ln.6 drawn less than the Hamed family --

ln.7 THE INTERPRETER: I'm sorry.

ln.8 MR. HARTMANN: No, no.

ln.9 THE INTERPRETER: It's the other way.

ln.10 MR. HODGES: Okay.

ln.11 Q. (Mr. Hodges) Mr. Hamed, so I think what you're --

ln.12 you're saying is that sometime after the fire in the store,

ln.13 you -- you came to an understanding with Mr. Yusuf that even

ln.14 though his family had drawn more money out of the

ln.15 partnership, that you were going to call it even anyway?

ln.16 THE INTERPRETER: I told you, these were his

ln.17 words, and God's book is our witness.

ln.18 A. That's what he told me.

ln.19 THE INTERPRETER: That's what he says

ln.20 Mr. Yusuf told him.

ln.21 Q. (Mr. Hodges) And did you agree to it?

ln.22 A. (Speaking in Arabic). He's my brother-in-law. I

ln.23 trust him. And when I go home, vacation, on my vacation --

ln.24 MR. HARTMANN: In Arabic.

ln.25 THE INTERPRETER: He says, I -- I agreed to

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MOHAMMAD HAMED -- DIRECT

ln.1 it. I trusted him. I -- I -- I used to ask him to look

ln.2 over my sons when I would travel, if something should happen

ln.3 to me. Uh --

ln.4 Q. (Mr. Hodges) Okay. Now, Mr. Hamed, do you, is it

ln.5 your testimony that you and your family never received any

ln.6 Plaza Extra funds that were not split 50/50?

ln.7 THE INTERPRETER: There was no money other

ln.8 than what was in the store, and what we -- what we requested

ln.9 as withdrawals when we needed it.

ln.10 Q. (Mr. Hodges) But what I'm -- I'm -- I'm asking

ln.11 you, sir, is to tell me, do you agree that it is your

ln.12 position that you never got any funds out of the partnership

ln.13 that either weren't agreed to by Mr. Yusuf or split 50/50?

ln.14 MR. HARTMANN: Object as to form.

ln.15 THE INTERPRETER: There was no agreement

ln.16 other than, when we needed money, we would make withdrawals.

ln.17 And when I purchased my home, I withdrew 40,000. There was

ln.18 a balance of 50,000 that I financed with the -- with the

ln.19 owner, which I paid monthly.

ln.20 Q. (Mr. Hodges) But that's -- that doesn't answer my

ln.21 question, sir.

ln.22 MR. HARTMANN: Wait, wait, wait.

ln.23 Go ahead.

ln.24 Q. (Mr. Hodges) The -- the question is, is it your

ln.25 testimony that neither you nor your family ever withdrew any

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MOHAMMAD HAMED -- DIRECT

ln.1 cash from the partnership business that was either not split

ln.2 50/50 with the Yusuf family, or agreed to by Mr. Yusuf?

ln.3 MR. HOLT: Object as to form.

ln.4 Go ahead.

ln.5 THE INTERPRETER: No.

ln.6 A. (Speaking in Arabic.)

ln.7 THE INTERPRETER: Okay. One year, Mr. Yusuf

ln.8 informed him that he purchased a -- like an apartment or

ln.9 condo in -- in Jordan for a niece of -- his niece, and told

ln.10 him that the price was 55,000. And he brought with him

ln.11 $40,000 to give Mr. Hamed, as -- as I understood it, to be

ln.12 an exchange. But he says he made no issue of it because

ln.13 they're family, and it was -- it was okay with him.

ln.14 Q. (Mr. Hodges) Okay. But that, again, I'm not sure

ln.15 he's answering my question. I'm not talking about

ln.16 Mr. Yusuf's withdrawals of cash from the business, I'm

ln.17 talking about Mr. Hamed and his family's withdrawals?

ln.18 THE INTERPRETER: He says, I understand the

ln.19 question.

ln.20 A. Nothing happened like that.

ln.21 THE INTERPRETER: He says, I understand the

ln.22 question. We've never sat down to say, This is yours and

ln.23 this is mine.

ln.24 Q. (Mr. Hodges) Listen to the question, Mr. Hamed.

ln.25 Are you testifying under oath today that neither you nor any

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MOHAMMAD HAMED -- DIRECT

ln.1 member of your family ever withdrew money from Plaza Extra

ln.2 without the permission of Mr. Yusuf, or without splitting it

ln.3 50/50 with the Yusuf family?

ln.4 MR. HARTMANN: Object. Compound.

ln.5 THE INTERPRETER: No. It never happened --

ln.6 it never happened from the -- from day one until now, and

ln.7 God is our witness.

ln.8 Q. (Mr. Hodges) Okay. Now, Mr. Hamed, isn't it true

ln.9 that Mr. Yusuf actually trusted your sons with the -- the

ln.10 possession and control over the cash safe of the business?

ln.11 THE INTERPRETER: Yes.

ln.12 THE WITNESS: Yes.

ln.13 Q. (Mr. Hodges) And if -- if he or one of his sons

ln.14 needed to get cash, they would have to come to one of your

ln.15 sons, isn't that correct?

ln.16 A. Yes.

ln.17 Q. Now, the distributions from the partnership were

ln.18 done either in this cash way that we've been talking about,

ln.19 correct, or by land, by purchasing land?

ln.20 THE INTERPRETER: Yes.

ln.21 Q. (Mr. Hodges) Okay. And when you would distribute

ln.22 cash, or distribute cash from the -- the business to buy

ln.23 land, it would always be bought in a company that was owned

ln.24 50/50 by your family and Mr. Yusuf's family, is that right?

ln.25 THE INTERPRETER: Yes.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) And we're talking about the --

ln.2 MR. HARTMANN: Page, please?

ln.3 MR. HODGES: Page 7 of the First Amended

ln.4 Complaint.

ln.5 THE INTERPRETER: Page 7. Okay.

ln.6 Q. (Mr. Hodges) You're familiar with the Peter --

ln.7 Peter's Farm Investment Corporation?

ln.8 A. I can't remember that much.

ln.9 THE INTERPRETER: (Speaking in Arabic.) I

ln.10 don't remember.

ln.11 Now I'm responding in Arabic.

ln.12 (Laughter.)

ln.13 MR. HARTMANN: That's okay. He was talking

ln.14 to him in English. You get to get him back.

ln.15 Q. (Mr. Hodges) So you don't know, you don't have

ln.16 any recollection or knowledge about Peter's Farm Investment

ln.17 Corporation?

ln.18 A. I can't remember.

ln.19 Q. Okay. What about Sixteen Plus Corporation, do you

ln.20 know anything about that?

ln.21 A. I can't remember. I can't remember.

ln.22 THE INTERPRETER: He doesn't -- I don't

ln.23 remember.

ln.24 Q. (Mr. Hodges) Okay. What about Plessen

ln.25 Enterprises, Inc.?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Sorry?

ln.2 Q. (Mr. Hodges) Do you know anything about that?

ln.3 A. I can't remember that.

ln.4 Q. Okay. Y & S Corporation, do you know anything

ln.5 about that?

ln.6 A. I can't remember.

ln.7 Q. (Mr. Hodges) Okay. So you don't know whether

ln.8 your family has a 50-percent interest in those companies

ln.9 we've just identified?

ln.10 THE INTERPRETER: No.

ln.11 Q. (Mr. Hodges) Now, Mr. Hamed, are you aware of any

ln.12 properties that are in the name of you and Mr. Yusuf?

ln.13 THE INTERPRETER: Here, you mean?

ln.14 Q. Anywhere in the world?

ln.15 A. I believe Arab (speaking in Arabic).

ln.16 THE INTERPRETER: Yes, in Jordan and here.

ln.17 Q. (Mr. Hodges) Okay. Tell us about the property or

ln.18 properties in Jordan that you own with Mr. Yusuf?

ln.19 A. (Speaking in Arabic). I don't know what you call

ln.20 it.

ln.21 THE INTERPRETER: Okay.

ln.22 A. Exactly when -- (speaking in Arabic.) That's too

ln.23 many to remember exactly how much.

ln.24 MR. HARTMANN: Greg, could we take five

ln.25 minutes? He has to have his blood sugar checked.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Okay. May I?

ln.2 MR. HODGES: Do you want to -- can you wait

ln.3 to give the answer?

ln.4 MR. HARTMANN: No, go ahead.

ln.5 MR. HODGES: Let us have the answer, and then

ln.6 we'll take a break.

ln.7 THE INTERPRETER: Sure. Dunam in Arabic is

ln.8 equivalent of quarter of an acre, correct? So he's giving

ln.9 them in this -- in this measurement, 12 dunams in an area

ln.10 called Shimasani; 94 dunams in an area called Tabarria;

ln.11 there's a large parcel near the airport, he could not tell

ln.12 me the size; and 40 dunams near a school somewhere in

ln.13 Jordan.

ln.14 MR. HARTMANN: And what's, I'm sorry, what's

ln.15 a dunam?

ln.16 THE INTERPRETER: Dunam is almost a quarter

ln.17 of an acre.

ln.18 MR. HARTMANN: Okay.

ln.19 THE INTERPRETER: I think it's 10,000 square

ln.20 feet.

ln.21 MR. HODGES: How do you spell it?

ln.22 THE INTERPRETER: D-U-N -- I'm phonetically

ln.23 spelling it -- D-U-N-U-M (sic).

ln.24 Q. (Mr. Hodges) Okay. Okay. So you've just -- just

ln.25 described all of the properties in Jordan that you own,

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ln.1 co-own with Mr. Yusuf?

ln.2 A. Yeah.

ln.3 THE INTERPRETER: Yes.

ln.4 MR. HARTMANN: Greg?

ln.5 MR. HODGES: Oh, sorry. Yeah.

ln.6 MR. HARTMANN: That's okay.

ln.7 MR. HODGES: If we may, we'll take a

ln.8 five-minute break.

ln.9 THE VIDEOGRAPHER: Going off the record at

ln.10 10:59.

ln.11 (Short recess taken.)

ln.12 THE VIDEOGRAPHER: Going back on record at

ln.13 11:11.

ln.14 Q. (Mr. Hodges) Mr. Hamed, you were talking about

ln.15 the properties that you co-own with Mr. Yusuf in Jordan

ln.16 before the break, is that right?

ln.17 THE INTERPRETER: Yes.

ln.18 Q. (Mr. Hodges) Okay. Do you own any other

ln.19 properties with Mr. Yusuf in the Middle East?

ln.20 A. We used to.

ln.21 THE INTERPRETER: Arabic.

ln.22 A. (Speaking in Arabic). And he sold it.

ln.23 THE INTERPRETER: Arabic.

ln.24 A. Yeah.

ln.25 THE INTERPRETER: We were partners in a

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ln.1 concrete plant, but he sold it.

ln.2 A. In West Bank.

ln.3 THE INTERPRETER: In the West Bank.

ln.4 Q. (Mr. Hodges) When you say "he sold it," what do

ln.5 you mean by that? That you didn't agree to the sale?

ln.6 THE INTERPRETER: I had given him power of

ln.7 attorney, a general power of attorney, and -- and he sold

ln.8 it. He sold it.

ln.9 Q. (Mr. Hodges) And what happened to the proceeds?

ln.10 A. I don't know what he did. He give it to the

ln.11 (speaking in Arabic).

ln.12 THE INTERPRETER: He says, I don't know if

ln.13 he's given it to the city or to the poor. I -- I don't

ln.14 know.

ln.15 Q. (Mr. Hodges) So when did this happen?

ln.16 THE INTERPRETER: Last year.

ln.17 Q. (Mr. Hodges) And do you know how much the

ln.18 property sold for?

ln.19 THE INTERPRETER: No.

ln.20 Q. (Mr. Hodges) Do you object to what Mr. Yusuf did?

ln.21 A. He don't tell me.

ln.22 THE INTERPRETER: He didn't tell me.

ln.23 Q. (Mr. Hodges) Well, that's not my question, sir.

ln.24 THE INTERPRETER: What is your question?

ln.25 Q. (Mr. Hodges) Do you object to what Mr. Yusuf did?

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ln.1 THE INTERPRETER: He does not object. He

ln.2 does not care.

ln.3 Q. (Mr. Hodges) So going back to my -- there --

ln.4 truly the last question -- not the last question, but the

ln.5 one before that, was I want to make sure that we've --

ln.6 you've described all of the properties that you currently

ln.7 co-own with Mr. Yusuf in the Middle East?

ln.8 MR. HARTMANN: Object to form.

ln.9 THE INTERPRETER: We have property in Jordan,

ln.10 but I don't know all of them.

ln.11 I -- I -- I guess he gave us what he's --

ln.12 what he knows.

ln.13 Q. (Mr. Hodges) Okay. So I take it, then, that

ln.14 the -- the 12, the 94, the large parcel near the airport,

ln.15 and the 40 dunams that you described earlier, there may be

ln.16 more properties, you just don't -- you don't remember them?

ln.17 A. I don't know.

ln.18 THE INTERPRETER: I don't know.

ln.19 Q. (Mr. Hodges) Now, the concrete plant that you

ln.20 indicate that Mr. Yusuf sold pursuant to a power of

ln.21 attorney -- let me break that down a little better.

ln.22 The concrete plant that you say Mr. Yusuf

ln.23 sold last year, who owns the concrete plant now?

ln.24 A. Concrete plant?

ln.25 MR. FATHI YUSUF: (Speaking in Arabic.)

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: (Speaking in Arabic.)

ln.2 The person he sold it to.

ln.3 Q. (Mr. Hodges) You have -- you have no idea who

ln.4 that is?

ln.5 THE INTERPRETER: Yes, he's from our town.

ln.6 Q. And what is his name?

ln.7 THE INTERPRETER: His name is Khalid.

ln.8 Q. (Mr. Hodges) His full name?

ln.9 THE INTERPRETER: Khalid Abdul Hadi Rahhal.

ln.10 Shall I spell it for you?

ln.11 THE REPORTER: Yes.

ln.12 THE INTERPRETER: Khalid, K-H-A-L-I-D; Abdul,

ln.13 A-B-D-U-L; Hadi, H-A-D-I; Rahhal, R-A-H-H-A-L.

ln.14 THE REPORTER: Thank you.

ln.15 Q. (Mr. Hodges) And is the gentleman that you just

ln.16 identified, is he your son-in-law?

ln.17 THE INTERPRETER: He is my son-in-law, and

ln.18 also the son of my sister.

ln.19 A. My sister.

ln.20 Q. (Mr. Hodges) Okay. Now, the -- all the

ln.21 properties that you've described over in Jordan, they're all

ln.22 in Jordan, or are they in -- in other places in the Middle

ln.23 East?

ln.24 THE INTERPRETER: Just in Jordan.

ln.25 Q. (Mr. Hodges) Okay. Now, all of those properties

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MOHAMMAD HAMED -- DIRECT

ln.1 were purchased with funds or money generated by the

ln.2 Plaza Extra stores, is that correct?

ln.3 THE INTERPRETER: Yes.

ln.4 Q. (Mr. Hodges) And is that why you equally own them

ln.5 with Mr. Yusuf?

ln.6 THE INTERPRETER: Yes.

ln.7 MR. HODGES: Okay. If you would turn to Page

ln.8 12 of the First Amended Complaint?

ln.9 THE INTERPRETER: Okay.

ln.10 MR. HODGES: And read that entire allegation

ln.11 to Mr. Hamed.

ln.12 THE INTERPRETER: The whole -- the whole

ln.13 page?

ln.14 MR. HODGES: The whole paragraph, just

ln.15 Paragraph 29.

ln.16 THE INTERPRETER: Oh, okay. (Reading in

ln.17 Arabic.)

ln.18 He says, Yes.

ln.19 Q. (Mr. Hodges) You say yes to what? That is --

ln.20 that is your allegation?

ln.21 THE INTERPRETER: Yes.

ln.22 Q. (Mr. Hodges) Okay.

ln.23 So, do I take it, then, that prior to

ln.24 August 20, 2012, you have no problem with the fairness and

ln.25 equality of distributions or withdrawals from the

begin page #63

MOHAMMAD HAMED -- DIRECT

ln.1 Plaza Extra partnership?

ln.2 MR. HARTMANN: Object. Mischaracterizes

ln.3 prior testimony. Object as to form.

ln.4 THE INTERPRETER: No. He took more than me.

ln.5 I did not take anything.

ln.6 Q. (Mr. Hodges) When you're saying, "He took more

ln.7 than me," you did not take anything, you're talking about

ln.8 the $2.7 million mentioned in this paragraph?

ln.9 A. Yeah. He took two million and seven, and I own

ln.10 half of it. I don't have, not even to put in my pocket in

ln.11 there.

ln.12 MR. HARTMANN: Okay. Okay.

ln.13 A. I have the Social Security, the Social Security,

ln.14 the one that's coming to me, the one that's coming monthly

ln.15 to me and my wife. We make a living of it.

ln.16 THE REPORTER: Arabic.

ln.17 MR. HARTMANN: Yeah. Let's wait until Greg's

ln.18 back.

ln.19 MR. HODGES: That's for the witness.

ln.20 Exhibit 3.

ln.21 MR. HARTMANN: May I identify it for the

ln.22 record?

ln.23 MR. HODGES: I'd be happy for you to do that.

ln.24

ln.25

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MOHAMMAD HAMED -- DIRECT

ln.1 (Deposition Exhibit No. 3 was

ln.2 marked for identification.)

ln.3 MR. HARTMANN: Okay. Exhibit 3, for the

ln.4 record, starts with the first page Bates numbered FY004123

ln.5 captioned United Corporation d/b/a Plaza Extra Supermarket

ln.6 dated August 15th, 2002 (sic), and continues --

ln.7 MR. HODGES: Well, wait a minute. It's 2012.

ln.8 MR. HARTMANN: Well, I'm sorry, 2012, and

ln.9 continues through F -- Bates No. FY004210, with one

ln.10 additional -- I'm sorry -- FY02143, which is an invoice

ln.11 written in Arabic.

ln.12 MR. HODGES: Has the document been marked?

ln.13 Would you please hand it to the witness?

ln.14 Q. (Mr. Hodges) Mr. Hamed, have you seen this

ln.15 document before?

ln.16 A. No.

ln.17 THE INTERPRETER: No.

ln.18 Q. (Mr. Hodges) You've never seen this document

ln.19 before?

ln.20 THE INTERPRETER: No.

ln.21 Q. (Mr. Hodges) It's addressed to you, is it not?

ln.22 THE INTERPRETER: Yes.

ln.23 Q. (Mr. Hodges) And it says it's addressed to you by

ln.24 and through Waleed Hamed, is that correct?

ln.25 MR. HARTMANN: I -- I object as to form.

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MOHAMMAD HAMED -- DIRECT

ln.1 It's a document, and it speaks for itself.

ln.2 Q. (Mr. Hodges) So I take it, then, your son has

ln.3 never showed you this document?

ln.4 A. Maybe. I don't -- I can't remember.

ln.5 Q. This is the -- this -- this letter involves the

ln.6 $2.7 million issue that's identified in Paragraph 29 of your

ln.7 complaint, isn't that true?

ln.8 THE INTERPRETER: Yes.

ln.9 Q. (Mr. Hodges) And you never asked to see any

ln.10 correspondence about that $2.7 million from your son?

ln.11 THE INTERPRETER: No.

ln.12 MR. HARTMANN: At this point, I'm going to

ln.13 object on the basis of privilege and direct the witness not

ln.14 to answer whether he was shown it by counsel, or discussed

ln.15 it at any length with counsel.

ln.16 So far you've only asked about the son.

ln.17 MR. HODGES: Then what are you objecting

ln.18 about?

ln.19 MR. HARTMANN: Because your earlier question

ln.20 was, had he ever seen it? Had anybody ever shown it to him?

ln.21 MR. HODGES: This is a good time to take a

ln.22 break on that improper objection.

ln.23 MR. HARTMANN: Well, I never want to stop on

ln.24 an improper objection. It's 11:26.

ln.25 THE VIDEOGRAPHER: 11:26. Going off the

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MOHAMMAD HAMED -- DIRECT

ln.1 record.

ln.2 MR. HARTMANN: Do you want a break?

ln.3 MR. HODGES: No, I don't want a break.

ln.4 MR. HARTMANN: Oh.

ln.5 MR. HODGES: The tape's running out. You

ln.6 want to put that on your little time clock?

ln.7 MR. HARTMANN: We always do.

ln.8 MR. HODGES: Okay.

ln.9 THE VIDEOGRAPHER: Going back on record. The

ln.10 time is 11:27.

ln.11 MR. HARTMANN: Since you asked, we're at

ln.12 3:50 -- three hours and fifty-five minutes.

ln.13 Q. (Mr. Hodges) Mr. Hamed, I take it from your

ln.14 testimony that the -- the content of this letter has never

ln.15 been read to you?

ln.16 MR. HARTMANN: Object.

ln.17 I'm instructing the witness not to answer as

ln.18 to any readings of the letter to you by your attorneys, or

ln.19 in the presence of your attorneys for the discussions

ln.20 involving this case.

ln.21 MR. WALEED HAMED: You need to translate

ln.22 that.

ln.23 MR. HARTMANN: You need to translate both

ln.24 what he said and what I said.

ln.25 THE WITNESS: Okay.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: What was his answer?

ln.2 A. I follow what he say.

ln.3 Q. (Mr. Hodges) Mr. Hamed, has your son or anybody

ln.4 in your family ever read this letter to you?

ln.5 A. No.

ln.6 THE INTERPRETER: He said no.

ln.7 Q. (Mr. Hodges) So you -- have you ever had this

ln.8 letter read to you?

ln.9 MR. HARTMANN: I object and --

ln.10 MR. HODGES: That is not attorney-client

ln.11 privilege.

ln.12 MR. HARTMANN: It certainly is.

ln.13 MR. HODGES: It is not.

ln.14 MR. HARTMANN: You just asked him if I read

ln.15 it to him.

ln.16 MR. HODGES: I did not.

ln.17 MR. HARTMANN: You did.

ln.18 MR. HODGES: No, I --

ln.19 MR. HARTMANN: Well, let me make my

ln.20 objection. I object to there -- to his being asked whether

ln.21 anybody ever read, if that person is your lawyer or anybody

ln.22 working for your lawyer, during consultations with regard to

ln.23 this case.

ln.24 MR. HODGES: That is not privileged

ln.25 information.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: It is.

ln.2 MR. HODGES: It is not.

ln.3 MR. HARTMANN: Okay.

ln.4 Q. (Mr. Hodges) Are you not going to answer based on

ln.5 the instruction from your -- or did you understand the

ln.6 instruction of your client, I mean, your attorney?

ln.7 A. My lawyer say, no, don't answer.

ln.8 Q. (Mr. Hodges) All right. But, are you -- can you,

ln.9 as you sit here today, are you familiar with the content of

ln.10 this letter?

ln.11 THE INTERPRETER: No, I don't -- I have not

ln.12 read it, and I'm not going to read it.

ln.13 Q. (Mr. Hodges) And why aren't you going to read it?

ln.14 MR. HARTMANN: You can read it.

ln.15 MR. HODGES: Will you please be quiet? If

ln.16 you're not going to make a speaking objection or a regular

ln.17 one, do not speak to your client.

ln.18 THE INTERPRETER: Because I do not read

ln.19 English.

ln.20 Q. (Mr. Hodges) And have you ever asked anybody to

ln.21 translate it for you, sir?

ln.22 MR. HARTMANN: Object. Do not answer that

ln.23 with regard to --

ln.24 Please translate this.

ln.25 Don't respond with that with regard to any

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MOHAMMAD HAMED -- DIRECT

ln.1 conversations with your attorneys, or translators in the

ln.2 presence of your attorney.

ln.3 THE INTERPRETER: Am I to translate his

ln.4 question and then --

ln.5 MR. HARTMANN: Yes, please.

ln.6 THE INTERPRETER: Okay. Your question was?

ln.7 Q. (Mr. Hodges) Have you ever had this letter

ln.8 translated to you?

ln.9 A. No.

ln.10 THE INTERPRETER: No.

ln.11 Your attorney -- (speaking in Arabic).

ln.12 Q. (Mr. Hodges) So, since you've answered my

ln.13 question that you've never had the letter translated to you

ln.14 before, you've -- you've never understood the contents of

ln.15 this letter, is that correct?

ln.16 MR. HARTMANN: Object. Mischaracterizes the

ln.17 prior testimony. Asked -- asked and answered.

ln.18 MR. HODGES: Go ahead.

ln.19 THE INTERPRETER: Yes. Yes, he's -- in other

ln.20 words, he hasn't read it. He hasn't been -- it hasn't been

ln.21 translated to him.

ln.22 MR. HODGES: Okay. Then I guess we're going

ln.23 to have to right now.

ln.24 Q. (Mr. Hodges) This is -- so this will be the first

ln.25 time, correct me if I'm wrong, Mr. Hamed, that if -- if --

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MOHAMMAD HAMED -- DIRECT

ln.1 if Mr. Yusuf translates this letter, this will be the first

ln.2 time that you've heard the content of this letter, is that

ln.3 correct?

ln.4 MR. HARTMANN: Object.

ln.5 Don't answer.

ln.6 Object to the -- any conversations between

ln.7 him and his client (sic) with regard to this letter, or

ln.8 the -- or the attorney or his translator reading the letter

ln.9 to him.

ln.10 MR. HODGES: I would object to you suggesting

ln.11 that there was a translator with you.

ln.12 MR. HARTMANN: You can object to anything you

ln.13 want to, Greg.

ln.14 Please translate what I just said.

ln.15 THE INTERPRETER: I'm losing track here,

ln.16 guys.

ln.17 MR. HARTMANN: Okay.

ln.18 THE INTERPRETER: Help me out here, okay?

ln.19 Because this back and forth is --

ln.20 MR. HARTMANN: Yeah. You got to let me make

ln.21 objections.

ln.22 THE INTERPRETER: Can we do one at a time?

ln.23 MR. HARTMANN: Whether you agree with them or

ln.24 not, he's got to translate them.

ln.25 MR. HODGES: Make your objection.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Ask your question.

ln.2 Q. (Mr. Hodges) Mr. Hamed, my question was, as we're

ln.3 sitting here today, if Mr. Yusuf translates this letter for

ln.4 you, it will be the first time it's been translated to you?

ln.5 MR. HARTMANN: Objection.

ln.6 THE INTERPRETER: All right. But don't you

ln.7 want me to translate?

ln.8 MR. HODGES: Yes.

ln.9 MR. HARTMANN: I don't want him to answer

ln.10 before he's heard the objection.

ln.11 THE INTERPRETER: Okay.

ln.12 MR. HARTMANN: The objection is, I don't want

ln.13 him to answer with regard to any conversations he's had with

ln.14 regard to this letter with me, or any translator in my

ln.15 presence.

ln.16 THE INTERPRETER: Okay. So we're agreeing,

ln.17 I'm translating his objection first, so he doesn't have to

ln.18 answer?

ln.19 MR. HODGES: No. No, no, no, no.

ln.20 MR. HARTMANN: Do them serially. Do his

ln.21 first, then do mine.

ln.22 THE INTERPRETER: Okay.

ln.23 MR. HARTMANN: Just don't take an answer

ln.24 before you've gotten them both out.

ln.25 THE INTERPRETER: All right.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: He answered yes?

ln.2 THE INTERPRETER: He said yes.

ln.3 MR. HODGES: Okay.

ln.4 Q. (Mr. Hodges) So the -- the answer to my question,

ln.5 if Mr. Yusuf translates this letter to -- to -- to you this

ln.6 afternoon, or this morning, it will be the first time that

ln.7 it has been translated to you?

ln.8 Your answer to that question was yes, is that

ln.9 correct?

ln.10 MR. HARTMANN: Object. Asked and answered.

ln.11 Mischaracterizes prior testimony. And I again direct the

ln.12 witness not to answer with regard to any conversations he's

ln.13 had with his attorney where the attorney, or a translator in

ln.14 the presence of the attorney, read the letter to him.

ln.15 THE INTERPRETER: Yes.

ln.16 MR. HODGES: Okay. All right. So let's --

ln.17 let's translate the letter for him, Mr. Yusuf, starting with

ln.18 the caption, the -- at the top of the letter. Who is it

ln.19 from, --

ln.20 THE INTERPRETER: Okay.

ln.21 MR. HODGES: -- who is it -- the date, the

ln.22 delivery. I mean, let's start at the top and go down.

ln.23 THE INTERPRETER: All right. (Speaking in

ln.24 Arabic).

ln.25 MR. HARTMANN: Excuse me. This document is

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MOHAMMAD HAMED -- DIRECT

ln.1 not on the version supplied to us. It's been added

ln.2 subsequently, the last page, and it's been Bates numbered

ln.3 differently than all the rest in the series.

ln.4 So we'd object to your examining that.

ln.5 MR. HODGES: You can object.

ln.6 Q. (Mr. Hodges) Mr. Hamed, do you recognize the

ln.7 signature to the -- to the right of the "By hand delivery"

ln.8 that's shown on the -- the letter?

ln.9 THE INTERPRETER: No.

ln.10 Q. (Mr. Hodges) No? That's not your son's initials?

ln.11 A. I don't know. Can't see it good.

ln.12 Q. Okay. Now, this, you -- you understand the letter

ln.13 that just has been translated to you from Mr. Yusuf that's

ln.14 addressed to you dated August 15, 2012?

ln.15 THE INTERPRETER: Yes.

ln.16 Q. (Mr. Hodges) Okay. And do you agree or disagree

ln.17 with it?

ln.18 THE INTERPRETER: He agrees.

ln.19 Q. (Mr. Hodges) Okay. In other words, you agree

ln.20 that Mr. Yusuf was entitled to withdraw the $2.7 million,

ln.21 approximately, that is identified?

ln.22 A. I have to get it.

ln.23 MR. HARTMANN: Object as to form. Object

ln.24 as -- as to mischaracterizing --

ln.25 MR. HODGES: May I finish the question first

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MOHAMMAD HAMED -- DIRECT

ln.1 before you object?

ln.2 MR. HARTMANN: You did. He was answering.

ln.3 MR. HODGES: Well, he was answering before I

ln.4 finished it.

ln.5 MR. HARTMANN: Oh, okay. Sorry.

ln.6 Q. (Mr. Hodges) Mr. Hamed, you agree with me that

ln.7 the amounts set forth in this letter, Mr. Yusuf was entitled

ln.8 to withdraw.

ln.9 MR. HARTMANN: Object as to form. Object as

ln.10 to mischaracterization of prior testimony. Also object

ln.11 because it's not a question, but that's okay.

ln.12 THE INTERPRETER: No.

ln.13 A. No.

ln.14 Q. (Mr. Hodges) Why?

ln.15 A. Because I have to have my share. He get half, and

ln.16 I get half. Not to take two million and seven, not to

ln.17 take -- (speaking in Arabic). How is a partner? I'm his

ln.18 partner in the business.

ln.19 THE INTERPRETER: Okay. Do I need to

ln.20 interpret this?

ln.21 MR. HODGES: No, no.

ln.22 Mr. Hamed, either you need a translator or

ln.23 you don't.

ln.24 MR. HARTMANN: Objection. You can't instruct

ln.25 the witness on this. He can answer in any way he answers to

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MOHAMMAD HAMED -- DIRECT

ln.1 the question.

ln.2 Q. (Mr. Hodges) Do you understand my questions to

ln.3 you in English, Mr. Hamed?

ln.4 A. No.

ln.5 Q. You don't?

ln.6 A. He don't tell me that. You could tell me what to

ln.7 understand it in Arab.

ln.8 Q. Mr. Hamed, you didn't understand my question just

ln.9 then?

ln.10 MR. HARTMANN: Do you want him to respond?

ln.11 MR. HODGES: Yes.

ln.12 MR. HARTMANN: If he understands in English,

ln.13 do you want him to respond in English?

ln.14 MR. HODGES: No, I want him to answer.

ln.15 Q. (Mr. Hodges) Do you understand my question in

ln.16 English.

ln.17 THE INTERPRETER: He had just previously said

ln.18 he would like me to interpret for him.

ln.19 Q. (Mr. Hodges) Why would you like that?

ln.20 A. So I can understand in Arabic, and -- and -- and I

ln.21 can then respond.

ln.22 Q. Okay. So you're telling the court, then, that you

ln.23 don't understand the questions when they're put to you in

ln.24 English?

ln.25 MR. HARTMANN: Object. Argumentative.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: No.

ln.2 Q. (Mr. Hodges) So you didn't understand any of the

ln.3 questions that were put to you at the preliminary injunction

ln.4 hearing on January 25 --

ln.5 MR. HARTMANN: Objection. Argumentative.

ln.6 MR. HODGES: Will you please let me finish my

ln.7 questions?

ln.8 MR. HARTMANN: Sure.

ln.9 Q. (Mr. Hodges) Mr. Hamed, are you telling the Court

ln.10 that you didn't understand any of the questions that were

ln.11 put to you in English on January 25, 2013?

ln.12 MR. HARTMANN: And I'm going to make an

ln.13 objection for the record. This is a witness who's asked for

ln.14 and said he's more comfortable with a translator. He's

ln.15 tried to answer to the best he can in Arabic. Every time he

ln.16 starts to answer in English, you try to stop him.

ln.17 We've now wasted twenty minutes going back

ln.18 and forth about whether he understands or doesn't understand

ln.19 in English. If you have a question with regard to the case,

ln.20 you should ask the question. This going back and forth, he

ln.21 has a translator. Ask him through the translator. If he

ln.22 starts to respond in English, ask him to respond in Arabic.

ln.23 Thank you.

ln.24 MR. HODGES: Would you ask him the question

ln.25 in Arabic?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Please repeat your

ln.2 question.

ln.3 Q. (Mr. Hodges) Mr. Hamed, are you telling the Court

ln.4 that you did not understand the questions put to you in

ln.5 English on January 25, 2013?

ln.6 THE INTERPRETER: What was the date? I'm

ln.7 sorry.

ln.8 MR. HODGES: January 25, 2013.

ln.9 THE INTERPRETER: No, he did not understand.

ln.10 MR. HODGES: Okay.

ln.11 Q. (Mr. Hodges) Now, the letter that you have in

ln.12 front of you, or that is -- that is almost in front of

ln.13 you --

ln.14 THE INTERPRETER: Uh-huh.

ln.15 Q. (Mr. Hodges) Mentions past confirmed withdrawals

ln.16 in the amount of $1,600,000.

ln.17 Isn't that right, Mr. Hamed?

ln.18 MR. HARTMANN: Object to form.

ln.19 THE INTERPRETER: Who withdrew them?

ln.20 Q. (Mr. Hodges) Past confirmed withdrawals, 1.6.

ln.21 I'm not answering questions, sir. You don't

ln.22 understand what that means?

ln.23 THE INTERPRETER: Your question was?

ln.24 Q. (Mr. Hodges) You don't understand what past

ln.25 confirmed withdrawals of $1,600,000 refers to?

begin page #78

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Objection. Object, asked and

ln.2 answered.

ln.3 THE INTERPRETER: He says no.

ln.4 Q. (Mr. Hodges) You don't recall a raid in 2001 by

ln.5 the FBI at the Plaza Extra stores?

ln.6 A. Yes.

ln.7 Q. And you don't recall that receipts were grabbed

ln.8 out of the safe at that time by your son, or your -- one of

ln.9 your sons, and one of Mr. Yusuf's sons?

ln.10 You don't remember that?

ln.11 THE INTERPRETER: You said receipts. You

ln.12 mean money?

ln.13 MR. HODGES: Yes.

ln.14 No, no.

ln.15 THE INTERPRETER: Just receipts, paper

ln.16 receipts?

ln.17 MR. HODGES: Right.

ln.18 MR. HARTMANN: Object as to form. Lacks

ln.19 foundation.

ln.20 A. Him in charge of the safe, and I'm not in charge

ln.21 of safe.

ln.22 MR. HARTMANN: In Arabic.

ln.23 A. (Speaking in Arabic).

ln.24 THE INTERPRETER: He says, I don't know. I

ln.25 am not in charge of the safe, and I -- I -- I don't know.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Are you telling me that your sons

ln.2 never told you what happened in connection with that raid in

ln.3 2001?

ln.4 MR. HARTMANN: Object as to form. Object as

ln.5 to foundation.

ln.6 THE INTERPRETER: No, they did not.

ln.7 Q. (Mr. Hodges) They never told you anything at all

ln.8 about the -- the raid, is that what you're saying?

ln.9 MR. HARTMANN: Object. Asked and answered.

ln.10 THE INTERPRETER: They told me that they

ln.11 were -- that they were arrested.

ln.12 Q. (Mr. Hodges) You never were told anything about

ln.13 the removal of receipts from the -- the safe?

ln.14 A. No.

ln.15 MR. HARTMANN: And I'll object, I'll make it

ln.16 a continuing objection. I object to any question that seeks

ln.17 what he was -- what he was told, if it seeks to obtain the

ln.18 information of what he was told in discussions with his

ln.19 counsel.

ln.20 Okay.

ln.21 A. No.

ln.22 Q. (Mr. Hodges) What did he say?

ln.23 THE INTERPRETER: He said no. When I

ln.24 explained to him that his attorney objects to --

ln.25 MR. HARTMANN: No, he won't discuss such a

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MOHAMMAD HAMED -- DIRECT

ln.1 question, a discussion?

ln.2 THE INTERPRETER: He just said no.

ln.3 Q. (Mr. Hodges) So you, the question -- my question

ln.4 is, did you ever have any discussion with Waleed, Waheed, or

ln.5 Mufeed about what happened prior to the raid in 2001?

ln.6 MR. HARTMANN: Object. Asked and answered.

ln.7 THE INTERPRETER: No.

ln.8 Q. (Mr. Hodges) So -- and I left out Hisham. Did

ln.9 you ever have any discussions with him about what happened

ln.10 prior to the -- to the raid in 2001?

ln.11 THE INTERPRETER: No.

ln.12 Q. (Mr. Hodges) So I think what I understand you

ln.13 saying is, other than the fact that you -- you -- you found

ln.14 out there were some arrests, you don't know about anything

ln.15 that happened prior to the raid, is that what you're saying?

ln.16 THE INTERPRETER: He says, I was sick at the

ln.17 time. He says he did not.

ln.18 Q. (Mr. Hodges) What time was that?

ln.19 A. I don't know what time. I can't remember.

ln.20 Q. Well, you couldn't remember when you got sick

ln.21 earlier when I asked you the question this morning, could

ln.22 you?

ln.23 MR. HARTMANN: Object. Object as to form.

ln.24 A. No, I can't remember. (Speaking in Arabic).

ln.25 THE INTERPRETER: It's been a long time.

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MOHAMMAD HAMED -- DIRECT

ln.1 A. It's been a long time.

ln.2 THE INTERPRETER: I've been sick a long time.

ln.3 A. I can't put my date every day.

ln.4 Q. (Mr. Hodges) So how do you know that you were

ln.5 sick in August of -- excuse me -- in -- in 2001, when the

ln.6 raid took place?

ln.7 THE INTERPRETER: When I was visiting my

ln.8 doctors. How will I remember if I'm sick if I hadn't

ln.9 been -- you know, in other words, if I hadn't -- if I hadn't

ln.10 been visiting the doctor, how wouldn't I remember that?

ln.11 Q. (Mr. Hodges) So you -- you -- as I understand

ln.12 your testimony, you remember that you were visiting your

ln.13 daughters -- doctors, excuse me -- visiting the doctors when

ln.14 the raid in 2001 occurred? Is that --

ln.15 THE INTERPRETER: Are you finished?

ln.16 MR. HODGES: Yeah.

ln.17 A. No, I can't remember. I cannot remember.

ln.18 Q. (Mr. Hodges) You can't remember anything about

ln.19 what happened before the raid in 2001? Anything?

ln.20 MR. HARTMANN: Object. Mischaracterizes the

ln.21 testimony.

ln.22 Q. (Mr. Hodges) You're --

ln.23 A. No, I can't remember.

ln.24 Q. Okay. So then how can you testify under oath that

ln.25 Mr. Yusuf is not entitled to withdraw the funds that we're

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MOHAMMAD HAMED -- DIRECT

ln.1 talking about here, if you can't remember anything that

ln.2 happened before the raid of 2001?

ln.3 MR. HARTMANN: Object as to form.

ln.4 Mischaracterizes prior testimony.

ln.5 You can answer if you can answer.

ln.6 A. No, man, when somebody is sick, you have to make

ln.7 his mind. And what do you want?

ln.8 THE INTERPRETER: (Speaking in Arabic).

ln.9 A. Okay. If I'm -- I'm sick, I was sick, I can't let

ln.10 my partner if I'm not there. (Speaking in Arabic). He take

ln.11 over, my son take over.

ln.12 THE INTERPRETER: If I die, then my son will

ln.13 take my place.

ln.14 Q. (Mr. Hodges) What do you mean, take your place as

ln.15 Mr. Yusuf's partner?

ln.16 THE INTERPRETER: My son will take my place.

ln.17 Q. (Mr. Hodges) As Mr. Yusuf's partner?

ln.18 A. Yeah.

ln.19 THE INTERPRETER: (Speaking in Arabic).

ln.20 A. If he want him a partner, okay. He don't want

ln.21 him, then separate the business, and that's it. Everybody

ln.22 take his own and he go.

ln.23 (Speaking in Arabic.)

ln.24 Q. (Mr. Hodges) Let's go back to my question,

ln.25 Mr. Hamed, that you have not answered. You have not

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MOHAMMAD HAMED -- DIRECT

ln.1 answered my question.

ln.2 MR. HARTMANN: Object.

ln.3 Q. (Mr. Hodges) If you can't remember anything about

ln.4 what happened prior to the 2001 raid, how can you say that

ln.5 Mr. Yusuf was not entitled to withdraw the funds set forth

ln.6 in Exhibit 3?

ln.7 MR. HARTMANN: Object. Mischaracterizes

ln.8 prior testimony. Object as to the form of the question.

ln.9 Argumentative, asked and answered.

ln.10 THE INTERPRETER: How does he have the right

ln.11 to withdraw, and he has a partner?

ln.12 A. I'm not his partner.

ln.13 Q. (Mr. Hodges) Mr. Hamed.

ln.14 MR. HARTMANN: He's answering.

ln.15 MR. HODGES: I don't have a question yet.

ln.16 A. No, I talk with him. I'm not talking with you.

ln.17 I'm talking with him.

ln.18 MR. HARTMANN: It's noon. Do you want to

ln.19 take a break for lunch?

ln.20 MR. HODGES: Do you want to take a break now?

ln.21 No, I'd like to keep going.

ln.22 MR. HARTMANN: Okay.

ln.23 Let me put it a different way. I'd like

ln.24 to -- my client to take a break for lunch. He's been

ln.25 examined for over three hours. You only have two hours

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MOHAMMAD HAMED -- DIRECT

ln.1 left. Do you want -- do you mind if my client takes a

ln.2 break?

ln.3 MR. HODGES: I don't have just two hours.

ln.4 MR. HARTMANN: Go to 12:30. That's five

ln.5 hours.

ln.6 MR. HODGES: What was the last question?

ln.7 THE REPORTER: "If you can't remember

ln.8 anything about what happened prior to the 2001 raid, how can

ln.9 you say that Mr. Yusuf is -- was not entitled to withdraw

ln.10 the funds set forth in Exhibit 3?"

ln.11 MR. HODGES: Okay. And what was his answer?

ln.12 THE REPORTER: There was an objection, and

ln.13 then he said, "How does he have the right to withdraw, and

ln.14 he has a partner?" Then there was some other Arabic, and

ln.15 "I'm not his partner."

ln.16 MR. HODGES: Okay.

ln.17 Q. (Mr. Hodges) Please answer my question,

ln.18 Mr. Hamed. You can't ask -- you can't ask me questions. I

ln.19 get to ask you questions, okay?

ln.20 THE INTERPRETER: I -- I -- I don't want to

ln.21 ask you any questions.

ln.22 Q. (Mr. Hodges) Okay. So if you can't remember any

ln.23 of the facts or circumstances that existed with respect to

ln.24 the -- the -- the receipts as of the raid in 2001, how can

ln.25 you say that Mr. Yusuf was not entitled to withdraw the 2.7?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Because I am his partner.

ln.2 (Whereupon, there was a power failure.)

ln.3 THE VIDEOGRAPHER: It shut the camera off. I

ln.4 do have a battery, but it did something.

ln.5 MR. HARTMANN: Next time you guys decide not

ln.6 to take a break when I say, there's going to be bigger

ln.7 trouble.

ln.8 Do you want to be off the record?

ln.9 MR. HODGES: We're not on the record, are we?

ln.10 THE VIDEOGRAPHER: I never put the time.

ln.11 We're off the record, 11:58.

ln.12 (Discussion held off the record.)

ln.13 THE VIDEOGRAPHER: We're back on the record

ln.14 at 12:00.

ln.15 MR. HARTMANN: I'm sorry, what was it?

ln.16 THE VIDEOGRAPHER: 12:00.

ln.17 MR. HARTMANN: 12:00 even?

ln.18 THE VIDEOGRAPHER: 12:00 even.

ln.19 MR. HARTMANN: Thank you.

ln.20 MR. HODGES: Ready?

ln.21 Q. (Mr. Hodges) Mr. Hamed, has anybody ever told you

ln.22 that, immediately prior to the raid, your son Waheed heard

ln.23 something was about to happen and called your son Wally?

ln.24 THE INTERPRETER: No. No one told him.

ln.25 Q. (Mr. Hodges) This is -- that -- those words

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MOHAMMAD HAMED -- DIRECT

ln.1 coming from my mouth was the first time you heard that?

ln.2 THE INTERPRETER: He said the first -- the

ln.3 response was no, but he also said, I had heard about the

ln.4 arrests of Waleed and Fathi Yusuf, and, you know, we talked

ln.5 about it amongst ourselves, but that's -- that's it.

ln.6 Q. (Mr. Hodges) But my question is, have you come to

ln.7 understand, sir, that your son Waheed, immediately prior to

ln.8 the raid, heard that something was coming up and called your

ln.9 son Wally?

ln.10 MR. HARTMANN: Object. Asked and answered.

ln.11 A. No.

ln.12 Q. (Mr. Hodges) Never heard that before?

ln.13 MR. HARTMANN: Object. Asked and answered

ln.14 three times now.

ln.15 THE INTERPRETER: No.

ln.16 MR. HARTMANN: Four times.

ln.17 Q. (Mr. Hodges) So you -- you never knew that Wally,

ln.18 Waheed, and Mike spoke about getting the receipts out of

ln.19 the -- the -- the safe?

ln.20 MR. HARTMANN: Object. Assumes facts not in

ln.21 evidence. Object. Mischaracterizes prior testimony. Asked

ln.22 and answered.

ln.23 THE INTERPRETER: No.

ln.24 Q. (Mr. Hodges) Okay. And so you never heard, then,

ln.25 I take it, that Mike went to his safe in the west store, and

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MOHAMMAD HAMED -- DIRECT

ln.1 Mufeed went to his safe in the east store, and that they

ln.2 both tallied the receipts out of their safes. You don't --

ln.3 you never heard that before.

ln.4 MR. HARTMANN: Object. Assumes facts not in

ln.5 evidence. Object as to form. Asked and answered.

ln.6 THE INTERPRETER: No.

ln.7 MR. HODGES: Again, this is the first he's

ln.8 ever heard of any such thing?

ln.9 MR. HARTMANN: Object. Asked and answered.

ln.10 THE INTERPRETER: This -- this is the first

ln.11 time I hear of this. I've never -- I've never had any of

ln.12 this news before.

ln.13 Q. (Mr. Hodges) Okay. So he's never heard that

ln.14 after Mufeed and Mike tallied the receipts from their

ln.15 respective safes and double-checked one another, that the

ln.16 Hameds had 2.9 million and the Yusufs had 1.3 million in

ln.17 receipts?

ln.18 THE INTERPRETER: The Yusuf family had 1.6,

ln.19 you said?

ln.20 MR. HODGES: 1.3.

ln.21 THE INTERPRETER: 1.3?

ln.22 MR. HARTMANN: Object. Asked and answered.

ln.23 THE INTERPRETER: Never heard it before.

ln.24 Q. (Mr. Hodges) Okay. You never heard that the --

ln.25 that the receipts were destroyed by either Wally or your

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MOHAMMAD HAMED -- DIRECT

ln.1 son, Mufeed?

ln.2 MR. HARTMANN: Object -- excuse me. Wait.

ln.3 Object. Assumes facts not in evidence.

ln.4 Object as to form. Asked and answered.

ln.5 THE INTERPRETER: No.

ln.6 Q. (Mr. Hodges) None of these events that I've

ln.7 described in my questions were ever mentioned during the

ln.8 mediation efforts that your family had with the Yusuf

ln.9 family?

ln.10 MR. HARTMANN: Object as to discussion about

ln.11 settlements.

ln.12 You can answer.

ln.13 THE INTERPRETER: No.

ln.14 MR. HODGES: Okay.

ln.15 MR. HARTMANN: What did he say, the second?

ln.16 What was the second thing he said?

ln.17 THE INTERPRETER: I've never heard.

ln.18 MR. HARTMANN: Okay.

ln.19 MR. HODGES: Now, take a look at the second

ln.20 page of Exhibit 3, Mr. Hamed, if you would? Second and

ln.21 third page?

ln.22 THE INTERPRETER: He says, I do not see well,

ln.23 and he's asking me, What is this?

ln.24 Q. (Mr. Hodges) Mr. Hamed, you've never seen this

ln.25 piece of paper before?

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Object. Mischaracterizes.

ln.2 THE INTERPRETER: No.

ln.3 MR. HODGES: And he -- and he was looking at

ln.4 the second page of Exhibit 2?

ln.5 Q. (Mr. Hodges) How about the -- the third page of

ln.6 Exhibit 2, have you ever seen that document before?

ln.7 A. No.

ln.8 Q. Do you recognize any of the signatures that appear

ln.9 on the left-hand side of Page 3, of Exhibit 3?

ln.10 MR. HARTMANN: What -- what page are you

ln.11 looking at, please? Could you give me a Bates number?

ln.12 MR. HODGES: FY4125.

ln.13 THE INTERPRETER: I'm looking at the same

ln.14 thing. He say he does not recognize any of them.

ln.15 Q. (Mr. Hodges) You don't recognize any of your

ln.16 sons' initials there on the left-hand side?

ln.17 MR. HARTMANN: Object. Asked and answered.

ln.18 A. I don't see it on there.

ln.19 THE INTERPRETER: He says he can't see.

ln.20 Q. (Mr. Hodges) Okay. Take a look at the next page,

ln.21 Mr. Hamed, FY4126?

ln.22 THE INTERPRETER: Okay.

ln.23 Q. (Mr. Hodges) You see those documents? Are those

ln.24 the receipts that we've been talking about that get issued

ln.25 when somebody wants some money?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Yes. Yes, these are the

ln.2 ones we used to sign.

ln.3 Q. (Mr. Hodges) Okay. And who signed the -- the

ln.4 receipts that are on -- on that page that you're looking at,

ln.5 Page FY4126?

ln.6 THE INTERPRETER: I can't make it out.

ln.7 Q. (Mr. Hodges) That doesn't look like your son

ln.8 Waleed's signature?

ln.9 MR. HARTMANN: Objection. Asked and

ln.10 answered.

ln.11 A. (Speaking in Arabic.) I can't see it too good.

ln.12 THE INTERPRETER: He says, I can't see it

ln.13 good enough to --

ln.14 Q. (Mr. Hodges) Okay. But you don't dispute, do

ln.15 you, sir, that these receipts reflect that Wally drew

ln.16 $35,000 on a date in 1997, and that you drew $15,000 on

ln.17 March -- in March of 1997?

ln.18 MR. HARTMANN: Object -- wait. Object as to

ln.19 form. Compound. Asked and answered. Misstates prior

ln.20 testimony.

ln.21 THE INTERPRETER: He says it's correct.

ln.22 Q. (Mr. Hodges) Okay. And if you turn the page to

ln.23 FY4127, are those receipts also correct, sir?

ln.24 THE INTERPRETER: One second. He's adjusting

ln.25 his --

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Okay.

ln.2 THE INTERPRETER: He says, That's my

ln.3 signature.

ln.4 Q. (Mr. Hodges) Okay. So you -- you can see that

ln.5 signature, but you can't recognize the signature on the

ln.6 preceding page?

ln.7 THE INTERPRETER: Yeah. He says this is his

ln.8 signature. (Speaking in Arabic.) He says this, he can

ln.9 recognize, but the other one was too small.

ln.10 MR. HODGES: Okay.

ln.11 THE INTERPRETER: He can't see it.

ln.12 Q. (Mr. Hodges) Mr. Hamed, there is an account that

ln.13 is identified on Exhibit 3, the first page of Exhibit 3.

ln.14 You see, if the translator would show you, the 50 percent of

ln.15 Cairo Amman Bank, $44,696.

ln.16 You see that?

ln.17 MR. HARTMANN: Would you read that to him?

ln.18 THE INTERPRETER: He says, I see it, yes. I

ln.19 see the number.

ln.20 Q. (Mr. Hodges) Okay. And are -- are you familiar

ln.21 with a account maintained at the Cairo Amman Bank in the

ln.22 name of Waleed Mohammad Hamed?

ln.23 A. Mr. Yusuf, he tell me.

ln.24 THE INTERPRETER: (Speaking in Arabic.)

ln.25 A. (Speaking in Arabic.) I said, Mr. Yusuf tell me

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MOHAMMAD HAMED -- DIRECT

ln.1 he have account.

ln.2 MR. HARTMANN: In Arabic.

ln.3 A. In Arabic (Speaking in Arabic).

ln.4 THE INTERPRETER: Okay. He says he's aware

ln.5 of it because Mr. Yusuf told him of the account.

ln.6 Q. (Mr. Hodges) You were -- you never received any

ln.7 monies from that account?

ln.8 A. No. No.

ln.9 THE INTERPRETER: No.

ln.10 Q. (Mr. Hodges) Okay. Take a look at the end of

ln.11 this exhibit.

ln.12 THE INTERPRETER: I'm sorry?

ln.13 Q. (Mr. Hodges) At the end of this exhibit that you

ln.14 have in your hands is FY2143?

ln.15 MR. HARTMANN: Counsel, we've objected to

ln.16 your examining on the basis of this document because it was

ln.17 not attached to this exhibit, or these documents, when

ln.18 supplied in discovery.

ln.19 Q. (Mr. Hodges) Okay. You can -- you can answer it,

ln.20 Mr. Hamed.

ln.21 Have you ever seen this document before?

ln.22 MR. HARTMANN: You can unclip it.

ln.23 MR. HODGES: You can take it out. Maybe take

ln.24 it out. That might help.

ln.25 MR. HARTMANN: Clip it.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: I think it's fine.

ln.2 He says no.

ln.3 A. I can't see this.

ln.4 Q. (Mr. Hodges) So you were not aware that your son,

ln.5 Waleed Hamed, maintained a bank account in -- at the Cairo

ln.6 Amman Bank?

ln.7 MR. HARTMANN: Object. Mischaracterizes his

ln.8 prior testimony. He said he did.

ln.9 A. I -- you just tell me. I told you, Mr. Yusuf tell

ln.10 me he have account. That Wally told (speaking in Arabic).

ln.11 I don't know whether he have account, but I

ln.12 told you the first time, Mr. Yusuf tell me he have account.

ln.13 Wally.

ln.14 THE REPORTER: Arabic, please.

ln.15 THE INTERPRETER: Yeah.

ln.16 He says, You've already asked me the

ln.17 question. I told you that I did not know, but that

ln.18 Mr. Yusuf had told me about it.

ln.19 A. I don't know. He never take me. He never tell

ln.20 me.

ln.21 Q. (Mr. Hodges) Okay. So your son Wally, or Waleed

ln.22 Hamed, never told you that he had this account --

ln.23 A. No. Mr. Yusuf tell me he own accounts here.

ln.24 Q. Okay. And when did Mr. Yusuf tell you that?

ln.25 A. I don't know. Long time. I can't remember.

begin page #94

MOHAMMAD HAMED -- DIRECT

ln.1 Q. Okay. Back in the -- the time that you guys

ln.2 started having a discussion about the batch plant?

ln.3 A. (Speaking in Arabic.) I can't remember.

ln.4 MR. HARTMANN: When he starts responding to

ln.5 you, just say, In Arabic, if you can. If you remember.

ln.6 THE INTERPRETER: I'm trying.

ln.7 MR. HARTMANN: No, no, I know. When you

ln.8 finish asking him the question.

ln.9 MR. HODGES: Okay. So --

ln.10 THE INTERPRETER: He does not remember. I

ln.11 don't remember.

ln.12 Q. (Mr. Hodges) Mr. Hamed, since you -- you only

ln.13 learned about this account from Mr. Yusuf, is it your

ln.14 testimony that you are not a signatory on this account?

ln.15 When I say "this account," the one referred

ln.16 to in FY2143.

ln.17 A. Yeah. He told me he give Mr. Yusuf (speaking in

ln.18 Arabic). I take it and I give it to him. (Speaking in

ln.19 Arabic.)

ln.20 THE INTERPRETER: So --

ln.21 MR. HARTMANN: Wait, let -- go ahead.

ln.22 THE INTERPRETER: -- his response, referring

ln.23 to Mr. Yusuf, that Mr. Yusuf told me about this account and

ln.24 told me that I can withdraw from it, and I withdrew $3,000

ln.25 to give to --

begin page #95

MOHAMMAD HAMED -- DIRECT

ln.1 A. Two hundred. 3,200.

ln.2 THE INTERPRETER: 3,200 for a person.

ln.3 A. For Hisham, his cousin. (Speaking in Arabic).

ln.4 THE INTERPRETER: One of their relatives.

ln.5 Q. (Mr. Hodges) So you are a signatory on this

ln.6 account, correct?

ln.7 MR. HARTMANN: Object. Asked and answered.

ln.8 THE INTERPRETER: He says, Yes, I did. I

ln.9 withdrew that amount of money.

ln.10 Q. (Mr. Hodges) When was that?

ln.11 A. (Speaking in Arabic). I can't remember now. It's

ln.12 year before, year before --

ln.13 THE INTERPRETER: He does not remember, but

ln.14 he recalls a conversation with Mr. Yusuf about subdividing

ln.15 this piece of property, and they were going to use this

ln.16 money, I guess, for that purpose.

ln.17 A. (Speaking in Arabic). He tell me --

ln.18 THE REPORTER: In Arabic.

ln.19 A. -- (speaking in Arabic) and give it to that man.

ln.20 THE INTERPRETER: He says, I -- I did this

ln.21 upon his request or order to do. He was complying with

ln.22 Mr. Yusuf's order to withdraw that amount of money from this

ln.23 account.

ln.24 Q. (Mr. Hodges) Are you saying Mr. Yusuf ordered you

ln.25 to do it or asked you to do it?

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MOHAMMAD HAMED -- DIRECT

ln.1 A. I don't have no -- my --

ln.2 THE INTERPRETER: Arabic.

ln.3 A. I'm sorry. My brother-in-law tell me to --

ln.4 MR. HARTMANN: Wait, wait, let him answer.

ln.5 A. He tell me (speaking in Arabic).

ln.6 THE INTERPRETER: Okay. He said, he says,

ln.7 you know, what order? I mean, he didn't put a gun to my

ln.8 head. He asked me to do it, and I did it. He requested

ln.9 that I do it, and I did it.

ln.10 (Deposition Exhibit No. 4 was

ln.11 marked for identification.)

ln.12 Q. (Mr. Hodges) Okay. Take a look at -- at

ln.13 Deposition Exhibit No. 4, please?

ln.14 MR. HARTMANN: May I identify it for the

ln.15 record?

ln.16 MR. HODGES: You may.

ln.17 MR. HARTMANN: Thank you.

ln.18 It's a document entitled Waleed Hamed, Bates

ln.19 stamped in the lower left corner HAMD200104 dated Thursday

ln.20 August 16th, 2012, addressed to Fathi Yusuf, Plaza Extra

ln.21 Supermarket. And it's been marked as Exhibit 4.

ln.22 THE INTERPRETER: Do I have this? Do I need

ln.23 to --

ln.24 MR. HODGES: Yeah.

ln.25 MR. HARTMANN: Right here.

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MOHAMMAD HAMED -- DIRECT

ln.1 Yes, you do.

ln.2 MR. HODGES: Mr. Hamed -- if you would show

ln.3 it to Mr. Hamed?

ln.4 Q. (Mr. Hodges) Mr. Hamed, have you ever seen this

ln.5 document before?

ln.6 A. No.

ln.7 THE INTERPRETER: No.

ln.8 Q. (Mr. Hodges) It didn't take you long to say no,

ln.9 so you're -- you're absolutely sure you've never seen this?

ln.10 A. I can't remember.

ln.11 THE INTERPRETER: He does not remember. He

ln.12 does not remember.

ln.13 Q. (Mr. Hodges) Do you recognize the signature on

ln.14 the lower left-hand corner?

ln.15 THE INTERPRETER: I do not know.

ln.16 MR. HARTMANN: Is there some stipulation

ln.17 you'd like from us to authenticate these documents? Are

ln.18 you -- do you want authentication or are you asking --

ln.19 MR. HODGES: No, if you're happy to

ln.20 authenticate it, that's fine with me. But that's not what

ln.21 I'm going about.

ln.22 MR. HARTMANN: Oh, okay.

ln.23 MR. HODGES: But thank you for the

ln.24 stipulation.

ln.25 Q. (Mr. Hodges) Mr. Hamed, did your son Wally ever

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MOHAMMAD HAMED -- DIRECT

ln.1 discuss his response to Mr. Yusuf's letter that is -- that

ln.2 we've been talking about earlier, which is Exhibit 3.

ln.3 MR. HARTMANN: Wait, wait.

ln.4 Object on the basis of privilege and direct

ln.5 the witness not to answer if such conversations took place

ln.6 in discussions with his counsel. Okay?

ln.7 You can tell him both.

ln.8 THE INTERPRETER: All right. Please repeat

ln.9 your question.

ln.10 Q. (Mr. Hodges) Did Mr. Waleed Hamed ever discuss

ln.11 with you, Mr. Hamed, that he was going to respond to

ln.12 Mr. Yusuf's letter that is Exhibit No. 3?

ln.13 THE INTERPRETER: No.

ln.14 Q. (Mr. Hodges) Okay. So it's okay with you if he

ln.15 writes these letters in response to Mr. Yusuf without

ln.16 discussing the -- the matters with you?

ln.17 MR. HARTMANN: Object. Mischaracterizes

ln.18 prior testimony.

ln.19 A. Yeah.

ln.20 THE INTERPRETER: He says, I --

ln.21 A. He is in my place. My son.

ln.22 THE INTERPRETER: He says, in other words,

ln.23 he's authorizing him to -- he does not object. He's given

ln.24 him a power of attorney to respond, and he's authorized to

ln.25 respond.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. But as I understand your

ln.2 testimony, Mr. Hamed, you -- you were not aware of the

ln.3 August 15, 2012 letter, which is Exhibit 3, and you're, I

ln.4 believe, testifying right now that you're not aware of the

ln.5 August 16, 2012 response to that, is that correct?

ln.6 MR. HARTMANN: Object. Mischaracterizes the

ln.7 prior testimony, and I once again direct the witness not to

ln.8 respond with regard to any knowledge that he has of the

ln.9 letter that came out, not as part of discussions with his

ln.10 attorney.

ln.11 THE INTERPRETER: Please repeat the question.

ln.12 MR. HODGES: You know what, I'll withdraw

ln.13 that.

ln.14 Q. (Mr. Hodges) Mr. Hamed, were you represented by

ln.15 that attorney right there, or the attorney, Mr. Holt, over

ln.16 there, on August 16th, 2012?

ln.17 MR. HARTMANN: Yes.

ln.18 MR. HODGES: All right. For the record, if

ln.19 you -- if you answer a question that I put to your client

ln.20 one more time, Mr. Hartmann, there will be a motion the

ln.21 following day for sanctions.

ln.22 MR. HARTMANN: Okay.

ln.23 MR. HODGES: That's the last one I'm going to

ln.24 take from you.

ln.25 MR. HARTMANN: Okay.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Were you represented by Mr. Hartmann

ln.2 and Mr. Holt on August 16, 2012?

ln.3 THE INTERPRETER: Yes.

ln.4 A. Yeah.

ln.5 Q. (Mr. Hodges) You remember that?

ln.6 THE INTERPRETER: Approximately.

ln.7 Q. (Mr. Hodges) Okay. And did you have any

ln.8 discussions about this letter with your attorneys?

ln.9 MR. HARTMANN: Direct him not to answer that.

ln.10 MR. HODGES: That's not privileged.

ln.11 MR. HARTMANN: Sure, it is.

ln.12 MR. HODGES: How?

ln.13 MR. HARTMANN: I'm directing him not to

ln.14 answer what he directly -- what he directly conversed with

ln.15 his attorneys about.

ln.16 MR. HODGES: Whether he had discussions with

ln.17 you about it is not privileged. What the discussions are

ln.18 is.

ln.19 Q. (Mr. Hodges) Mr. Hamed, did you have any

ln.20 discussions with any attorneys about the letter that's

ln.21 marked as Exhibit No. 4?

ln.22 THE INTERPRETER: He says, no, he had none.

ln.23 Q. (Mr. Hodges) Okay. So this letter was simply

ln.24 written by your son, Waleed, on August 16, 2012, without

ln.25 discussing the matter with you, is that fair to say?

begin page #101

MOHAMMAD HAMED -- DIRECT

ln.1 A. (Speaking in Arabic.) I give him the power of

ln.2 attorney and he did whatever he want.

ln.3 Q. (Mr. Hodges) Okay. That's -- that's your answer

ln.4 in English.

ln.5 THE INTERPRETER: Yes.

ln.6 Q. (Mr. Hodges) -- in English?

ln.7 Okay. So a $2.7 million issue is one that

ln.8 you never bothered to inform yourself about on or around

ln.9 August 16th, 2012, is that what you're saying?

ln.10 MR. HARTMANN: Object with regard to

ln.11 privilege. He's not to answer with regard to any

ln.12 discussions about the $2.7 million claim he had directly

ln.13 with his counsel.

ln.14 THE INTERPRETER: No.

ln.15 MR. HODGES: What is the answer?

ln.16 THE INTERPRETER: He said no.

ln.17 MR. HODGES: No to what question?

ln.18 MR. HARTMANN: To your question.

ln.19 MR. HODGES: And the question was?

ln.20 THE REPORTER: I don't know (laughing).

ln.21 MR. HODGES: Will you look, please?

ln.22 We've got thirty seconds.

ln.23 THE INTERPRETER: What was the question?

ln.24 THE REPORTER: Okay. What was the date?

ln.25 MR. HODGES: August 16.

begin page #102

MOHAMMAD HAMED -- DIRECT

ln.1 THE REPORTER: "Okay. So a $2.7 million

ln.2 issue is one that you never bothered to inform yourself

ln.3 about on or around August 16th, 2012, is that what you're

ln.4 saying?"

ln.5 MR. HODGES: Okay. And the answer to that

ln.6 was no?

ln.7 THE INTERPRETER: The answer was no.

ln.8 MR. HODGES: Okay.

ln.9 Q. (Mr. Hodges) And as I understand it, as of today,

ln.10 you -- you are still not aware of the facts and

ln.11 circumstances surrounding the $1.6 million that's referenced

ln.12 in Exhibit No. 3, is that right?

ln.13 MR. HARTMANN: Object. Asked and answered.

ln.14 MR. HODGES: Show him the letter while

ln.15 you're --

ln.16 THE INTERPRETER: This one?

ln.17 MR. HODGES: No, the 1.6.

ln.18 THE INTERPRETER: Right.

ln.19 MR. HODGES: You want me to ask the question

ln.20 again?

ln.21 THE INTERPRETER: Please.

ln.22 MR. HODGES: Okay. Hold on.

ln.23 THE VIDEOGRAPHER: Going off the record,

ln.24 12:30.

ln.25 (Discussion held off the record.)

begin page #103

MOHAMMAD HAMED -- DIRECT

ln.1 THE VIDEOGRAPHER: Going back on record,

ln.2 12:30.

ln.3 Q. (Mr. Hodges) Okay. If you would point out the

ln.4 1.6 million on Exhibit 3? And the -- the words to the

ln.5 left -- left of it, Past confirmed withdrawal?

ln.6 Okay. So, Mr. Hamed, as -- as you're sitting

ln.7 here today, you are not aware of any of the facts

ln.8 surrounding the, quote, Past confirmed withdrawals of

ln.9 $1.6 million, is that correct?

ln.10 MR. HARTMANN: Object. Asked and answered.

ln.11 THE INTERPRETER: Okay.

ln.12 He says no.

ln.13 MR. HODGES: Okay. I guess that's a good

ln.14 time to break, then.

ln.15 MR. HARTMANN: How long do you wish to break

ln.16 for?

ln.17 No, I don't want him on the record --

ln.18 THE VIDEOGRAPHER: Going --

ln.19 MR. HARTMANN: No.

ln.20 How long do you want to break for?

ln.21 MR. FATHI YUSUF: I don't know.

ln.22 MR. HODGES: Forty-five minutes, an hour? I

ln.23 don't know. What do you all need?

ln.24 MR. HARTMANN: You tell me. It's your

ln.25 deposition.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: Okay. Thirty minutes.

ln.2 MR. HARTMANN: Thirty minutes? Okay.

ln.3 THE VIDEOGRAPHER: Going off the record at

ln.4 12:32.

ln.5 (Noon recess taken.)

ln.6 THE VIDEOGRAPHER: Ready?

ln.7 MR. HARTMANN: Yep.

ln.8 MR. HODGES: Yeah.

ln.9 THE VIDEOGRAPHER: Okay. Going back on

ln.10 record at 1:33 p.m.

ln.11 Q. (Mr. Hodges) Mr. Hamed, you realize that you are

ln.12 still under oath?

ln.13 THE INTERPRETER: Yes.

ln.14 Q. (Mr. Hodges) Is there property in Jordan that

ln.15 is -- that was purchased with partnership funds that's in

ln.16 your name only?

ln.17 A. No.

ln.18 THE INTERPRETER: No.

ln.19 Q. (Mr. Hodges) None?

ln.20 A. No.

ln.21 THE INTERPRETER: None?

ln.22 A. No.

ln.23 THE INTERPRETER: None.

ln.24 A. No.

ln.25 Q. (Mr. Hodges) Would you deny that partnership

begin page #105

MOHAMMAD HAMED -- DIRECT

ln.1 funds were ever used to purchase property in Jordan in your

ln.2 name only?

ln.3 MR. HARTMANN: Object as to form.

ln.4 A. What I know, I never. No, I have -- no.

ln.5 (Speaking in Arabic.)

ln.6 THE INTERPRETER: He's -- he's not -- in his

ln.7 name alone, no, he's not aware of that.

ln.8 He's saying Mr. Yusuf is the only one who's

ln.9 purchased in his name only.

ln.10 Q. (Mr. Hodges) And what property is that?

ln.11 A. It's land. I don't know. I never see, and I

ln.12 don't know where. (Speaking in Arabic.)

ln.13 THE INTERPRETER: He does not know.

ln.14 Q. (Mr. Hodges) So it's -- it's -- it's your

ln.15 testimony that land wasn't purchased in your name only that

ln.16 Mr. Yusuf knew about?

ln.17 MR. HARTMANN: Object as to form.

ln.18 THE INTERPRETER: He swears on the Quran that

ln.19 he has -- he does not have anything in his name alone.

ln.20 Q. (Mr. Hodges) That was purchased with partnership

ln.21 funds?

ln.22 THE INTERPRETER: Yes.

ln.23 Q. (Mr. Hodges) Okay. Would you agree with me,

ln.24 Mr. Hamed, that Plaza Extra paid rent to United Corporation

ln.25 for occupying the Plaza East premises from the beginning

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MOHAMMAD HAMED -- DIRECT

ln.1 until December 1993?

ln.2 THE INTERPRETER: From the beginning?

ln.3 MR. HODGES: '86, 1986.

ln.4 THE INTERPRETER: Okay.

ln.5 Yes.

ln.6 Q. (Mr. Hodges) Okay. And that rental was based on

ln.7 a price per square foot that you agreed upon with Mr. Yusuf,

ln.8 is that correct?

ln.9 THE INTERPRETER: Yes.

ln.10 Q. (Mr. Hodges) Okay. And isn't it true that no

ln.11 rent has been paid to United since January 1, 1994 through

ln.12 May 4, 2004?

ln.13 MR. HARTMANN: Object as to form.

ln.14 A. I don't know. (Speaking in Arabic.)

ln.15 THE INTERPRETER: He says, I don't know.

ln.16 Q. (Mr. Hodges) You're not aware of any dispute

ln.17 regarding United's entitlement to rent for the ten years

ln.18 from January 1, 1994 to May 4, 19 -- excuse me -- 2004?

ln.19 THE INTERPRETER: I am not aware, except

ln.20 recently I've learned that my son has told me that

ln.21 Mr. Fathi Yusuf is demanding rent of $250,000 per month, and

ln.22 this is of recent.

ln.23 Q. (Mr. Hodges) Okay. Well, I'm -- I'm talking

ln.24 about the price per square foot monthly rent for the period

ln.25 between January 1, 1994 through May 4, 2004 that was agreed

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MOHAMMAD HAMED -- DIRECT

ln.1 upon with you.

ln.2 THE INTERPRETER: In the beginning, yes, but

ln.3 not recent -- recently.

ln.4 Q. (Mr. Hodges) I understand. But if -- if rent has

ln.5 not been paid on the -- the square footage basis that you

ln.6 agreed on with Mr. Yusuf for the period between January 1,

ln.7 1994 and May 4, 2004, would you agree with me that that rent

ln.8 should be paid to United?

ln.9 MR. HARTMANN: Object. Calls for a legal

ln.10 conclusion.

ln.11 A. Couple months ago, they --

ln.12 THE INTERPRETER: Wait. Arabic.

ln.13 A. I'm sorry.

ln.14 THE INTERPRETER: He says he's not denying

ln.15 the rent, and Mr. Yusuf is the one who used to, in other

ln.16 words, determine the -- the rental rate, and he's the one

ln.17 who would collect the rent.

ln.18 Q. (Mr. Hodges) But you understand that you and your

ln.19 son have refused to allow United to draw the funds necessary

ln.20 to pay the rent from January 1, 1994 to May 4, 2004,

ln.21 correct?

ln.22 THE INTERPRETER: What about the

ln.23 four-and-a-half million that was paid to him?

ln.24 Q. (Mr. Hodges) That's not my question.

ln.25 THE INTERPRETER: Maybe --

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MOHAMMAD HAMED -- DIRECT

ln.1 A. (Speaking in Arabic). When the rent, the one

ln.2 couple months -- couple years back.

ln.3 Q. (Mr. Hodges) Do you know what period that

ln.4 payment --

ln.5 A. I don't know.

ln.6 MR. HODGES: Can I -- go ahead.

ln.7 THE INTERPRETER: Yeah, he's saying that --

ln.8 that was paid, and he mentioned an amount of four-and-a-half

ln.9 million prior to that. But he's indicating that that was

ln.10 paid.

ln.11 Q. (Mr. Hodges) So it's your position that that

ln.12 five -- do you recall how much was paid?

ln.13 A. Exactly number, no.

ln.14 THE INTERPRETER: Exactly, no.

ln.15 Q. (Mr. Hodges) Does the -- does the figure of

ln.16 $5.4 million strike any memory chord?

ln.17 A. I don't know, it's four or five.

ln.18 THE INTERPRETER: I do not remember the exact

ln.19 amount, whether it was four or five.

ln.20 Q. (Mr. Hodges) Okay. And do you -- do you know

ln.21 what period of time that payment covered?

ln.22 A. No.

ln.23 Q. So if it -- if it was agreed with your son, Waleed

ln.24 Hamed, that that $5.4 million payment only covered the

ln.25 period between May 4, 2004 and December 31, 2011, you

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MOHAMMAD HAMED -- DIRECT

ln.1 wouldn't have a problem with that?

ln.2 A. I don't know.

ln.3 MR. HARTMANN: Object as to form.

ln.4 THE INTERPRETER: One second.

ln.5 MR. HARTMANN: Assumes facts not in evidence.

ln.6 Mischaracterizes -- excuse me, I'm sorry.

ln.7 Object as to form. Mischaracterizes prior

ln.8 testimony.

ln.9 THE INTERPRETER: Do you mind repeating the

ln.10 question?

ln.11 Q. (Mr. Hodges) So if -- if -- and we'll show you

ln.12 some documents here in a minute, Mr. Hamed, but if your son,

ln.13 Waleed Hamed, agreed that the rent for May 4, 2004 to

ln.14 December 31, 2011 was $5,408,806, and he --

ln.15 THE INTERPRETER: What was the number?

ln.16 MR. HODGES: $5,408,806.

ln.17 Q. (Mr. Hodges) -- and that a -- that a check for

ln.18 that amount was actually paid, you wouldn't dispute that,

ln.19 what period that 5.4 million covered, would you?

ln.20 MR. HARTMANN: Same objections.

ln.21 THE INTERPRETER: You mind repeating the

ln.22 question, please?

ln.23 MR. HODGES: Yeah, I'll do that. I'm sorry.

ln.24 Q. (Mr. Hodges) Are you aware that your son, Waleed

ln.25 Hamed, signed a check on February 7, 2012 for $5,488,806 for

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MOHAMMAD HAMED -- DIRECT

ln.1 the payment of rent?

ln.2 MR. HARTMANN: Object. Asked and answered.

ln.3 If you've got the document, --

ln.4 THE INTERPRETER: Yes.

ln.5 MR. HARTMANN: -- perhaps you could show it

ln.6 to him?

ln.7 THE INTERPRETER: Yes, he says he's aware.

ln.8 Q. (Mr. Hodges) Okay. And are you aware that that

ln.9 payment covered the period from May 4, 2004 to December 31,

ln.10 2011?

ln.11 MR. HARTMANN: Object. Asked and answered.

ln.12 Also assumes evidence not of record.

ln.13 A. I'm not keeping to know how much. (Speaking in

ln.14 Arabic.)

ln.15 THE INTERPRETER: No, he's not -- he's not

ln.16 aware. He does not know.

ln.17 MR. HODGES: If you could hold that?

ln.18 MR. HARTMANN: Is this Exhibit 5?

ln.19 MR. HODGES: Yes.

ln.20 THE INTERPRETER: This one says 8.

ln.21 MR. HARTMANN: Yeah, it's got to be marked by

ln.22 her.

ln.23 Do you mind if I identify it for the record?

ln.24 MR. HODGES: I would be pleased for you to do

ln.25 that.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE REPORTER: Do you want me to put this tag

ln.2 over the top?

ln.3 MR. HODGES: No.

ln.4 THE REPORTER: Okay.

ln.5 THE INTERPRETER: Okay. Exhibit 5 is a

ln.6 document that already has an exhibit sticker on the lower

ln.7 right-hand corner labeled Exhibit 8. Bears Bates

ln.8 number below that is JA-1006.

ln.9 The first line in it is, United Corporation

ln.10 d/b/a Plaza Extra Tutu Park Store Sales, and it proceeds by

ln.11 serial Bates numbers through JA-1022.

ln.12 That's Exhibit No. 5.

ln.13 (Deposition Exhibit No. 5 was

ln.14 marked for identification.)

ln.15 Q. (Mr. Hodges) Mr. Hamed, take -- take a look at

ln.16 the last page on Exhibit No. 5, and tell me if you recognize

ln.17 your son's signature?

ln.18 MR. HARTMANN: Just for record, this is

ln.19 marked Exhibit 9 in the lower right-hand corner from some

ln.20 other exhibit in another deposition.

ln.21 A. I don't know.

ln.22 THE INTERPRETER: Yes, approximately. I

ln.23 don't know.

ln.24 MR. HODGES: He can't identify his son's

ln.25 signature.

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MOHAMMAD HAMED -- DIRECT

ln.1 A. Not exactly. (Speaking in Arabic.)

ln.2 THE INTERPRETER: He says, I can't see it

ln.3 precisely.

ln.4 MR. HARTMANN: We'll stipulate that it's

ln.5 Wally Hamed's signature.

ln.6 MR. HODGES: Okay.

ln.7 Q. (Mr. Hodges) Do you recognize any other

ln.8 signatures on that, on that document?

ln.9 THE INTERPRETER: Here?

ln.10 MR. HODGES: Yes. Yes.

ln.11 A. No.

ln.12 Q. (Mr. Hodges) Okay. Can we stipulate that the --

ln.13 the last page of Exhibit No. 5 is a check dated February 7,

ln.14 2012 in the amount of $5,408 -- excuse me -- $5,408,806.74?

ln.15 MR. HARTMANN: The document is what it is.

ln.16 MR. HODGES: Okay.

ln.17 Q. (Mr. Hodges) Mr. Hamed --

ln.18 MR. HODGES: If you would translate this

ln.19 document for him. Let him see what it is.

ln.20 THE INTERPRETER: The check?

ln.21 MR. HODGES: The check.

ln.22 THE INTERPRETER: I have translated.

ln.23 MR. HODGES: Okay.

ln.24 A. (Speaking in Arabic.)

ln.25 THE INTERPRETER: I don't know.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: There's no question.

ln.2 Q. (Mr. Hodges) Do you understand how rent was paid

ln.3 for the period between 2004 and 2011 with respect to the

ln.4 Plaza Extra East premises?

ln.5 MR. HARTMANN: Object as to form. Misstates

ln.6 the prior testimony and the evidence.

ln.7 MR. HODGES: Go ahead.

ln.8 THE INTERPRETER: He says, No one -- no one

ln.9 told him.

ln.10 Q. (Mr. Hodges) You have no understanding of how

ln.11 rent is calculated for the Plaza Extra East premises for

ln.12 May 2004 to December 2011?

ln.13 MR. HARTMANN: Object to the form of the

ln.14 question. Mischaracterizes earlier testimony.

ln.15 THE INTERPRETER: Should I go ahead?

ln.16 MR. HARTMANN: Yes, you can go ahead.

ln.17 MR. HODGES: Please.

ln.18 THE INTERPRETER: He -- I do not know how

ln.19 much.

ln.20 Q. (Mr. Hodges) Okay. If you look at the first page

ln.21 of Exhibit No. 5, down at the bottom --

ln.22 MR. HODGES: If you'll -- if you'll translate

ln.23 to him?

ln.24 THE INTERPRETER: Yes.

ln.25 MR. HODGES: Underneath the -- the bold "Sion

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MOHAMMAD HAMED -- DIRECT

ln.1 Farm Sales."

ln.2 THE INTERPRETER: Okay.

ln.3 MR. HODGES: It says, Sion Farm Sales

ln.4 5/5/2004 to 12/31/2011?

ln.5 THE INTERPRETER: Yes.

ln.6 MR. HODGES: Would you translate that to him,

ln.7 and ask him if he sees it?

ln.8 THE INTERPRETER: Is there anything else? I

ln.9 translated that part.

ln.10 MR. HODGES: For -- for -- the date, May 5,

ln.11 2004 to 12/31 --

ln.12 THE INTERPRETER: Yes, I've explained that to

ln.13 him.

ln.14 MR. HODGES: Okay. And then at the end, at

ln.15 the bottom of the page, it says, Calculated rent as a

ln.16 percentage of sales, Sion Farm, $5,408,806.74?

ln.17 THE INTERPRETER: He says, I don't know. I

ln.18 don't know anything about it.

ln.19 MR. HARTMANN: And -- and I object as to

ln.20 form. There's no foundation for this document.

ln.21 Q. (Mr. Hodges) The -- the -- the period that this

ln.22 calculation covers, Mr. Hamed, is -- is May 5, 2004 to

ln.23 December 31, 2011, isn't that right, if you look at the --

ln.24 underneath the store sales?

ln.25 MR. HARTMANN: I object to form. Calls for

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MOHAMMAD HAMED -- DIRECT

ln.1 speculation. Also mischaracterizes prior --

ln.2 THE INTERPRETER: I asked him if -- if you

ln.3 see this, and I translated it, and he said, Yes, I see it.

ln.4 MR. HODGES: Okay. And he -- he sees that

ln.5 the figure at the bottom, $5,408,806.74, is the same as the

ln.6 number on the check?

ln.7 THE INTERPRETER: He says, In other words, it

ln.8 speaks for itself. This is what it is. It is what it is.

ln.9 MR. HODGES: Okay. So would he agree with me

ln.10 that the $5,408,806.74 was paid for the rent due from May 5,

ln.11 2004 to December 31, 2011?

ln.12 MR. HARTMANN: Object. Asked and answered.

ln.13 Mischaracterizes the prior evidence, and is -- oh, calls for

ln.14 speculation. I'm sorry.

ln.15 MR. HODGES: He can answer that.

ln.16 THE INTERPRETER: Okay. Repeat your

ln.17 question.

ln.18 MR. HODGES: Yeah, I would note for the

ln.19 record that these repeated, ridiculous -- in this case, he

ln.20 couldn't even remember one of the multiple objections he

ln.21 has, is -- is taking an extraordinary amount of time,

ln.22 requiring questions to be repeated, clearly calculated to

ln.23 waste time, and I would object to counsel continuing to make

ln.24 these frivolous objections.

ln.25 MR. HARTMANN: Counsel, you've attached a

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ln.1 document to another document that are totally unrelated.

ln.2 MR. HODGES: That's for a judge to determine,

ln.3 isn't it?

ln.4 MR. HARTMANN: No, no, no, I'm going to make

ln.5 objections because you've attached two documents to each

ln.6 other. He said he doesn't know what the first one is, and

ln.7 you're asking him if the first one doesn't result in the

ln.8 last one.

ln.9 MR. HODGES: And this is a speaking

ln.10 objection -- is this a speaking objection?

ln.11 MR. HARTMANN: No, it isn't.

ln.12 MR. HODGES: Yeah, it is.

ln.13 MR. HARTMANN: No, you -- you just entered a

ln.14 colloquy with me. I'm responding to your colloquy. Here's

ln.15 my answer to your colloquy. When I have an objection, I'll

ln.16 make it. You go ahead and question. You've attached two

ln.17 documents that don't relate to each other. Now you're

ln.18 questioning him.

ln.19 Go ahead.

ln.20 Q. (Mr. Hodges) Mr. Hamed, is it -- is it not true,

ln.21 based on these documents, that the rent check that your son

ln.22 issued on February 7, 2012 for 5.4 million is the -- is for

ln.23 the period from May 5, 2004 to December 31, 2011?

ln.24 MR. HARTMANN: Object to the form of the

ln.25 question. Mischaracterizes earlier testimony. Asked and

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MOHAMMAD HAMED -- DIRECT

ln.1 answered. Calls for a legal conclusion.

ln.2 A. I don't know. (Speaking in Arabic.)

ln.3 I don't see it. I don't look at it.

ln.4 Q. (Mr. Hodges) Your answer -- your answer is, you

ln.5 don't know?

ln.6 A. I don't know. I don't check it. I don't see it.

ln.7 Q. Okay.

ln.8 A. Because I hear from my son, he say, We pay

ln.9 Mr. Yusuf the rent for the one that's past.

ln.10 Q. Did -- did -- did your son tell you that rent had

ln.11 been paid for the period --

ln.12 A. We pay, yeah.

ln.13 Q. Wait a minute.

ln.14 A. That's what he told me.

ln.15 Q. Did your son tell you that rent had been paid by

ln.16 Plaza Extra for the period from January 1, 1994 through

ln.17 May 4, 2004?

ln.18 MR. HARTMANN: Object. Asked and answered.

ln.19 THE INTERPRETER: He did not tell me things.

ln.20 He told me we paid such and such.

ln.21 Q. (Mr. Hodges) If -- if it -- if it -- if rent was

ln.22 not paid from January 1, 1994 through May 4, 2004, would you

ln.23 agree that rent should be paid?

ln.24 MR. HARTMANN: Object. Asked and answered.

ln.25 THE INTERPRETER: It should be paid.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. Regardless of how long it

ln.2 took to make a demand for payment?

ln.3 MR. HARTMANN: Object. Calls for a legal

ln.4 conclusion.

ln.5 THE INTERPRETER: He says, If it hasn't been

ln.6 paid, it should be paid. And he's never -- he's never

ln.7 objected to it being paid. Mr. Yusuf is the one who used to

ln.8 decide whether to collect rent or not collect rent.

ln.9 Q. (Mr. Hodges) Okay. Has your son given you any

ln.10 reason for not paying the rent for the period from

ln.11 January 1, 1994 through May 4, 2004?

ln.12 MR. HARTMANN: Object. Mischaracterizes

ln.13 prior evidence. Object to form, calls for speculation.

ln.14 Object. Assumes facts not in evidence.

ln.15 Go ahead.

ln.16 THE INTERPRETER: He did not tell me.

ln.17 Q. (Mr. Hodges) But you would agree with me, sir,

ln.18 that it would not be fair to occupy somebody's property

ln.19 without paying rent?

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

ln.21 Calls for speculation.

ln.22 THE INTERPRETER: We do not have anything,

ln.23 any location, but the supermarket. They pay half, and we

ln.24 pay half.

ln.25 MR. HODGES: My question is, would, in his

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MOHAMMAD HAMED -- DIRECT

ln.1 mind, would it be fair for the -- the supermarket to occupy

ln.2 the premises at Plaza Extra East for more than ten years

ln.3 without paying the rent that was agreed upon with Mr. Yusuf?

ln.4 MR. HARTMANN: Object. Calls for

ln.5 speculation. Object to form. Asked and answered.

ln.6 THE INTERPRETER: The first response is no.

ln.7 In other words, it's not fair, but this was controlled by

ln.8 Mr. Yusuf. I never objected to the payments of rent. I --

ln.9 I -- (shrugs shoulders). In other words, he did not object

ln.10 and he understood that Mr. Yusuf could -- could charge for

ln.11 the rent and collect the rent.

ln.12 MR. HODGES: Okay.

ln.13 THE INTERPRETER: This is tougher than I

ln.14 thought.

ln.15 MR. HARTMANN: Excuse me. Could we go off

ln.16 the record? Could we go off the record?

ln.17 A. (Speaking in Arabic.)

ln.18 (Discussion held off the record.)

ln.19 THE VIDEOGRAPHER: Going off the record at

ln.20 2:03.

ln.21 (Respite.)

ln.22 THE VIDEOGRAPHER: Going back on record at

ln.23 2:05.

ln.24 Q. (Mr. Hodges) Mr. Hamed, did there come a time

ln.25 that Mr. Yusuf gave notice to you that he wanted the -- the

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MOHAMMAD HAMED -- DIRECT

ln.1 premises back at Plaza Extra East, or United wanted the

ln.2 premises back?

ln.3 MR. HARTMANN: Are you going to introduce 5?

ln.4 MR. HODGES: I'm considering it.

ln.5 THE INTERPRETER: All right.

ln.6 MR. HODGES: What did he say?

ln.7 THE INTERPRETER: His response is, Get back

ln.8 what location? There's only one store.

ln.9 Q. (Mr. Hodges) Well, there's -- there's three

ln.10 stores that Plaza Extra owns, isn't that correct?

ln.11 THE INTERPRETER: No.

ln.12 Q. (Mr. Hodges) Who owns --

ln.13 THE INTERPRETER: It's -- it's only one store

ln.14 with a warehouse and showroom.

ln.15 Q. (Mr. Hodges) So you don't claim any partnership

ln.16 interest in the business that's run at Plaza Extra Tutu

ln.17 Park, or Plaza Extra West?

ln.18 THE INTERPRETER: Yeah, I'm -- I'm a partner

ln.19 in the three.

ln.20 Q. (Mr. Hodges) Okay. So there's three stores, and

ln.21 my question is, isn't it true that United Corporation gave

ln.22 you notice that it wanted the premises back that Plaza Extra

ln.23 East occupies in September of 2010?

ln.24 THE INTERPRETER: September 2000 --

ln.25 MR. HODGES: During the month of

begin page #121

MOHAMMAD HAMED -- DIRECT

ln.1 September 2010?

ln.2 THE INTERPRETER: How can -- how can he get

ln.3 it back when it belongs to both of us?

ln.4 A. We have partner. We don't have no (inaudible)

ln.5 partner.

ln.6 THE INTERPRETER: Arabic.

ln.7 We are both partners in it. How can he get

ln.8 it back?

ln.9 Q. (Mr. Hodges) The premises that Plaza Extra

ln.10 Supermarket occupies at Plaza Extra East are owned by United

ln.11 Corporation.

ln.12 Do you agree with that, Mr. Hamed?

ln.13 THE INTERPRETER: He says, It -- it's owned

ln.14 both by Fathi Yusuf and Mohammad Hamed, the land and the

ln.15 building.

ln.16 He's referring to the supermarket.

ln.17 MR. HODGES: He's saying that the land and

ln.18 the building is owned by --

ln.19 A. Plaza Extra. And it still, I'm alive, Mr. Yusuf

ln.20 buy it from the guy, he's a Crucian, he was senator, Puerto

ln.21 Rican. They buy land from the --

ln.22 THE REPORTER: Do it in Arabic, please.

ln.23 THE INTERPRETER: It's -- he's -- his

ln.24 response is confusing. I mean, I -- I can't --

ln.25 Q. (Mr. Hodges) Are you confusing Plaza West with

begin page #122

MOHAMMAD HAMED -- DIRECT

ln.1 Plaza East, Mr. Hamed?

ln.2 A. Yeah, Fathi Yusuf, his own. I don't have nothing

ln.3 to do with the property.

ln.4 MR. HODGES: Okay.

ln.5 THE INTERPRETER: Okay.

ln.6 Q. (Mr. Hodges) And that's why Plaza East always

ln.7 paid rent.

ln.8 A. No.

ln.9 THE INTERPRETER: I mean, he's going back to

ln.10 say, The land --

ln.11 MR. FATHI YUSUF: Can I say one word?

ln.12 MR. HODGES: NO.

ln.13 MR. FATHI YUSUF: Can you identify the Sion

ln.14 Farm --

ln.15 MR. HODGES: No, no. No, no.

ln.16 THE INTERPRETER: Your lawyer. Your lawyer.

ln.17 Q. (Mr. Hodges) Okay. The Plaza store that is at

ln.18 Sion Farm St. Croix, that is the one that is owned by

ln.19 Mr. Yusuf's corporation, United, isn't that correct? It's

ln.20 the land and the building.

ln.21 A. Yeah, yeah.

ln.22 THE INTERPRETER: No. He says no.

ln.23 A. Yeah.

ln.24 MR. DEWOOD: I thought he said yes.

ln.25 THE INTERPRETER: Yes?

begin page #123

MOHAMMAD HAMED -- DIRECT

ln.1 Okay. I heard "la," which means no.

ln.2 He's saying, Yes, it is.

ln.3 Q. (Mr. Hodges) Okay. So you agree with me, I just

ln.4 want to.

ln.5 THE INTERPRETER: He says, I'm not denying

ln.6 what he owns. I -- I -- I -- I will never deny that. I

ln.7 just want my rights.

ln.8 MR. HODGES: Okay.

ln.9 Q. (Mr. Hodges) The rent that Plaza East or Sion

ln.10 Farm paid to United over the years is because United owns

ln.11 that property, not Plaza East, isn't that right?

ln.12 THE INTERPRETER: Yes.

ln.13 Q. (Mr. Hodges) Okay. Now, if -- do you know

ln.14 whether rent has been paid by Plaza East to United since

ln.15 December 31, 2012?

ln.16 A. No.

ln.17 THE INTERPRETER: No.

ln.18 Q. (Mr. Hodges) If rent has not been paid by

ln.19 Plaza Extra East since December 31, 2011, would you agree

ln.20 that that's not right?

ln.21 MR. HARTMANN: Object as to form. Object to

ln.22 calling for a legal conclusion.

ln.23 THE INTERPRETER: If we owe it, then it

ln.24 should be paid.

ln.25 Q. (Mr. Hodges) You would agree with me, it's not

begin page #124

MOHAMMAD HAMED -- DIRECT

ln.1 fair to occupy somebody's property as a tenant without

ln.2 paying rent?

ln.3 MR. HARTMANN: Object. It's calling for a

ln.4 legal conclusion. Object as to form.

ln.5 THE INTERPRETER: I've -- I've already

ln.6 responded yes.

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

ln.8 A. How many times do you want I repeat it?

ln.9 Q. Now, you testified earlier that you were in charge

ln.10 of the warehouse at -- at Plaza East, right?

ln.11 THE INTERPRETER: He said, I was in charge of

ln.12 the receiving at the warehouse.

ln.13 He told me -- and I understand it to refer to

ln.14 Mr. Fathi Yusuf -- He told me I should control this area,

ln.15 guard this -- this receiving area, and I will guard the

ln.16 front, the office.

ln.17 Q. (Mr. Hodges) Okay. And when you retired in 1996,

ln.18 Mr. Hamed, were -- were those responsibilities of yours

ln.19 turned over to your son Wally?

ln.20 MR. HARTMANN: Object. Mischaracterizes

ln.21 previous testimony.

ln.22 A. I give him power of attorney for that.

ln.23 THE INTERPRETER: He says, Yes, I gave him

ln.24 power of attorney for that.

ln.25 A. He is my place.

begin page #125

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. So do I understand it that --

ln.2 where was Waleed working at the time, which store?

ln.3 THE INTERPRETER: In Sion Farm.

ln.4 He said he was in Sion Farm, and he also

ln.5 would go to St. Thomas along with his brother Waheed on a

ln.6 daily basis until the construction was finished.

ln.7 Q. (Mr. Hodges) Okay. But your son Waleed didn't

ln.8 take over your actual duties, being responsible for

ln.9 receiving at the warehouse, did he?

ln.10 A. No.

ln.11 Q. He was actually a -- a store manager, isn't that

ln.12 right?

ln.13 A. (Speaking in Arabic). Mr. Yusuf the one, he put

ln.14 him.

ln.15 THE INTERPRETER: Yes, Mr. Yusuf is the one

ln.16 who put him in.

ln.17 Q. (Mr. Hodges) And when you retired in 1996, what

ln.18 was your title?

ln.19 Did you have a title?

ln.20 MR. HARTMANN: Object. Mischaracterizes

ln.21 prior testimony.

ln.22 THE INTERPRETER: He said, What title? I'm

ln.23 half owner.

ln.24 MR. HODGES: Understand. His job title --

ln.25 A. No job. I don't have to take care of job.

begin page #126

MOHAMMAD HAMED -- DIRECT

ln.1 Q. But you received a paycheck from United --

ln.2 A. Yeah.

ln.3 Q. -- every -- every pay period?

ln.4 MR. HARTMANN: Object.

ln.5 A. Yeah.

ln.6 MR. HARTMANN: Mischaracterizes his prior

ln.7 testimony.

ln.8 A. Before that time, yes, I received $289 check.

ln.9 Q. (Mr. Hodges) How -- how often?

ln.10 MR. HARTMANN: Do you -- do you want him to

ln.11 answer in Arabic? You're --

ln.12 A. How often? I don't know how many times.

ln.13 Q. (Mr. Hodges) Every two weeks, every month?

ln.14 You'd --

ln.15 A. Every month, --

ln.16 Q. Every month.

ln.17 A. -- every week, I got check.

ln.18 MR. HARTMANN: Wait. Let him ask you the

ln.19 question in Arabic.

ln.20 THE WITNESS: Yes, sir.

ln.21 THE INTERPRETER: Please ask your question.

ln.22 Q. (Mr. Hodges) How often did you get your paycheck

ln.23 from United Corporation?

ln.24 THE INTERPRETER: Every week.

ln.25 Q. (Mr. Hodges) Okay. And it was $289?

begin page #127

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yeah.

ln.2 Q. Okay.

ln.3 THE INTERPRETER: Yes. $289.

ln.4 A. Eighty-nine dollars, not $99.

ln.5 THE INTERPRETER: No, $289. Yes.

ln.6 Q. (Mr. Hodges) And that -- that -- was that the

ln.7 salary you got at the time you retired in 1996, that's the

ln.8 pay that you got?

ln.9 MR. HARTMANN: Objection. Mischaracterizes

ln.10 prior testimony.

ln.11 THE INTERPRETER: Okay. That's what I used

ln.12 to receive the -- that's what I used to get, and -- and the

ln.13 balance I would get in cash. Same applied to Mr. Yusuf. He

ln.14 would get the same as I would get.

ln.15 MR. HODGES: Okay. They both got a paycheck

ln.16 from United, and they both split the profits from the

ln.17 Plaza Extra stores, is that correct?

ln.18 MR. HARTMANN: Object. Mischaracterizes his

ln.19 prior testimony. Also objection as to form.

ln.20 THE INTERPRETER: Yes.

ln.21 Q. (Mr. Hodges) Before you retired, how would you

ln.22 describe Wally's job duties at Plaza Extra stores?

ln.23 MR. HARTMANN: Object. Mischaracterizes

ln.24 prior testimony.

ln.25 A. He was the top one. (Speaking in Arabic). I

begin page #128

MOHAMMAD HAMED -- DIRECT

ln.1 don't know what happened.

ln.2 THE INTERPRETER: He was -- he was the top

ln.3 one. He worked so hard that sometimes we would come and he

ln.4 would be asleep in a chair at the store, and -- referring to

ln.5 Mr. Yusuf -- and they would both say, Let him rest. I -- I

ln.6 don't know what happened. He -- you know, they were close,

ln.7 and now they're enemies. I don't understand.

ln.8 Q. (Mr. Hodges) So was --

ln.9 THE INTERPRETER: Excuse me.

ln.10 MR. FATHI YUSUF: May I say something?

ln.11 MR. HODGES: No.

ln.12 MR. FATHI YUSUF: He missed something. He

ln.13 say --

ln.14 MR. HARTMANN: No.

ln.15 MR. HODGES: No, no, no.

ln.16 MR. FATHI YUSUF: You missed something in the

ln.17 translation.

ln.18 Q. (Mr. Hodges) So what I -- I just want to

ln.19 understand what Waleed's job duties were at the time you

ln.20 retired.

ln.21 MR. HARTMANN: Object as to mischaracterizing

ln.22 prior testimony.

ln.23 A. He order the stuff; the produce, the meat, the

ln.24 grocery. (Speaking in Arabic.) Everything.

ln.25 THE INTERPRETER: He used to do all the

begin page #129

MOHAMMAD HAMED -- DIRECT

ln.1 orders, the purchasing.

ln.2 A. The soda you need.

ln.3 Q. (Mr. Hodges) Okay. At Plaza Extra East?

ln.4 A. Plaza Extra Sion Farm, Wally, not east.

ln.5 THE INTERPRETER: Yes.

ln.6 MR. HODGES: Is he distinguishing between

ln.7 Plaza Extra East and Sion Farm?

ln.8 THE INTERPRETER: He's referring to the --

ln.9 he's referring to the original store, Plaza East.

ln.10 MR. HODGES: Okay. Okay. So when I refer to

ln.11 Plaza Extra East, he will understand that I'm -- I'm

ln.12 referring to the original store that's in Sion Farm.

ln.13 A. It's in Sion Farm, yeah.

ln.14 Q. (Mr. Hodges) Okay. Would it be fair to say that

ln.15 you understand that Mr. Yusuf has been demanding the return

ln.16 of the -- of the premises occupied by Plaza Extra East, but

ln.17 your son has refused to -- to -- to turn over possession?

ln.18 Is that fair?

ln.19 MR. HARTMANN: Object as to form.

ln.20 THE INTERPRETER: He's asking me, What is he

ln.21 going to do with the store? So I'm going to repeat the

ln.22 question, if that's what you want me to do.

ln.23 Q. (Mr. Hodges) Repeat the question. The question

ln.24 is --

ln.25 THE INTERPRETER: He says, The location, a

begin page #130

MOHAMMAD HAMED -- DIRECT

ln.1 store was built upon this location.

ln.2 A. They want the land? You wanted the land, or you

ln.3 want to break the building?

ln.4 THE INTERPRETER: He's saying, What is he

ln.5 going to do? Is he going to demolish the building? Is he

ln.6 going to retrieve the land? He's asking these questions.

ln.7 Q. (Mr. Hodges) Mr. Hamed, it -- that's -- the --

ln.8 your question, you're not allowed to ask questions to me. I

ln.9 get to ask questions to you. But are you -- are you

ln.10 questioning the right of an owner to do what it wants to

ln.11 with its property?

ln.12 A. I'm renter.

ln.13 Q. Right.

ln.14 A. I'm pay rent.

ln.15 Q. But you're not paying rent.

ln.16 A. I pay rent. Why I'm not, shouldn't pay no rent?

ln.17 Q. Can you -- can you prove that you paid rent since

ln.18 December 31, --

ln.19 A. I broke. He's get 5 million-something.

ln.20 Q. But that covered a period --

ln.21 A. That's what we owe him. And I told him, Take

ln.22 monthly the rent. And he don't take. He keep the money, he

ln.23 keep the money, till they got him paid.

ln.24 Q. So why don't -- why you --

ln.25 A. I tell him, take it, monthly, the rent. I don't

begin page #131

MOHAMMAD HAMED -- DIRECT

ln.1 like to owe nobody.

ln.2 Q. Okay. Well, why does your son not allow the rent

ln.3 to be paid?

ln.4 MR. HARTMANN: Object. Mischaracterizes

ln.5 prior --

ln.6 A. My son, he --

ln.7 MR. HARTMANN: Wait, wait, wait, wait, wait.

ln.8 Object as to form. No foundation.

ln.9 Mischaracterizes prior testimony, and assumes facts not in

ln.10 evidence.

ln.11 A. Who tell you my son, he don't want to pay?

ln.12 Q. (Mr. Hodges) Why has your son not allowed the

ln.13 rent to be paid?

ln.14 A. No. It's my son? He lie to me.

ln.15 MR. HARTMANN: Yeah, we got to get back into

ln.16 the translation here.

ln.17 Wait, wait, wait.

ln.18 A. When somebody give you 5 million-a-half, --

ln.19 MR. HARTMANN: Stop.

ln.20 A. -- he not pay?

ln.21 MR. HARTMANN: Stop for a minute.

ln.22 THE INTERPRETER: Question?

ln.23 MR. HODGES: Yes.

ln.24 Q. (Mr. Hodges) If -- I'm not asking you to agree

ln.25 with me, but let's say the 5.4 million that was paid in

begin page #132

MOHAMMAD HAMED -- DIRECT

ln.1 February only covered the period between May 4 -- or, excuse

ln.2 me -- May 2004 and December 2011, okay?

ln.3 A. Okay.

ln.4 Q. And no rent's been paid since December -- excuse

ln.5 me -- from January 1, 2012, to today. Would you not agree

ln.6 that Mr. Yusuf and United Corporation are entitled to that

ln.7 rent immediately?

ln.8 MR. HARTMANN: Object. Calls for a legal

ln.9 conclusion.

ln.10 A. It was $5 million.

ln.11 THE INTERPRETER: Your -- was your question

ln.12 if it's not -- if it's there or not?

ln.13 MR. HODGES: No.

ln.14 A. He can't give me this question five times.

ln.15 MR. HODGES: If he hasn't paid the rent --

ln.16 A. And every five minutes, he tell me, You agree.

ln.17 I agree, man, I told you, take it monthly. I

ln.18 don't want to owe no one.

ln.19 Q. (Mr. Hodges) All right. So you're saying, then,

ln.20 that you agree with me that if there is --

ln.21 A. That I agree with you? I tell you the first one,

ln.22 I don't like to owe nobody.

ln.23 Q. Well, then tell me why your son is --

ln.24 A. Why my son? My son, what he did to you?

ln.25 Q. No. Why does your son not allow the rent to be

begin page #133

MOHAMMAD HAMED -- DIRECT

ln.1 paid?

ln.2 A. No.

ln.3 MR. HARTMANN: Object. Wait, wait, wait.

ln.4 Object. Argumentative. Assumes facts not in

ln.5 evidence. Misstates prior testimony, and form.

ln.6 Q. (Mr. Hodges) Why does your son not allow the rent

ln.7 to be paid?

ln.8 A. Because Mr. Yusuf have 2 million and seven

ln.9 (speaking in Arabic).

ln.10 THE INTERPRETER: He says -- he says, Because

ln.11 he's taken 2.7 million. He made reference to some other

ln.12 amount, which I -- I -- about a sale of a condominium

ln.13 building.

ln.14 In other words, he's saying -- and I'm

ln.15 paraphrasing at this point -- that he's left with no money,

ln.16 they're left with no money. They are six, seven families,

ln.17 and they have no money to spend.

ln.18 A. Why?

ln.19 MR. HARTMANN: Take it easy. You want a

ln.20 drink of water?

ln.21 THE WITNESS: No I don't want.

ln.22 MR. HARTMANN: No water? Okay.

ln.23 Q. (Mr. Hodges) So, Mr. Hamed, while saying that you

ln.24 don't -- you agree that if rent has been paid, it should be

ln.25 paid, I believe if I understand your testimony correctly --

begin page #134

MOHAMMAD HAMED -- DIRECT

ln.1 A. Yeah, and he should pay me too.

ln.2 Q. (Mr. Hodges) What should he pay you?

ln.3 A. Pay me half. The one I -- I -- he talking, he

ln.4 have to give me half of it.

ln.5 Q. But you, just a while ago, when we were going over

ln.6 that $2.7 million, you said you didn't know anything about

ln.7 it, did you?

ln.8 MR. HARTMANN: Object. Argumentative.

ln.9 It's --

ln.10 Q. (Mr. Hodges) You said you didn't know anything

ln.11 about the 2.7.

ln.12 MR. HARTMANN: Object. Argumentative. Form.

ln.13 A. Who tell you I don't know nothing about it?

ln.14 Q. (Mr. Hodges) Then why --

ln.15 A. I told you, he took 2 million by seven. Okay, why

ln.16 he says 2 million by seven, and I don't get nothing to feed

ln.17 my family. Why? You tell me. You's a lawyer.

ln.18 MR. HARTMANN: That was lawyer. Lawyer, not

ln.19 liar.

ln.20 A. That shame to take the money from your partner,

ln.21 and you keep your partner, and he don't have nothing. Why?

ln.22 Q. (Mr. Hodges) You don't have -- you don't have

ln.23 nothing?

ln.24 A. You put me -- you put me, I t'ief 2 million. I'm

ln.25 not t'ief. I'm not t'ief. I'm not t'ief. I'm an honest

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MOHAMMAD HAMED -- DIRECT

ln.1 person, I'm not t'ief you. Twenty-five years I working like

ln.2 a horse (inaudible) with my children. I never do no

ln.3 mistake, especially for you, and for your family, and for

ln.4 your kids. You take this half, you took what you want, and

ln.5 you keep me with nothing. Why?

ln.6 MR. HARTMANN: Do you mind if we take a break

ln.7 for a couple minutes?

ln.8 A. Why?

ln.9 MR. HODGES: We're going to need to take a

ln.10 break anyway for the video.

ln.11 MR. HARTMANN: Okay.

ln.12 MS. JAPINGA: Time?

ln.13 THE VIDEOGRAPHER: The time is 2:32. Going

ln.14 off record.

ln.15 (Short recess taken.)

ln.16 THE VIDEOGRAPHER: Going back on the record.

ln.17 The time is 2:41.

ln.18 (Deposition Exhibit No. 6 was

ln.19 marked for identification.)

ln.20 MR. HARTMANN: Can I identify 6 while you're

ln.21 doing that?

ln.22 MR. HODGES: Hmm?

ln.23 MR. HARTMANN: Can I identify 6 for the

ln.24 record while you're doing that?

ln.25 MR. HODGES: If that would please you.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Okay. Exhibit 6 is a document

ln.2 marked in the lower right-hand corner with a sticker that

ln.3 says Exhibit 7, with Bates No. FY004000 continuing through

ln.4 FY004003. It's a -- appears to be a fax with a header date

ln.5 01/27/2012 at 2:45. It's a letter titled United

ln.6 Corporation -- sent from United Corporation on January 12th,

ln.7 2012 to Mr. Mohammad Hamed.

ln.8 It's Exhibit No. 6.

ln.9 Q. (Mr. Hodges) Mr. Hamed, as I understood your --

ln.10 your last testimony, your -- you don't have a problem with

ln.11 not paying rent to United because of a dispute over

ln.12 $2.7 million, is -- is that fair to say?

ln.13 THE INTERPRETER: I'm sorry. I -- I missed

ln.14 part of your question.

ln.15 Q. (Mr. Hodges) The question is, isn't it true that

ln.16 your -- you just testified that you don't have a problem

ln.17 with withholding rent to United Corporation because of a

ln.18 dispute over $2.7 million that we've talked about earlier?

ln.19 THE INTERPRETER: Yes.

ln.20 Q. (Mr. Hodges) And as I understand your testimony

ln.21 earlier, you don't really know the facts about the dispute

ln.22 over the 2.7 million, isn't that fair to say?

ln.23 MR. HARTMANN: Object. Asked and answered.

ln.24 THE INTERPRETER: He -- that would be

ln.25 correct, he does not have all of the information.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. In fact, your son Waleed has

ln.2 never explained the -- the facts to you, has he?

ln.3 MR. HARTMANN: Object. Asked and answered.

ln.4 THE INTERPRETER: Yes.

ln.5 Q. (Mr. Hodges) Okay.

ln.6 THE INTERPRETER: "La," meaning he did not.

ln.7 He did not, is the way I understand it.

ln.8 MR. DEWOOD: Did not what?

ln.9 MR. HODGES: He did not explain it.

ln.10 Q. (Mr. Hodges) Mr. Hamed, given the 25-plus years

ln.11 that your -- you and Mr. Yusuf have -- have worked together

ln.12 in the store, why haven't you taken the time to make sure

ln.13 you understand what the facts are with respect to this

ln.14 $2.7 million dispute?

ln.15 MR. HARTMANN: Object as to form. Object,

ln.16 argumentative.

ln.17 A. (Speaking in Arabic.) Work, work, work, work, day

ln.18 and night.

ln.19 THE INTERPRETER: Okay. I can only translate

ln.20 or interpret what he said.

ln.21 He's saying -- he said that they come from

ln.22 the same area, they are farmers, and that, you know, he was

ln.23 responsible for bringing them here. When they arrived here,

ln.24 they came to his home. He welcomed them, and -- and helped

ln.25 them out, and -- and over the years, he established a

begin page #138

MOHAMMAD HAMED -- DIRECT

ln.1 business, a grocery business, and when he made some money,

ln.2 there came a time when -- when Mr. Fathi Yusuf was going to

ln.3 build a shopping center. It's a long story, and that, you

ln.4 know, most of their time has been working, working, and

ln.5 there's really -- there hasn't been a time that they could

ln.6 sit and talk.

ln.7 Q. (Mr. Hodges) In the past two years, isn't that

ln.8 right?

ln.9 A. (Speaking in Arabic.) Okay. Go ahead.

ln.10 THE INTERPRETER: He said, I begged him to

ln.11 sit and -- and -- and -- so we can finish this, and in

ln.12 Jordan, we -- we -- we, in my house, we met, and I was

ln.13 giving him -- (speaking in Arabic).

ln.14 He asked for two pieces of --

ln.15 A. Just one I want.

ln.16 THE INTERPRETER: -- he had asked for two

ln.17 pieces of property in Jordan. He told him, I'd sign for --

ln.18 for them, no problem. Later, he came -- meaning Mr. Fathi

ln.19 Yusuf -- and told him, You've kicked me in my stomach. It's

ln.20 a term of, in other words, he was willing to accept, as I

ln.21 understand, one piece of property instead of two. (Speaking

ln.22 in Arabic.)

ln.23 Next day, he came back and asked for the

ln.24 other piece of property.

ln.25 Q. (Mr. Hodges) But my question, Mr. Hamed, is that

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MOHAMMAD HAMED -- DIRECT

ln.1 given your -- the long relationship between your

ln.2 families, --

ln.3 A. Yeah.

ln.4 Q. -- before you filed a lawsuit and started this big

ln.5 fight that's been going on and on, why didn't you take the

ln.6 time to understand the facts about the -- the dispute over

ln.7 $2.7 million?

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

ln.9 THE INTERPRETER: He says, I have no -- no

ln.10 answer. In other words, we -- we -- we did not sit together

ln.11 to discuss it.

ln.12 A. (Speaking in Arabic.) He got two million point

ln.13 seven, and I don't got nothing. I have big family.

ln.14 THE INTERPRETER: Arabic, Arabic.

ln.15 A. I have a lot of support, the people, my brother

ln.16 die, who his family, and I am solely (inaudible), and you go

ln.17 and you take care of yourself, and you leave me with

ln.18 nothing? That's not fair.

ln.19 THE INTERPRETER: Do I need to translate

ln.20 this?

ln.21 MR. HODGES: No.

ln.22 Could I have this marked as, I believe we're

ln.23 up to Exhibit 7.

ln.24

ln.25

begin page #140

MOHAMMAD HAMED -- DIRECT

ln.1 (Deposition Exhibit No. 7 was

ln.2 marked for identification.)

ln.3 MR. HARTMANN: Exhibit 7 is a document

ln.4 entitled General Durable Power of Attorney. In the lower

ln.5 left-hand corner, it's Bates stamped HAMD592235. It's a

ln.6 two -- two-page document ending in HAMD592236, and that's

ln.7 Exhibit No. --

ln.8 MS. JAPINGA: Seven.

ln.9 MR. HARTMANN: -- 7.

ln.10 THE INTERPRETER: Okay.

ln.11 Q. (Mr. Hodges) Mr. Hamed, do you recognize your

ln.12 signa -- signature there?

ln.13 THE INTERPRETER: Yes.

ln.14 Q. (Mr. Hodges) Okay. It's right above your name,

ln.15 which your first name of which is misspelled, is that

ln.16 correct?

ln.17 THE INTERPRETER: He says it's wrong. The

ln.18 spelling is wrong.

ln.19 Q. (Mr. Hodges) Okay. What was the purpose --

ln.20 A. M-O-H-A-M-M-A-D, Mohammad. It missing A.

ln.21 THE INTERPRETER: He says, It's missing an A.

ln.22 Q. (Mr. Hodges) Okay. Mr. Hamed, what was the

ln.23 purpose of this power of attorney?

ln.24 MR. HARTMANN: Do you need him to read him

ln.25 the power of attorney?

begin page #141

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HODGES: If he knows, I didn't --

ln.2 A. He says, I do not know.

ln.3 Q. (Mr. Hodges) You don't know the purpose of the

ln.4 power of attorney?

ln.5 MR. HARTMANN: He can't read English.

ln.6 Q. (Mr. Hodges) You don't know the purpose of this

ln.7 document?

ln.8 MR. HARTMANN: I'd ask to have it translated

ln.9 for him.

ln.10 THE INTERPRETER: No. He says he does not

ln.11 know. If the attorney did it, I -- I do not know.

ln.12 Q. (Mr. Hodges) Okay. You signed it under oath on

ln.13 March 29 --

ln.14 MR. HARTMANN: Will you not allow it to be

ln.15 translated?

ln.16 MR. HODGES: There's no need to.

ln.17 MR. HARTMANN: Okay.

ln.18 MR. HODGES: You produced it.

ln.19 MR. HARTMANN: That's fine.

ln.20 Q. (Mr. Hodges) Mr. Hamed, you signed it on the 29th

ln.21 of 19th -- March 29, 1996, is that correct?

ln.22 THE INTERPRETER: He says, This is my

ln.23 signature, yes. I do not deny it.

ln.24 Q. (Mr. Hodges) Do you recall giving your son,

ln.25 Waleed Hamed, a power of attorney around the time you

begin page #142

MOHAMMAD HAMED -- DIRECT

ln.1 retired?

ln.2 MR. HARTMANN: Object. Mischaracterizes the

ln.3 prior testimony.

ln.4 THE INTERPRETER: He says, I don't know. I

ln.5 don't remember.

ln.6 Q. (Mr. Hodges) Okay. You don't -- do you not

ln.7 recall signing any documents giving your son, Waleed Hamed,

ln.8 a power of attorney to -- to act on your behalf?

ln.9 THE INTERPRETER: He says yes.

ln.10 Q. (Mr. Hodges) Okay.

ln.11 A. Yeah.

ln.12 Q. Would that have been done around the time that you

ln.13 retired and returned to Jordan?

ln.14 MR. HARTMANN: Object. Mischaracterizes the

ln.15 prior testimony.

ln.16 A. When?

ln.17 THE INTERPRETER: (Speaking in Arabic.)

ln.18 A. I don't know. I can't remember.

ln.19 THE INTERPRETER: He says he does not know.

ln.20 Q. (Mr. Hodges) Okay. Do you know if anybody has

ln.21 ever translated this document for you?

ln.22 THE INTERPRETER: No.

ln.23 Q. (Mr. Hodges) Okay. Then why did you sign it?

ln.24 A. Because it's my son. He tell me (speaking in

ln.25 Arabic).

begin page #143

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: He says, Because it's my

ln.2 son. He told me to sign it, and I signed it.

ln.3 Q. (Mr. Hodges) Okay. Do you sign any document that

ln.4 your son gives you and asks you to sign?

ln.5 THE INTERPRETER: If he tells me to sign it,

ln.6 I will sign it.

ln.7 (Deposition Exhibit No. 8 was

ln.8 marked for identification.)

ln.9 MR. HODGES: Okay. This would be 8.

ln.10 MR. HARTMANN: Exhibit 8 is a document

ln.11 entitled General Power of Attorney with Durable Provision.

ln.12 In the lower left-hand corner, it's Bates stamped

ln.13 HAMD592398. It continues for four pages, ends on Page

ln.14 HAMD592401.

ln.15 And that is Exhibit No. 8.

ln.16 MR. HODGES: For the record, there is

ln.17 handwriting of mine on Bates 92400 that I will acknowledge

ln.18 should not be there, but that's not the purpose of the --

ln.19 MR. HARTMANN: Lower right corner, side?

ln.20 MR. HODGES: Yes.

ln.21 MR. HARTMANN: Do you mind if I cross that

ln.22 out?

ln.23 MR. HODGES: I don't mind, no.

ln.24 MR. HARTMANN: Would you cross that out, too,

ln.25 on the main exhibit?

begin page #144

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Where is it (handing

ln.2 document to counsel)?

ln.3 MR. HARTMANN: Yeah. (Indicating).

ln.4 MR. HODGES: Okay. If you would show

ln.5 Mr. Hamed the third page of this document?

ln.6 THE INTERPRETER: Okay.

ln.7 Q. (Mr. Hodges) Mr. Hamed, do you recognize your

ln.8 signature there in the lower right-hand corner?

ln.9 THE INTERPRETER: Yes.

ln.10 Q. (Mr. Hodges) Do you recognize any of the

ln.11 signatures of the witnesses that are to the left of your

ln.12 signature?

ln.13 A. No. No.

ln.14 THE INTERPRETER: No.

ln.15 Q. (Mr. Hodges) Do you know what the purpose of this

ln.16 document is?

ln.17 MR. HARTMANN: Will you allow it to be

ln.18 translated for him?

ln.19 THE INTERPRETER: (Speaking in Arabic.)

ln.20 No.

ln.21 MR. HARTMANN: I object -- then I object to

ln.22 form.

ln.23 THE INTERPRETER: He says, No one read it to

ln.24 him.

ln.25 MR. HODGES: Okay. Did anybody ever

begin page #145

MOHAMMAD HAMED -- DIRECT

ln.1 translate this document for him?

ln.2 MR. HARTMANN: Object as to form.

ln.3 A. No.

ln.4 Q. (Mr. Hodges) Again, I would ask, if you didn't

ln.5 read it or no one ever translated it to you, why did you

ln.6 sign it?

ln.7 A. My son, he tell me (speaking in Arabic).

ln.8 THE INTERPRETER: My son told me to sign it,

ln.9 and I signed it.

ln.10 MR. HODGES: Okay. Thank you.

ln.11 Q. (Mr. Hodges) As I understand, Mr. Hamed, you

ln.12 don't understand any of the content of Exhibit No. 8, is

ln.13 that correct?

ln.14 MR. HARTMANN: Object. Mischaracterizes.

ln.15 You won't let it be translated to him. How can he

ln.16 understand it? He does not speak English.

ln.17 MR. HODGES: Will you answer my question?

ln.18 MS. JAPINGA: Read.

ln.19 MR. HARTMANN: He does not read English.

ln.20 THE INTERPRETER: That's correct. He does

ln.21 not understand.

ln.22 MR. HODGES: Okay.

ln.23

ln.24

ln.25

begin page #146

MOHAMMAD HAMED -- DIRECT

ln.1 (Deposition Exhibit No. 9 was

ln.2 marked for identification.)

ln.3 MR. HARTMANN: Exhibit No. 9 is a document

ln.4 entitled General Durable Power of Attorney given by Mohammad

ln.5 Hamed as principal. In the lower left-hand corner, it has

ln.6 Bates Stamp HAMD592432. Continues in continuous serial

ln.7 Bates numbers to the last page, which is HMD -- HAMD592443.

ln.8 And it's Exhibit No. 9.

ln.9 Q. (Mr. Hodges) Mr. Hamed, if you would turn to the

ln.10 second-to-the-last page of this document, and tell me if you

ln.11 recognize any -- recognize your signature there?

ln.12 THE INTERPRETER: Yes.

ln.13 Q. (Mr. Hodges) That is your signature?

ln.14 THE INTERPRETER: Yes.

ln.15 Q. (Mr. Hodges) Do you recognize any of the

ln.16 signatures of the witnesses to this document?

ln.17 A. No.

ln.18 THE INTERPRETER: No.

ln.19 Q. (Mr. Hodges) Do you know what the purpose of this

ln.20 document is?

ln.21 MR. HARTMANN: I ask that you have the

ln.22 document translated. The witness doesn't read English, as

ln.23 we've established.

ln.24 Object as to form.

ln.25 THE INTERPRETER: No.

begin page #147

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Has anybody ever translated this

ln.2 document for you?

ln.3 MR. HARTMANN: Object as to form.

ln.4 THE INTERPRETER: No.

ln.5 Q. (Mr. Hodges) Again, like the previous two

ln.6 documents, if you didn't understand what was in the document

ln.7 and no one ever translated it for you, why did you sign it?

ln.8 A. My son, when he tell me to sign it, I sign it.

ln.9 Q. Mr. Hamed, did you authorize your son to file this

ln.10 lawsuit against Mr. Yusuf and United Corporation?

ln.11 A. Yes.

ln.12 Q. You authorized him to do it?

ln.13 A. Yeah.

ln.14 MR. HARTMANN: Object. Asked and answered.

ln.15 Q. (Mr. Hodges) Why?

ln.16 MR. HARTMANN: Object. Object. Invades the

ln.17 privilege between attorney and client.

ln.18 Q. (Mr. Hodges) Why did you authorize your son to

ln.19 file this lawsuit?

ln.20 MR. HARTMANN: Don't answer the question with

ln.21 regard to any discussions you had with your lawyer.

ln.22 Please translate that.

ln.23 THE INTERPRETER: I can --

ln.24 MR. HODGES: Yes.

ln.25 Q. (Mr. Hodges) Answer the question. Go ahead.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: He says he -- he begged

ln.2 Mr. Fathi Yusuf for them to find a way to settle this.

ln.3 And -- and Mr. Fathi Yusuf accused him of stealing

ln.4 $2 million. He told Mr. Fathi Yusuf --

ln.5 A. (Speaking in Arabic.)

ln.6 THE INTERPRETER: One second.

ln.7 A. (Speaking in Arabic.)

ln.8 THE INTERPRETER: Okay. Hold on a second.

ln.9 THE WITNESS: Okay.

ln.10 THE INTERPRETER: And he -- he offered --

ln.11 A. (Speaking in Arabic continuously.)

ln.12 MR. HODGES: Could -- can we break this up?

ln.13 A. (Speaking in Arabic continuously.)

ln.14 MR. HODGES: May we have an intermediate --

ln.15 THE INTERPRETER: It's hard. I mean, it's --

ln.16 A. (Speaking in Arabic continuously.)

ln.17 THE INTERPRETER: Okay. The question was,

ln.18 why did he allow this to go to court, correct?

ln.19 MR. HODGES: Yes.

ln.20 THE INTERPRETER: He -- and I'll do my best

ln.21 to remember everything, and I'll try to relate what he --

ln.22 what he said.

ln.23 He says he -- he pleaded with Mr. Fathi Yusuf

ln.24 not to let this get bigger and get -- go to court; that in

ln.25 the process of trying to settle this, Mr. Fathi had asked

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MOHAMMAD HAMED -- DIRECT

ln.1 for two pieces of property. He had agreed to that.

ln.2 Mr. Fathi had then said one is enough, and then again

ln.3 changed his mind and said, No, he wants the two. And I

ln.4 understood that then he also asked for a third piece of

ln.5 property. That there was a back and forth trying to find a

ln.6 way to -- to reach settlement, and that he says he's been

ln.7 accused by Mr. Fathi of stealing, he and his son.

ln.8 He says, I have not stolen. My son has not

ln.9 stolen. We are honorable people. We have -- we go back a

ln.10 long ways. We have family, in the sense of, you know,

ln.11 they're related. They have sons -- some of his sons are

ln.12 married to Mr. Fathi Yusuf's daughters. They've been

ln.13 involved in business. It's been -- it's been a long time.

ln.14 He feels saddened by the, you know, the turn of events and

ln.15 how this has come to this point.

ln.16 That after his meetings with Mr. Fathi, his

ln.17 sons approached him and asked what happened. He explained

ln.18 what happened. His sons told them that the only way that

ln.19 this is going to be resolved is through court, and that's

ln.20 the only way that they feel would -- this -- this can be

ln.21 settled between them.

ln.22 And I think -- I think that pretty much

ln.23 summarizes, you know. If anybody -- I mean, it's impossible

ln.24 to -- it's emotional, he's emotional about it. That's the

ln.25 best, really, I can do. If someone feels I've missed

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MOHAMMAD HAMED -- DIRECT

ln.1 anything, I'm happy to be reminded.

ln.2 Q. (Mr. Hodges) Mr. Hamed, who pays for all of the

ln.3 legal expenses in connection with your cases involving the

ln.4 Yusuf family?

ln.5 A. I don't know.

ln.6 Q. You don't know?

ln.7 A. No.

ln.8 Q. Okay. So you don't pay for any of the expenses?

ln.9 A. I don't know. My sons, they don't tell me.

ln.10 Q. Okay. So you have no idea how -- whether or how

ln.11 the legal expenses are being paid?

ln.12 THE INTERPRETER: He says, I have not paid

ln.13 not a -- a -- not a penny. I don't know.

ln.14 Q. (Mr. Hodges) Okay. Mr. Hamed, do you know what

ln.15 the source of the $351,900 in cash for the injunction bond

ln.16 in this case is?

ln.17 THE INTERPRETER: Three hundred fifty --

ln.18 MR. HODGES: 51,900.

ln.19 A. I don't know.

ln.20 THE INTERPRETER: I don't know.

ln.21 Q. (Mr. Hodges) You're familiar with the criminal

ln.22 proceedings that have taken place involving United

ln.23 Corporation, Mr. Yusuf, and his son and your sons, are you

ln.24 not?

ln.25 A. No. What criminal case?

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. You're not aware of the criminal case that was

ln.2 filed against United Corporation, Mr. Yusuf, his son

ln.3 Maher Yusuf, Waleed Yusuf, Waheed Yusuf -- excuse me --

ln.4 Waleed Hamed and Waheed Hamed?

ln.5 MR. HARTMANN: Object as to form.

ln.6 A. (Speaking in Arabic.) What mean that?

ln.7 THE INTERPRETER: What -- what criminal case

ln.8 are you referring to? Can you explain, he says.

ln.9 Q. (Mr. Hodges) Are you aware of a federal, United

ln.10 States federal case against United Corporation and its

ln.11 officer and shareholder, Mr. Yusuf, and the managers of

ln.12 Plaza Extra?

ln.13 THE INTERPRETER: Okay. Right.

ln.14 MR. HARTMANN: Greg? Greg? Your witness has

ln.15 answered.

ln.16 THE INTERPRETER: He says, Yes, I'm aware. I

ln.17 knew -- I knew -- I know of it.

ln.18 Q. (Mr. Hodges) Okay. And your awareness is through

ln.19 your sons, is that not correct?

ln.20 THE INTERPRETER: Yes.

ln.21 Q. (Mr. Hodges) Okay. Who -- who provides you with

ln.22 information about the criminal case?

ln.23 MR. HARTMANN: Object. No. Object to the

ln.24 extent that it calls for any discussions with his attorney.

ln.25 In other words, he isn't to discuss any

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MOHAMMAD HAMED -- DIRECT

ln.1 discussions about the criminal case that he's had with his

ln.2 lawyer. Okay?

ln.3 THE INTERPRETER: Okay.

ln.4 MR. HARTMANN: Tell him that first.

ln.5 THE INTERPRETER: (Speaking in Arabic.)

ln.6 MR. HODGES: No. Ask my question first, and

ln.7 then you can say his objection.

ln.8 THE INTERPRETER: Okay.

ln.9 He says, There's no appointed person

ln.10 responsible for relaying information. It could be any --

ln.11 any one of them.

ln.12 MR. HODGES: Okay. But does he feel like

ln.13 he's well informed of the status and progress of the case

ln.14 over the last ten years?

ln.15 THE INTERPRETER: No.

ln.16 MR. HODGES: He understands, though, that the

ln.17 criminal case involves the operation of Plaza Extra

ln.18 Supermarket stores?

ln.19 MR. HARTMANN: Object as to form.

ln.20 There's no pending question.

ln.21 MR. HODGES: That's what I'd call a leading

ln.22 question.

ln.23 MR. HARTMANN: It wasn't in the form of a

ln.24 question.

ln.25 MR. HODGES: He can answer it.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: I'm sorry. Repeat the

ln.2 question.

ln.3 MR. HODGES: Will you repeat the question?

ln.4 THE REPORTER: "He understands, though, that

ln.5 the criminal case involves the operation of Plaza Extra

ln.6 Supermarket stores?"

ln.7 THE INTERPRETER: He says, Well, it's -- it

ln.8 involves the owners.

ln.9 Q. (Mr. Hodges) The owners of the Plaza Extra

ln.10 Supermarket stores?

ln.11 A. Yeah. He's -- he is my place. If I'm gone, he

ln.12 going to be in my place.

ln.13 THE INTERPRETER: Okay. I don't need to

ln.14 translate that.

ln.15 Q. (Mr. Hodges) So -- so you're saying that your son

ln.16 Wally was -- stood in your place when he was indicted by

ln.17 the -- the -- the federal government?

ln.18 THE INTERPRETER: Yes. Yes, of course.

ln.19 Q. (Mr. Hodges) Okay. Is there any reason why you

ln.20 didn't appear during the ten-year course of that criminal

ln.21 litigation and say, I'm Mr. Yusuf's partner? I'm really the

ln.22 co-owner of Plaza Extra stores?

ln.23 MR. HARTMANN: Object as to form. Also,

ln.24 assumes -- no, object as to form. I'm sorry.

ln.25 THE INTERPRETER: I was not here.

begin page #154

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Well, you could have gotten on a

ln.2 plane and come back over here, couldn't you?

ln.3 MR. HARTMANN: Object. Argumentative.

ln.4 THE INTERPRETER: I was sick. I was

ln.5 bedridden in Florida at the Mayo Clinic, and I had a

ln.6 surgery.

ln.7 A. Two operation.

ln.8 THE INTERPRETER: Two -- two operations.

ln.9 Q. (Mr. Hodges) For over a ten-year period?

ln.10 MR. HARTMANN: Object. Argumentative.

ln.11 THE INTERPRETER: He says, No, not for the

ln.12 ten years. That I've had all of this.

ln.13 Q. (Mr. Hodges) Okay. But there was nothing that --

ln.14 that, as far as the -- the world knows that would prevent

ln.15 you from coming and claiming at any time during that

ln.16 ten-year period that you were really Mr. Yusuf's partner?

ln.17 MR. HARTMANN: Object as to form. Object,

ln.18 argumentative. Assumes facts not in evidence, and -- let's

ln.19 see, what else? Requires him to draw a legal conclusion.

ln.20 THE INTERPRETER: He says if it weren't for

ln.21 my condition, I would have come, but I could not come.

ln.22 Q. (Mr. Hodges) But I thought I understood from your

ln.23 testimony earlier today that you came back periodically and

ln.24 went to the store, and did some work, and looked around,

ln.25 and, you know, tried to be useful.

begin page #155

MOHAMMAD HAMED -- DIRECT

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

ln.2 Argumentative.

ln.3 THE INTERPRETER: Yes.

ln.4 A. Yeah.

ln.5 Q. (Mr. Hodges) So during one of those many trips, I

ln.6 don't know, were there many trips between -- during that

ln.7 ten-year period?

ln.8 A. I'm a old man. If I go for two weeks --

ln.9 MR. HARTMANN: In Arabic.

ln.10 A. If I go and -- (speaking in Arabic.) I stay with

ln.11 them a month, and I go.

ln.12 THE INTERPRETER: He says, I -- I would

ln.13 travel, spend about a month there with my parents, and go

ln.14 back and forth frequently.

ln.15 Q. (Mr. Hodges) When you say "back and forth," you

ln.16 mean back and forth from Jordan and the Virgin Islands?

ln.17 THE INTERPRETER: My parents were alive.

ln.18 A. Not dead.

ln.19 THE INTERPRETER: His parents were alive in

ln.20 the West Bank. He would visit them there, spend a month, go

ln.21 to Jordan, and then come here.

ln.22 Q. (Mr. Hodges) Okay. And that would be fairly

ln.23 often during that ten-year period?

ln.24 THE INTERPRETER: Every year, I would -- I

ln.25 would visit. This is before they passed away.

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MOHAMMAD HAMED -- DIRECT

ln.1 A. Before they die.

ln.2 Q. (Mr. Hodges) Okay. Well, during one of those

ln.3 trips down to the Virgin Islands, why didn't you go down to

ln.4 the --

ln.5 A. It's old. My father, he live to hundred years.

ln.6 My mother, 98.

ln.7 Q. When did they die?

ln.8 A. In 2'05.

ln.9 Q. Okay.

ln.10 THE INTERPRETER: 2'05; 2005.

ln.11 Q. (Mr. Hodges) Is there some reason why, during one

ln.12 of the trips down here to the Virgin Islands, that you

ln.13 didn't go to the District Court or to the --

ln.14 A. No.

ln.15 Q. -- or the U.S. Attorney's Office and say, you

ln.16 know, you know, I'm a partner of Mr. Yusuf's in Plaza Extra,

ln.17 not my son?

ln.18 THE INTERPRETER: He said --

ln.19 MR. HARTMANN: Object. Object. Calls for a

ln.20 legal conclusion. Also asked and answered. Also form of

ln.21 the question.

ln.22 THE INTERPRETER: He says, I did not do so.

ln.23 Q. (Mr. Hodges) Why?

ln.24 MR. HARTMANN: Object. Asked and answered.

ln.25 A. For what I go? Nobody asked for me. Nobody tell

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MOHAMMAD HAMED -- DIRECT

ln.1 me, You're under arrest. Nobody tell me, You do mistake,

ln.2 and I keep in -- in my house.

ln.3 Q. (Mr. Hodges) Okay. What monies, if any, did you

ln.4 receive from the Plaza Extra operations during the ten-plus

ln.5 years that the criminal case has been going on?

ln.6 A. I don't know.

ln.7 THE INTERPRETER: I don't know.

ln.8 Q. (Mr. Hodges) You have no idea?

ln.9 A. (Witness shakes head). Nothing. How am I operate

ln.10 ten years ago, with a old man, I'm 79 years old. I can't

ln.11 remember.

ln.12 Q. So are -- are you denying receiving any

ln.13 distributions from the partnership since the criminal case

ln.14 has been filed?

ln.15 THE INTERPRETER: I did not receive, I did

ln.16 not sign, and I don't remember.

ln.17 Q. (Mr. Hodges) Well, you remember not receiving any

ln.18 money and not signing for any money, is that what you're

ln.19 saying?

ln.20 A. I do not remember.

ln.21 Q. What bank accounts do you currently have anywhere

ln.22 in the world, Mr. Hamed?

ln.23 THE INTERPRETER: My account is with God.

ln.24 A. With God.

ln.25 Q. (Mr. Hodges) Are you telling the court that you

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MOHAMMAD HAMED -- DIRECT

ln.1 do not currently have any bank or brokerage accounts?

ln.2 A. I have an account in America. I have -- it's in

ln.3 Popular. My Social Security coming to Popular.

ln.4 THE INTERPRETER: Four hundred -- $452 from

ln.5 Social Security. He has a bank account with Banco Popular

ln.6 in America.

ln.7 Q. Where in America?

ln.8 A. Where? Virgin Islands.

ln.9 THE INTERPRETER: In the Virgin Islands.

ln.10 Q. (Mr. Hodges) Is that the only bank account that

ln.11 you currently have?

ln.12 A. Nova Scotia. Nova Scotia. I don't know how much

ln.13 in it, since it was in town. And up to now, I don't know

ln.14 how much I have.

ln.15 THE INTERPRETER: I have an account with Bank

ln.16 of Nova Scotia. I don't know how much is in that account.

ln.17 It's an old account in --

ln.18 A. Since I coming to this island.

ln.19 MR. HARTMANN: In Arabic.

ln.20 A. Been forty years.

ln.21 THE INTERPRETER: In the Christiansted bank.

ln.22 A. (Speaking in Arabic.)

ln.23 THE INTERPRETER: More than forty years.

ln.24 Q. (Mr. Hodges) Okay. Are those two accounts the

ln.25 only accounts that you have anywhere in the world?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: No, that's it. Those

ln.2 are -- those are the only two.

ln.3 Q. (Mr. Hodges) Have you closed any accounts

ln.4 anywhere in the world in the last ten years?

ln.5 THE INTERPRETER: I have swore upon the

ln.6 Quran, and I will swear upon --

ln.7 A. We have in West Bank.

ln.8 THE INTERPRETER: And I've -- and I'll swear

ln.9 upon any numbers of Quran, that I am not a thief, I have not

ln.10 stolen, and I do not have any other accounts anywhere in the

ln.11 world.

ln.12 A. In West Bank. (Speaking in Arabic.)

ln.13 THE INTERPRETER: I have an account in

ln.14 (speaking in Arabic) the Arab bank, the Arab bank located in

ln.15 Nablus. He has an account there.

ln.16 Q. (Mr. Hodges) Okay. So these three accounts that

ln.17 you just identified are the only accounts that you have

ln.18 anywhere in the world?

ln.19 THE INTERPRETER: He asked if you want to

ln.20 know anywhere in the world. I said yes. He said, In

ln.21 Jordan, the Arab bank in Jordan.

ln.22 MR. HODGES: Okay. Well, then I'll ask this

ln.23 question.

ln.24 Q. (Mr. Hodges) Are there -- you've identified four

ln.25 accounts so far.

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MOHAMMAD HAMED -- DIRECT

ln.1 Do you have any other accounts --

ln.2 A. No.

ln.3 Q. -- anywhere in the world?

ln.4 A. No. No. (Speaking in Arabic.)

ln.5 THE INTERPRETER: Just those four. He

ln.6 repeated them, the Arab bank in Nablus, the Arab bank in

ln.7 Jordan, the Bank of Nova Scotia on Company Street in

ln.8 Christiansted, and Banco Popular in Sunny Isle.

ln.9 These are the four. There are no others. He

ln.10 can check --

ln.11 A. Anywhere you go.

ln.12 Q. (Mr. Hodges) You're sure about that?

ln.13 A. Whatever you find --

ln.14 THE INTERPRETER: He says, if you find any in

ln.15 his name, they're yours.

ln.16 Q. (Mr. Hodges) And are these -- have these

ln.17 accounts, these four accounts, have they been in existence

ln.18 for a -- a -- a long time?

ln.19 THE INTERPRETER: Okay. Well, he had

ln.20 mentioned Scotiabank was when he had first gotten here.

ln.21 It's more than forty years. The bank --

ln.22 A. Up to now, I have -- I own maybe 10,000.

ln.23 THE INTERPRETER: The one in the West Bank in

ln.24 Nablus is about ten years. Give or take a year, like the

ln.25 one in Jordan.

begin page #161

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. So about ten years?

ln.2 A. I don't live in Jordan. I used to work in Kuwait,

ln.3 and after I going back to visit Kuwait, I had in Jordan

ln.4 (speaking in Arabic).

ln.5 THE INTERPRETER: I -- I not used to live in

ln.6 Jordan, so after I left Kuwait, and -- and -- I opened the

ln.7 account in Jordan.

ln.8 MR. HODGES: Okay.

ln.9 THE VIDEOGRAPHER: Going off the record,

ln.10 3:36.

ln.11 (Respite.)

ln.12 THE VIDEOGRAPHER: Going back on the record

ln.13 at 3:38.

ln.14 Q. (Mr. Hodges) Mr. Hamed, at any time, did you have

ln.15 any other accounts other than the four you've identified?

ln.16 In other words, in the past, have you ever had any other

ln.17 accounts?

ln.18 A. No.

ln.19 THE INTERPRETER: Okay. I had an account

ln.20 with (speaking in Arabic) Cairo Amman Bank in Nablus. It

ln.21 was set up for the purpose of the concrete plant.

ln.22 A. Last year, I close it.

ln.23 THE INTERPRETER: And he closed it last year.

ln.24 Q. (Mr. Hodges) Do you recall when last year you

ln.25 closed it?

begin page #162

MOHAMMAD HAMED -- DIRECT

ln.1 A. I don't know, I don't know exactly. I just can't

ln.2 remember.

ln.3 Q. (Mr. Hodges) Okay. But you know it was last

ln.4 year?

ln.5 A. Yeah.

ln.6 THE INTERPRETER: Yes.

ln.7 Q. (Mr. Hodges) Okay. So can -- can -- can we make

ln.8 the -- the statement that, in your entire life, the only

ln.9 accounts that you've had are the accounts, the five accounts

ln.10 that you've just identified? The one Banco Popular,

ln.11 Scotiabank, Arab bank in Nablus, Arab bank in Jordan, and

ln.12 the Cairo Amman Bank in Nablus?

ln.13 MR. HARTMANN: Object as to form.

ln.14 THE INTERPRETER: He thought you forgot one,

ln.15 in -- the Arab bank in Jordan.

ln.16 Q. (Mr. Hodges) No, no. I count one, two, three,

ln.17 four --

ln.18 THE INTERPRETER: He says it's a city or town

ln.19 in Jordan, but it's --

ln.20 MR. HODGES: Okay. Okay. So the answer to

ln.21 my question is, yes, that's --

ln.22 THE INTERPRETER: Yes. Yes.

ln.23 Q. (Mr. Hodges) Okay. Mr. Hamed, we've heard about

ln.24 the -- the -- I guess the disagreement regarding the batch

ln.25 plant and the dispute that that -- that created.

begin page #163

MOHAMMAD HAMED -- DIRECT

ln.1 Tell us, in your words, what -- what your

ln.2 agreement was with Mr. Yusuf regarding the money that was to

ln.3 be given to the batch plant?

ln.4 MR. HARTMANN: Object to form. It mis --

ln.5 also mischaracterizes prior testimony.

ln.6 A. (Speaking in Arabic.)

ln.7 MR. HARTMANN: We'll stipulate we're not

ln.8 making any claims with regards to those -- that transaction,

ln.9 the concrete plant.

ln.10 MR. HODGES: That's okay.

ln.11 THE INTERPRETER: His response --

ln.12 MR. HODGES: Can it be done in about twenty

ln.13 seconds? Can you remember it for a minute so that we can --

ln.14 we can change tapes?

ln.15 THE INTERPRETER: Sure.

ln.16 THE VIDEOGRAPHER: Going off the record at

ln.17 3:43.

ln.18 (Respite.)

ln.19 THE VIDEOGRAPHER: Going back on record at

ln.20 3:44.

ln.21 Q. (Mr. Hodges) Okay.

ln.22 THE INTERPRETER: I'd given Mr. Fathi Yusuf a

ln.23 power of attorney -- a general power of attorney. He came

ln.24 to the West Bank and he sold the plant, and I really don't

ln.25 care what happened. I had established it for the sake of

begin page #164

MOHAMMAD HAMED -- DIRECT

ln.1 God, and -- as he did. We weren't benefiting from it

ln.2 monetarily. And, I -- I haven't asked him about it.

ln.3 Q. (Mr. Hodges) Well, so there wasn't some agreement

ln.4 between you and Mr. Yusuf that a -- a million dollars of

ln.5 partnership funds would be provided to charity in order to

ln.6 provide charitable works for the people back in your

ln.7 homeland?

ln.8 MR. HODGES: Yes.

ln.9 Q. (Mr. Hodges) Okay. And so tell me how -- how

ln.10 that agreement was carried out?

ln.11 THE INTERPRETER: Mr. Fathi Yusuf is the one

ln.12 who took charge of setting up the plant. We started out

ln.13 with two mixers, and then grew to six. And he had selected

ln.14 a family, one of his family members, and one of my family

ln.15 members, to run the -- the plant. He set their salaries.

ln.16 After a period of time, he returned and said,

ln.17 I want to sell this plant, and he sold it, and that was

ln.18 the -- that was it.

ln.19 MR. HODGES: Okay. So Mr. Hamed denies that

ln.20 there was ever any agreement that Mr. Yusuf would send the

ln.21 money necessary for the creation or the building of the --

ln.22 of the batch plant to Mr. Hamed?

ln.23 THE INTERPRETER: Yes, he used to send money.

ln.24 A. Checks, many times. When I go --

ln.25 THE INTERPRETER: I used to get -- I used to

begin page #165

MOHAMMAD HAMED -- DIRECT

ln.1 receive checks and I would go and deposit them, after either

ln.2 converting them to U.S. dollars or Jordanian dinars.

ln.3 A. Don't make a mistake. I change it from dinar to

ln.4 give me money --

ln.5 THE REPORTER: Arabic.

ln.6 THE INTERPRETER: Okay. Okay. He says, I

ln.7 used to, once -- once I received the checks, I would go to a

ln.8 money exchanger -- this is common in the Middle East --

ln.9 convert the check to cash, then he would deposit it either

ln.10 in the form of Jordanian dinars or U.S. dollars in -- in --

ln.11 into an account.

ln.12 MR. HODGES: So how would he --

ln.13 Q. (Mr. Hodges) You say you initially received the

ln.14 money by a check, from whom?

ln.15 A. (Speaking in Arabic.) Anybody. I don't know.

ln.16 THE INTERPRETER: He says, I don't know from

ln.17 whom, but from either Fathi Yusuf, Waleed, or Maher.

ln.18 Q. (Mr. Hodges) And all of these transfers would

ln.19 have been in the form of a check?

ln.20 MR. HARTMANN: Object. Misstates previous

ln.21 testimony.

ln.22 THE INTERPRETER: Yes.

ln.23 Q. (Mr. Hodges) Okay. And -- and so none of the

ln.24 proceeds that were to be used for the batch plant were

ln.25 received in the form of a wire transfer?

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Yes.

ln.2 Q. (Mr. Hodges) Okay. So how much money did you

ln.3 agree that would be sent to you to give to the batch plant?

ln.4 A. Seven hundred dollar.

ln.5 THE INTERPRETER: 700,000.

ln.6 Q. (Mr. Hodges) Not a million dollars?

ln.7 THE INTERPRETER: No.

ln.8 Q. (Mr. Hodges) You've never -- you never heard

ln.9 Mr. Yusuf claim that he was surprised that a million dollars

ln.10 didn't go to them, instead of 700?

ln.11 A. No, sir. I receive --

ln.12 THE INTERPRETER: Yeah, I -- I lost him,

ln.13 because I don't understand if the entire amount of 700,000,

ln.14 at one point he said 700,000, so I don't want to misquote

ln.15 him.

ln.16 MR. HODGES: Okay. No, no -- I'll ask the

ln.17 question.

ln.18 THE INTERPRETER: You can rephrase the

ln.19 question or --

ln.20 Q. (Mr. Hodges) So Mr. Hamed, did you receive

ln.21 $700,000 --

ln.22 A. Yeah.

ln.23 Q. -- from Mr. Yusuf?

ln.24 A. I don't know from who.

ln.25 Q. Okay. So do I take it that it's your testimony

begin page #167

MOHAMMAD HAMED -- DIRECT

ln.1 that instead of a million dollars --

ln.2 A. No, I never receive no million.

ln.3 Q. Okay. But instead of a million that Mr. Yusuf

ln.4 thought was -- was being sent, you only received $700,000?

ln.5 A. Yes, sir.

ln.6 Q. Okay. And you received that $700,000 in the form

ln.7 of -- of multiple checks, is that what you're saying?

ln.8 THE INTERPRETER: Yes, many checks.

ln.9 A. Many times.

ln.10 THE INTERPRETER: I received every couple of

ln.11 weeks, so it's more than one check.

ln.12 Q. (Mr. Hodges) Okay. When you say more than one

ln.13 check, there was more than one check from Mr. Yusuf, from

ln.14 his son Maher, from your son Waleed?

ln.15 A. You told him, I don't know who. I'm in Jordan in

ln.16 West Bank, and he's in America. Who send it, I don't know

ln.17 who, and he keep asking me, Who? Who? I don't know who.

ln.18 Q. Okay. Well, you know that it was some -- it's --

ln.19 it's somebody either in your family or Mr. Yusuf's family,

ln.20 right?

ln.21 A. I told you, I don't know who send it.

ln.22 Q. Okay. But --

ln.23 A. The money coming in check, or in -- or whatever, I

ln.24 going -- (speaking in Arabic).

ln.25 THE REPORTER: Arabic, please.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: He's repeating that he

ln.2 would receive it in the form of a check, take it to the

ln.3 money exchanger, exchange it and then deposit it in the

ln.4 bank.

ln.5 Q. (Mr. Hodges) And the checks that you would

ln.6 exchange with the money changers to get cash, where did --

ln.7 what did you do with that cash? Did you put it in --

ln.8 A. I put it in the account.

ln.9 Q. Which account?

ln.10 A. I take it and go for the bank and put a deposit.

ln.11 Q. Okay. Which -- which bank account did you put the

ln.12 cash in?

ln.13 THE INTERPRETER: The Arab bank. What bank?

ln.14 The Arab bank.

ln.15 Q. (Mr. Hodges) Which Arab bank?

ln.16 THE INTERPRETER: It's called the Arab bank.

ln.17 Q. The one in Nablus, or in Jordan?

ln.18 THE INTERPRETER: In Nablus.

ln.19 A. The West Bank.

ln.20 Q. (Mr. Hodges) So the -- the -- all -- all of the

ln.21 cash that you got from the checks, you put into the Arab

ln.22 bank in Nablus, right?

ln.23 THE INTERPRETER: He also said the Cairo

ln.24 Amman Bank.

ln.25 A. After I change it.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay.

ln.2 THE INTERPRETER: In both accounts.

ln.3 He's just describing what -- that it's

ln.4 because he knows someone at the money exchanger, at the

ln.5 exchange place. He would go there, they charge a fee. He

ln.6 mentioned, you know, sometimes the check would be $20,000,

ln.7 and repeated the procedure that once he has it exchanged,

ln.8 then he deposits it in one of those accounts.

ln.9 Q. (Mr. Hodges) Okay. Now, there -- as I recall,

ln.10 you said you set up one account specifically for the batch

ln.11 plant, is that correct?

ln.12 A. That's the one I'm referring to, the Cairo Amman

ln.13 Bank.

ln.14 Q. Okay. So tell me why all of the money was not put

ln.15 into that account, instead of two accounts?

ln.16 THE INTERPRETER: He says he put it into that

ln.17 account, into the Cairo Amman.

ln.18 Q. (Mr. Hodges) All of the -- all of the cash from

ln.19 the checks was put into the Cairo Amman account?

ln.20 THE INTERPRETER: Yes.

ln.21 MR. HODGES: Okay. So how much money did he

ln.22 receive in checks?

ln.23 A. I don't know.

ln.24 Q. (Mr. Hodges) Did you receive 700, like you said?

ln.25 A. I say, yes, totally, yeah. But I can't -- I'm not

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MOHAMMAD HAMED -- DIRECT

ln.1 counted. (Speaking in Arabic). I tell you, that you send

ln.2 me a check, and I sign off the check and (speaking in

ln.3 Arabic).

ln.4 THE INTERPRETER: He says, I did not receive

ln.5 the entire amount.

ln.6 A. I don't know how many times send check, and I go

ln.7 for -- (speaking in Arabic).

ln.8 THE INTERPRETER: He says, I don't know how

ln.9 many times I did that.

ln.10 Q. (Mr. Hodges) Did what?

ln.11 THE INTERPRETER: I received checks, and I go

ln.12 to the -- and repeat the -- this process.

ln.13 MR. HODGES: Okay. But the bottom line is,

ln.14 he received $700,000 in checks in total, is that his

ln.15 testimony?

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

ln.17 Mischaracterizes the prior testimony.

ln.18 THE INTERPRETER: Okay. He says, Yes, I

ln.19 received not once. Not in one, in one --

ln.20 MR. HODGES: I understand.

ln.21 THE INTERPRETER: -- in one check.

ln.22 Q. (Mr. Hodges) You received multiple checks

ln.23 totaling $700,000.

ln.24 MR. HARTMANN: Object. Mischaracterizes the

ln.25 prior testimony. Asked and answered.

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MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Yeah, I mean --

ln.2 Correct.

ln.3 Q. (Mr. Hodges) Okay. And did -- and you cashed

ln.4 those checks and put all of the money into the Cairo Amman

ln.5 bank account, is that correct?

ln.6 THE INTERPRETER: Yes.

ln.7 Q. (Mr. Hodges) Do you remember, did you keep copies

ln.8 of any of those checks that you received?

ln.9 THE INTERPRETER: No.

ln.10 Q. (Mr. Hodges) Why not?

ln.11 A. I give it to the guy, he change it for me. I

ln.12 don't have machine in my pocket in there.

ln.13 THE INTERPRETER: He says he did not --

ln.14 A. I give him the check, he give me the money, and I

ln.15 go. I put it in the bank.

ln.16 THE INTERPRETER: He did not keep copies. He

ln.17 would give it to the money exchange teller, and he says, I

ln.18 don't have a copy machine with me.

ln.19 Q. (Mr. Hodges) Okay. And did the batch plant

ln.20 actually receive $700,000 from you?

ln.21 THE INTERPRETER: No. Less.

ln.22 Q. (Mr. Hodges) How much did they receive?

ln.23 A. Around six hundred and something. Exact number

ln.24 (speaking in Arabic).

ln.25 THE INTERPRETER: He said, Around

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MOHAMMAD HAMED -- DIRECT

ln.1 600-something, but I don't know the exact number.

ln.2 Q. (Mr. Hodges) Okay. Did you give the money to the

ln.3 batch plant all at one time, or did you do it in -- in bits

ln.4 and pieces?

ln.5 A. No, in pieces.

ln.6 Q. Was there -- did there come a time when Mr. Yusuf

ln.7 spoke to you and said he found out that the batch plant only

ln.8 received 662,000?

ln.9 A. Uh-huh.

ln.10 Q. And he thought that they were supposed to receive

ln.11 a million dollars?

ln.12 A. No.

ln.13 Q. That's what he told you though, right?

ln.14 MR. HARTMANN: In Arabic.

ln.15 A. Okay. (Speaking in Arabic). When I prove it for

ln.16 him, get him -- (speaking in Arabic).

ln.17 THE INTERPRETER: Okay. All right. May I?

ln.18 MR. HODGES: Yeah. May you what? I'm sorry.

ln.19 THE INTERPRETER: Interpret what he said?

ln.20 MR. HODGES: Please.

ln.21 THE INTERPRETER: His response was that the

ln.22 balance was donated. This was -- these were Mr. Fathi

ln.23 Yusuf's instructions. He kept a list, and he provided him

ln.24 with a list for -- for the difference. So any difference,

ln.25 as I understand it, was donated to schools, to hospitals, to

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MOHAMMAD HAMED -- DIRECT

ln.1 different charitable organizations, or to individuals that

ln.2 Mr. Fathi Yusuf so designated.

ln.3 MR. HODGES: The difference between what?

ln.4 The 662,000, and what number?

ln.5 A. I not receive million. (Speaking in Arabic).

ln.6 THE INTERPRETER: As I understand it, the

ln.7 difference between 700,000 and the 662 is -- is an amount

ln.8 that was donated based on instructions from Mr. Fathi Yusuf.

ln.9 MR. HODGES: Donated to whom?

ln.10 THE INTERPRETER: To different persons and

ln.11 organizations. Most he referred to schools; boys school,

ln.12 girls school, a vocational school. He also mentioned

ln.13 individual names that I don't recognize.

ln.14 MR. HODGES: Okay.

ln.15 THE INTERPRETER: And -- and apparently he

ln.16 kept a list that he provided to Mr. Fathi Yusuf, he says.

ln.17 Q. (Mr. Hodges) Now, Mr. Hamed, when Mr. Yusuf found

ln.18 out that the -- the batch plant had only received $662,000,

ln.19 didn't he also find out that they needed more money for a

ln.20 concrete pump?

ln.21 THE INTERPRETER: I'm sorry. Repeat the

ln.22 question.

ln.23 Q. (Mr. Hodges) At the time that Mr. Yusuf learned

ln.24 that the -- that the batch plant had only received $662,000,

ln.25 didn't he also learn from them that they were having some

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MOHAMMAD HAMED -- DIRECT

ln.1 trouble because they needed money for a concrete pump?

ln.2 THE INTERPRETER: He says when he

ln.3 was approached --

ln.4 A. (Speaking in Arabic).

ln.5 THE INTERPRETER: He says when he -- when

ln.6 Mr. Fathi Yusuf approached him about this and discussed it

ln.7 with him, he provided him -- provided him with the long list

ln.8 of contributions that were made on his behalf.

ln.9 MR. HODGES: So he doesn't recall ever

ln.10 agreeing with Mr. Yusuf that an additional $150,000 would be

ln.11 given to the batch plant to get the concrete --

ln.12 THE REPORTER: To get the concrete?

ln.13 MR. HODGES: Pump.

ln.14 MR. HARTMANN: Object as to form.

ln.15 THE INTERPRETER: He says, I did not receive

ln.16 that amount.

ln.17 MR. HODGES: He didn't receive $150,000,

ln.18 but -- but isn't it true that Mr. Yusuf told his son,

ln.19 Waheed?

ln.20 MR. FATHI YUSUF: Yes.

ln.21 MR. HODGES: -- that he should send his

ln.22 father $225,000, including the $150,000 for the pump and

ln.23 $75,000 for Mr. Hamed?

ln.24 MR. HARTMANN: Wait. Object.

ln.25 THE INTERPRETER: You lost me.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Whoa. Object. You lost me

ln.2 too.

ln.3 Object as to form. Who said who to send

ln.4 what?

ln.5 MR. HODGES: Well, if you'd pay attention --

ln.6 MR. HARTMANN: I did. He didn't understand

ln.7 it either.

ln.8 MR. HODGES: Can you read the question back?

ln.9 I thought it was pretty clear.

ln.10 THE INTERPRETER: I mean, I have the numbers

ln.11 but I don't get -- I just want to be able to relate --

ln.12 Q. (Mr. Hodges) I appreciate it.

ln.13 A. -- correctly.

ln.14 THE REPORTER: "He didn't receive $150,000,

ln.15 but -- but isn't it true that Mr. Yusuf told his son,

ln.16 Waheed, that he should send his father $225,000, including

ln.17 the $150,000 for the pump and $75,000 for Mr. Hamed?"

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

ln.19 THE INTERPRETER: He says, This did not

ln.20 happen.

ln.21 Q. (Mr. Hodges) So there was never any agreement

ln.22 that, between Mr. Hamed and Mr. Yusuf, to give additional

ln.23 money to the concrete plant?

ln.24 MR. HARTMANN: Object as to form.

ln.25 THE INTERPRETER: He says no.

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MOHAMMAD HAMED -- DIRECT

ln.1 A. No. If he did it by his own, it different. For

ln.2 me, no.

ln.3 MR. HODGES: What are we up to, Cheryl?

ln.4 MR. HARTMANN: Ten.

ln.5 MR. HODGES: Nine, 10?

ln.6 (Deposition Exhibit No. 10 was

ln.7 marked for identification.)

ln.8 MR. HODGES: Exhibit 10.

ln.9 MR. HARTMANN: Okay. Exhibit 10 is a stack

ln.10 of documents stapled together at the top of the left-hand

ln.11 corner of which is the phrase Mohammad Abdulqader Hamed,

ln.12 Cairo Amman Bank. The Bates number in the lower right

ln.13 corner is FY00220-A, the second page of which is 220, and

ln.14 then they continue serially from 221 through the last page,

ln.15 which is FY000272, which says at the lower left-hand side of

ln.16 it, Exhibit 8, Page 53 of 53.

ln.17 That's Exhibit No. 10.

ln.18 Q. (Mr. Hodges) Okay. Mr. Hamed, do you recognize

ln.19 this as documents representing copies of statements from

ln.20 your Cairo Amman account in Nablus, West Bank, along with

ln.21 translations of those statements?

ln.22 THE INTERPRETER: Yes.

ln.23 MR. HARTMANN: Okay. I'm going to object at

ln.24 this point as to form. This is, again, another document

ln.25 that was not provided to us in this form. This first page

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MOHAMMAD HAMED -- DIRECT

ln.1 appears, not only appears because it was never provided to

ln.2 us, and was added to the top of the exhibit we received, but

ln.3 is also stapled as a single sheet at the top of the page,

ln.4 whereas the rest of the stack is stapled at the left-hand

ln.5 side.

ln.6 We've never seen the first page. Therefore,

ln.7 I object to you using it as a unitary exhibit to question

ln.8 the witness.

ln.9 MR. HODGES: Is that all?

ln.10 MR. HARTMANN: Yep. Thank you.

ln.11 Q. (Mr. Hodges) All right. So Mr. Hamed, this is

ln.12 the account, if I recall your testimony correctly, that you

ln.13 set up specifically to receive the money for the batch plant

ln.14 and to disburse the money to the batch plant, is that right?

ln.15 Do you want me to say that again?

ln.16 THE INTERPRETER: Yeah, please.

ln.17 Q. (Mr. Hodges) Mr. Hamed, this is the account, the

ln.18 Cairo Amman account, that's reflected in Exhibit 10 that you

ln.19 set up specifically to receive and disburse money for the

ln.20 batch plant?

ln.21 A. Supposed to.

ln.22 THE INTERPRETER: Yes.

ln.23 Q. (Mr. Hodges) Okay. So the purpose of this

ln.24 account was to disburse all of the proceeds from this

ln.25 account to the batch plant for charitable donations, is that

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MOHAMMAD HAMED -- DIRECT

ln.1 correct?

ln.2 A. He's the one who donate -- donated those amounts.

ln.3 Q. You didn't -- they were your monies too, right?

ln.4 THE INTERPRETER: Both of us donated the

ln.5 monies.

ln.6 He says -- he says, We both donated it. The

ln.7 people approached Fathi --

ln.8 A. He did that, not me.

ln.9 THE INTERPRETER: And he told me, Go ahead,

ln.10 give them. Go ahead, give them, until they finish their

ln.11 project. It's a school project. I said, Different people

ln.12 would come asking for donations, and we agreed to give them.

ln.13 Q. (Mr. Hodges) But the purpose of this account was

ln.14 to give the money to the batch plant, isn't that correct?

ln.15 THE INTERPRETER: Yes, of course.

ln.16 Q. (Mr. Hodges) And this is the account that you

ln.17 closed last year?

ln.18 THE INTERPRETER: Yes.

ln.19 Q. (Mr. Hodges) And how much money was in the

ln.20 account when you closed it?

ln.21 A. A couple shekel.

ln.22 THE INTERPRETER: A few shekels.

ln.23 A. I don't know. I don't know exactly number.

ln.24 Q. (Mr. Hodges) Approximately?

ln.25 A. I don't know. I can't give a number when I don't

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MOHAMMAD HAMED -- DIRECT

ln.1 know how much.

ln.2 Q. Now, you said shekel. This is an American dollar

ln.3 account, isn't it?

ln.4 A. (Speaking in Arabic.) It's a country in there --

ln.5 MR. HARTMANN: Arabic.

ln.6 THE INTERPRETER: He says he can't remember

ln.7 the exact amount, but he -- when he went to the bank, it's a

ln.8 country, it's an occupied territory under Israeli

ln.9 occupation, so they do use the shekel. It's called shekel.

ln.10 And he does not remember, it could have been in shekel. He

ln.11 remembers receive -- getting the money, closing the account,

ln.12 and then, upon reaching here, giving it to his -- his

ln.13 daughter-in-law to give to Mr. Yusuf.

ln.14 MR. HODGES: And he has no idea how much

ln.15 money that was that he gave to his daughter-in-law?

ln.16 A. No.

ln.17 THE INTERPRETER: No.

ln.18 Q. (Mr. Hodges) How did he give it to her, in cash?

ln.19 A. I don't know. I can't remember.

ln.20 THE INTERPRETER: Yes, cash.

ln.21 Q. (Mr. Hodges) In U.S. dollars?

ln.22 THE INTERPRETER: Yes. He said he

ln.23 exchanged -- he exchanged --

ln.24 A. I exchanged from shekel, Israeli money, or

ln.25 American money. To American money.

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MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) So you're -- you're -- you're not

ln.2 acknowledging that the only currency used on this account is

ln.3 American, United States dollars?

ln.4 MR. HARTMANN: Object. Object. Misstates

ln.5 the prior testimony.

ln.6 MR. HODGES: Go ahead.

ln.7 THE INTERPRETER: Okay. He says the account

ln.8 was opened with U.S. dollars and Jordanian dinars. When he

ln.9 went to close the account, he found the currency to be in

ln.10 shekels. He says, They gave me -- gave it to me in checks.

ln.11 I didn't ask them.

ln.12 A. I didn't ask what you have in the bank, or at the

ln.13 bank. I get the statement. (Speaking in Arabic.)

ln.14 THE INTERPRETER: He says, I spent money to

ln.15 get this --

ln.16 A. As I told you, I stood in front of all of you, I'm

ln.17 not thief. I'm an honest person. Good man. (Speaking in

ln.18 Arabic.)

ln.19 MR. HODGES: Okay.

ln.20 MR. HARTMANN: You want to hear the answer?

ln.21 MR. HODGES: Please.

ln.22 MR. HARTMANN: I'm sorry.

ln.23 MR. HODGES: I heard the last part, but I'd

ln.24 like to hear the part that I didn't understand.

ln.25 THE REPORTER: Do you want me to read it

begin page #181

MOHAMMAD HAMED -- DIRECT

ln.1 back?

ln.2 (Laughter.)

ln.3 MR. HARTMANN: Just can you summarize it?

ln.4 THE INTERPRETER: He's saying, I did not

ln.5 steal.

ln.6 MR. HARTMANN: Okay.

ln.7 THE INTERPRETER: I'm not a thief. I'm an

ln.8 honorable man. He said it in English.

ln.9 MR. HARTMANN: But he also said it in Arabic.

ln.10 THE INTERPRETER: Pretty much he's saying,

ln.11 when he closed the account, he can't spend some money

ln.12 because he wants to deliver back the balance to Mr. Yusuf.

ln.13 He hadn't taken -- he has not taken any money.

ln.14 MR. HARTMANN: Okay. That's good.

ln.15 Q. (Mr. Hodges) Okay. Now, this was not all the

ln.16 money that you gave to the batch plant, right? I mean, you

ln.17 gave money from another account, is that right?

ln.18 THE INTERPRETER: He says, No. This is --

ln.19 this is all the money that -- that was disbursed.

ln.20 Q. (Mr. Hodges) So if all of the money in this

ln.21 account never -- totaled, that was ever deposited in this

ln.22 account between 1999 and 2000 was only $274 -- $274,148, how

ln.23 do you explain the fact that the --

ln.24 THE INTERPRETER: I'm sorry. I -- it's -- I

ln.25 didn't hear that figure for --

begin page #182

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) If all of the money deposited into

ln.2 this account in American dollars between June 1999 and

ln.3 December 2001 amounted to $274,140 --

ln.4 THE INTERPRETER: Which year? I'm sorry.

ln.5 Q. (Mr. Hodges) December 31, 2001, amounted to just

ln.6 over $274,000, how do you explain the fact that 662,000 was

ln.7 given to the batch plant?

ln.8 MR. HARTMANN: Before you ask, object as to

ln.9 form. Also, object to the use of this document.

ln.10 While I was making my original objection,

ln.11 Mr. Yusuf asked Mr. Attorney DeWood where the sheet came

ln.12 from. And Mr. DeWood responded to Mr. Yusuf that Mr. --

ln.13 that Iman created this sheet.

ln.14 This sheet is a sheet that's made up. You

ln.15 can't examine him from this sheet.

ln.16 MR. HODGES: I can examine him from whatever

ln.17 I want to.

ln.18 MR. HARTMANN: Not using this sheet.

ln.19 MR. HODGES: Oh, yeah?

ln.20 MR. HARTMANN: Yeah.

ln.21 MR. HODGES: Are you going to stop me?

ln.22 MR. HARTMANN: No, I guess I won't. I'll --

ln.23 I'll simply make an objection.

ln.24 MR. HODGES: Well, just make an objection,

ln.25 but, you know, quit wasting so much time, Carl.

begin page #183

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Okay.

ln.2 MR. HODGES: And I -- I -- I note that my

ln.3 co-counsel says he said no such thing.

ln.4 Q. (Mr. Hodges) Anyway, the question, Mr. Hamed, if

ln.5 the total deposits into this account, this Cairo Amman

ln.6 account that is reflected in Exhibit 10 from June 30, 1999

ln.7 to December 31, 2001 totaled slightly in excess of $274,000,

ln.8 how do you explain the fact that you acknowledge $662,000

ln.9 was given to the batch plant by you?

ln.10 MR. HARTMANN: Object to the form of the

ln.11 question. It's confusing. Calls for speculation.

ln.12 Mischaracterizes earlier testimony. Asked and answered, and

ln.13 calls for a legal conclusion.

ln.14 A. (Speaking in Arabic.) I'm not take nothing

ln.15 because --

ln.16 MR. HARTMANN: Let him --

ln.17 A. -- this money is belong to me. This money --

ln.18 (speaking in Arabic).

ln.19 MR. HARTMANN: Let him tell what your answer

ln.20 is.

ln.21 THE INTERPRETER: Okay. The -- this money,

ln.22 this money was received with the acquisition of the concrete

ln.23 plant. This is my money. I am not a bank. I do not

ln.24 oversee the accounts.

ln.25 Q. (Mr. Hodges) Mr. Hamed, the money that was put

begin page #184

MOHAMMAD HAMED -- DIRECT

ln.1 into this account was the money that came from the

ln.2 Plaza Extra partnership, is that not correct?

ln.3 A. Yeah, I got that. I'm own half of it.

ln.4 Q. Okay.

ln.5 MR. HARTMANN: In Arabic. In Arabic.

ln.6 Q. (Mr. Hodges) All right.

ln.7 THE INTERPRETER: Okay. I paid half. This

ln.8 is for both of us.

ln.9 Q. (Mr. Hodges) Okay. And as I understood your

ln.10 testimony earlier, you said that all of the money that was

ln.11 used to pay the batch plant came from this account, is that

ln.12 right?

ln.13 MR. HARTMANN: Object. Misstates prior --

ln.14 mischaracterizes prior testimony.

ln.15 THE INTERPRETER: He says, The amount that

ln.16 was received for the plant was 662,000. The -- the

ln.17 difference between the 700,000 and the 662,000, as he said

ln.18 earlier, are the amounts that were donated both from

ln.19 Mr. Fathi Yusuf and himself to the different organizations

ln.20 and individuals. And he provided the list to Mr. Fathi

ln.21 Yusuf detailing this.

ln.22 I want to excuse myself to use the restroom,

ln.23 if that's okay.

ln.24 MR. HODGES: Certainly.

ln.25 THE VIDEOGRAPHER: Going off the record.

begin page #185

MOHAMMAD HAMED -- DIRECT

ln.1 4:30.

ln.2 (Respite.)

ln.3 THE VIDEOGRAPHER: Going back on record at

ln.4 4:33.

ln.5 Q. (Mr. Hodges) So, Mr. Hamed, you haven't answered

ln.6 my question. Didn't you just testify a few minutes ago that

ln.7 all of the money used to give money to the batch plant came

ln.8 from the Cairo Amman Bank account that's shown as

ln.9 Exhibit No. 10?

ln.10 MR. HARTMANN: Object. Mischaracterizes his

ln.11 prior testimony.

ln.12 A. Yes.

ln.13 Q. (Mr. Hodges) Okay. So if -- if there was only

ln.14 $274,000 deposited in to that bank account that was

ln.15 available to disburse to the batch plant, how do you account

ln.16 for the difference between 662,000 and 274,000?

ln.17 MR. HARTMANN: Object. Mischaracterizes the

ln.18 prior testimony. Object to form.

ln.19 A. I don't know.

ln.20 THE INTERPRETER: I guess he understood the

ln.21 question. He said, I don't know.

ln.22 Q. (Mr. Hodges) Would you agree with me that the

ln.23 money had to come from some other source?

ln.24 MR. HARTMANN: Object. Mischaracterizes

ln.25 prior testimony. Object as to form.

begin page #186

MOHAMMAD HAMED -- DIRECT

ln.1 A. Well, I don't know nothing about this.

ln.2 Q. (Mr. Hodges) Well, you were the one that

ln.3 delivered the money to the batch plant, weren't you?

ln.4 A. I -- I'm not delivered the money. Nobody give me

ln.5 the money, or send me the money.

ln.6 MR. HARTMANN: In Arabic. In Arabic.

ln.7 A. Tell me they send --

ln.8 MR. HARTMANN: In Arabic.

ln.9 A. Told me in donation.

ln.10 Q. (Mr. Hodges) The money was sent to you --

ln.11 A. I take it.

ln.12 Q. Let me finish my question. Let me finish my

ln.13 question.

ln.14 A. You want to put me that --

ln.15 Q. Please, sir.

ln.16 A. No. I tell you no. I'm not received all the

ln.17 $700,000. I put in my hand, I change it from the people,

ln.18 they change the money, and I take it with my foot, I walked

ln.19 till I reach the bank, I put it in my account in Cairo Amman

ln.20 Bank.

ln.21 Q. The U.S. dollar?

ln.22 A. I keep it, save it, save it until they stop to

ln.23 send.

ln.24 Q. Okay.

ln.25 A. When they stopped to send, I keep it in my bank,

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MOHAMMAD HAMED -- DIRECT

ln.1 Cairo Amman. I go for the people, when they working in

ln.2 the -- in the -- in the farm, the concrete plant, I tell

ln.3 them, You ready? Say you want to buy car, want to buy pump

ln.4 to push the concrete up. Tell him, Okay. Let's go for the

ln.5 bank.

ln.6 We went for the bank, we give him the money.

ln.7 I save it in the bank. And they does -- he is the one that

ln.8 make the donation, and I give him this with the balance of

ln.9 the money. The short, and 662,000. The left, I don't know

ln.10 how much exactly. He is the one put it, Get this, get this.

ln.11 I have this, all the name for the woman and the man in a

ln.12 school. They want to build the school, they want to do

ln.13 something in the school. They want to put the screen in

ln.14 school, $5,000, and I give it to him, and they spent all the

ln.15 money left.

ln.16 MR. HODGES: Sorry. I only have one extra

ln.17 copy of this, unless we find one. This will be 11.

ln.18 (Deposition Exhibit No. 11 was

ln.19 marked for identification.)

ln.20 MR. HARTMANN: Exhibit 11 is a group of

ln.21 documents stapled together, say Translation House at the

ln.22 top, and have Deposition -- I'm sorry -- have Bates

ln.23 No. FY002010 at the beginning and continues serially through

ln.24 FY002041.

ln.25 It's Deposition Exhibit 11.

begin page #188

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Mr. Hamed, can you tell us what

ln.2 Exhibit No. 11 is, please?

ln.3 A. (Witness reading).

ln.4 MR. HODGES: If you would, it may be helpful

ln.5 to Mr. Hamed if you'd turn to page, so he can read it in

ln.6 Arabic, turn to page --

ln.7 THE INTERPRETER: I don't see page numbers,

ln.8 but go ahead.

ln.9 MR. HODGES: Down at the bottom right-hand

ln.10 corner, Page FY002032?

ln.11 THE INTERPRETER: 2032?

ln.12 MR. HODGES: Yes, sir.

ln.13 THE INTERPRETER: Okay.

ln.14 Q. (Mr. Hodges) Is this not an account in your name,

ln.15 Mr. Hamed, at Cairo Amman Bank Nablus branch, in Jordanian

ln.16 dinar?

ln.17 A. I don't know.

ln.18 THE INTERPRETER: Yes. He says this is his

ln.19 account.

ln.20 Q. (Mr. Hodges) This is your account, another

ln.21 account at the Cairo Amman, in Jordanian dinar, is that

ln.22 correct?

ln.23 THE INTERPRETER: Another account from the

ln.24 one that we were referencing before?

ln.25 MR. HODGES: Exactly.

begin page #189

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: Is that what you're saying?

ln.2 MR. HODGES: Yes.

ln.3 THE INTERPRETER: He says, It's the same

ln.4 account. I opened an account in both Jordanian dinars and

ln.5 U.S. dollars.

ln.6 Q. (Mr. Hodges) So you had two accounts at the --

ln.7 A. Yeah.

ln.8 Q. Okay. Not the one that you talked about earlier?

ln.9 A. No.

ln.10 THE INTERPRETER: No.

ln.11 A. (Speaking in Arabic.)

ln.12 THE INTERPRETER: He maintains it's the same

ln.13 account, but one is in Jordanian dinars and one is in U.S.

ln.14 dollars.

ln.15 Q. (Mr. Hodges) They're not treated separately?

ln.16 THE INTERPRETER: He says, The same account.

ln.17 Q. (Mr. Hodges) It's not the same account number,

ln.18 though, is it?

ln.19 A. I don't know. I don't know.

ln.20 Q. Can you see the account number on -- on -- on the

ln.21 document?

ln.22 MR. HODGES: Mr. Hartmann, would you allow

ln.23 your client to have the document back, please?

ln.24 MR. HARTMANN: Okay. I object to any further

ln.25 questions. This document is not the document we were

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MOHAMMAD HAMED -- DIRECT

ln.1 supplied with, these Bates numbers in discovery. I have no

ln.2 idea what it is, and we've never been supplied with it.

ln.3 It's obviously been substituted after the discovery

ln.4 production was made.

ln.5 The original discovery production was USF103.

ln.6 THE INTERPRETER: This account, as opposed to

ln.7 the other one?

ln.8 MR. HODGES: Yes. I'll get that one.

ln.9 THE INTERPRETER: The question would require

ln.10 him to look at both, right, to see?

ln.11 MR. HODGES: Yes.

ln.12 MR. HARTMANN: What exhibit are you looking

ln.13 for?

ln.14 MR. HODGES: I'll let you know when I decide

ln.15 to, Carl.

ln.16 MR. HARTMANN: Okay.

ln.17 THE VIDEOGRAPHER: While you're doing that,

ln.18 can we switch tapes?

ln.19 MR. HARTMANN: Sure.

ln.20 THE VIDEOGRAPHER: Going off record at 4:46.

ln.21 (Respite.)

ln.22 THE VIDEOGRAPHER: Going back on record at

ln.23 4:47.

ln.24 MR. HODGES: I can examine Mr. Hamed on

ln.25 another document while we're waiting on that.

begin page #191

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: While we're waiting, I'd note

ln.2 that my co-counsel noted that I misspoke, that Mr. Fathi

ln.3 Yusuf's deposition is noticed for and starts at 9:00 a.m. in

ln.4 the morning tomorrow and Wednesday.

ln.5 MR. HODGES: This will be No. 12.

ln.6 THE REPORTER: Just a second, Carl.

ln.7 Okay.

ln.8 (Deposition Exhibit No. 12 was

ln.9 marked for identification.)

ln.10 MR. HARTMANN: Exhibit 12 is a four-page

ln.11 document, it has the phrase Bank of Palestine, Ltd. at the

ln.12 top. It bears Bates No. FY003003 on it, and running

ln.13 serially and ending with FY003006, and that is

ln.14 Exhibit No. 11.

ln.15 MR. HARTMANN: I'm sorry. I said 11?

ln.16 Twelve. I'm sorry. Oh, we didn't get 11.

ln.17 Q. (Mr. Hodges) Mr. Hamed, could you take a look at

ln.18 Page 2 of Exhibit 12, and tell us what this document

ln.19 reflects, if you know.

ln.20 Mr. Hamed, can you tell from the page

ln.21 FY003004 at the bottom that this document is in Arabic, and

ln.22 the -- the top is dated March 25, 2001, is that correct?

ln.23 MR. HARTMANN: Object. Could he have that

ln.24 translated?

ln.25 MR. HODGES: Yeah.

begin page #192

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) The top -- the top blocked-out

ln.2 section under Bank of Palestine, first of all, it shows the

ln.3 account name as I --

ln.4 THE INTERPRETER: Sidahar Development

ln.5 Company.

ln.6 Q. (Mr. Hodges) Okay. That's the concrete batch

ln.7 plant, isn't it?

ln.8 THE INTERPRETER: He says the two gentlemen

ln.9 that were assigned to run the plant are the ones who

ln.10 transferred these funds to this account.

ln.11 Q. (Mr. Hodges) Okay. The -- the -- so this --

ln.12 Mr. Hamed, are you saying that the money, the 282,000

ln.13 Jordanian dinar that is shown on Exhibit 12, Page 2, at the

ln.14 top, did not come from your account?

ln.15 THE INTERPRETER: Page 2?

ln.16 MR. HODGES: Page 2 right here.

ln.17 THE INTERPRETER: In Arabic?

ln.18 MR. HODGES: Right, in Arabic.

ln.19 MR. HARTMANN: The -- the second page of the

ln.20 exhibit.

ln.21 THE INTERPRETER: Okay.

ln.22 MR. HODGES: Yeah.

ln.23 Q. (Mr. Hodges) Is it your testimony, sir, that the

ln.24 282,000 Jordanian dinar that came from a Check No. 1629 from

ln.25 the Cairo Amman Bank was not from your account?

begin page #193

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: No.

ln.2 Q. (Mr. Hodges) Are you sure about that?

ln.3 THE INTERPRETER: He's saying there were two

ln.4 numbers, the 282,000 in Jordanian dinar and 204,000 U.S.

ln.5 dollars in this account that belonged to the concrete plant.

ln.6 Q. (Mr. Hodges) Okay. Did they -- did those funds,

ln.7 those 282,000 Jordanian dinar and the 204,000 U.S. dollars

ln.8 come from Mr. Hamed's Cairo Amman bank account?

ln.9 THE INTERPRETER: Cairo Amman, yes, yes.

ln.10 Yes, and I know, and the people from -- the -- the people in

ln.11 charge of the plant received these monies from his account

ln.12 at Cairo Amman Bank.

ln.13 Q. (Mr. Hodges) Okay. And if you look at the last

ln.14 page of Exhibit No. 11 --

ln.15 THE INTERPRETER: It's supposed to be 12.

ln.16 MR. HODGES: Excuse me, 12. I apologize.

ln.17 THE INTERPRETER: Last page.

ln.18 MR. HODGES: Yes, some of which I acknowledge

ln.19 is illegible. But you can show --

ln.20 Q. (Mr. Hodges) You can see that the amount of

ln.21 $60,000 is provided, is transferred, can you not, Mr. Hamed?

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

ln.23 Also, once again, object to a document that

ln.24 we've never seen before and wasn't supplied to us in

ln.25 discovery. It doesn't match Bates numbers that we were

begin page #194

MOHAMMAD HAMED -- DIRECT

ln.1 given on our discovery sheets.

ln.2 THE INTERPRETER: For me, it's not legible.

ln.3 I mean, I can ask him, but I don't --

ln.4 MR. HARTMANN: I can't read it either.

ln.5 THE INTERPRETER: I don't see it.

ln.6 He says, I don't -- I can't see. I don't

ln.7 know.

ln.8 Q. (Mr. Hodges) You can't tell that that's $60,000?

ln.9 THE INTERPRETER: He says, I don't know.

ln.10 You want to point it out?

ln.11 Q. (Mr. Hodges) Mr. Yusuf?

ln.12 MR. HARTMANN: I guess he didn't hear you.

ln.13 MR. HODGES: Mike, do you see $60,000?

ln.14 MR. FATHI YUSUF: Bank of Cairo Amman.

ln.15 That's his signature right here. His signature. His

ln.16 signature in the left hand.

ln.17 MR. HODGES: Excuse me. Let me just show

ln.18 you --

ln.19 MR. HARTMANN: I'm sorry. What's the pending

ln.20 question? He asked you to ask him something?

ln.21 THE INTERPRETER: If he can see there's been

ln.22 a disbursement here of 60,000, and his signature is here.

ln.23 The number 60,000.

ln.24 MR. HARTMANN: Is that a question --

ln.25 MR. HODGES: Yeah.

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MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: -- the attorney asked you?

ln.2 Q. (Mr. Hodges) Mr. Hamed, is this your check on the

ln.3 Cairo Amman Bank for 60,000 U.S. dollars signed by you?

ln.4 THE INTERPRETER: He says, I don't know.

ln.5 THE WITNESS: I don't know nothing about it.

ln.6 MR. HARTMANN: That's okay.

ln.7 A. I don't know.

ln.8 Q. (Mr. Hodges) Would you agree with me, Mr. Hamed,

ln.9 that all of the money that is -- that is shown in

ln.10 Exhibit No. 12 came from your accounts?

ln.11 MR. HARTMANN: Object. Asked and answered.

ln.12 Object, improper form.

ln.13 THE INTERPRETER: Only for the -- just for

ln.14 the concrete plant. What I received --

ln.15 THE REPORTER: Just for the?

ln.16 THE INTERPRETER: Just for the concrete

ln.17 plant.

ln.18 All the monies I received were for the

ln.19 concrete plant.

ln.20 Q. (Mr. Hodges) Okay. So it's -- you deny ever

ln.21 receiving any money from your son or any other source to pay

ln.22 additional monies to the batch plant over the $662,000?

ln.23 MR. HARTMANN: Object. Asked and answered.

ln.24 Object to form.

ln.25 Q. (Mr. Hodges) Is that right?

begin page #196

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: I'm sorry. Forgive me.

ln.2 Please repeat the question. I apologize.

ln.3 Q. (Mr. Hodges) You deny ever receiving any

ln.4 additional funds over and above the $662,000 to -- to -- to

ln.5 pay the batch plant for a concrete pump that they needed?

ln.6 THE INTERPRETER: And I'll -- and I'll swear

ln.7 by that.

ln.8 THE WITNESS: I swear.

ln.9 THE INTERPRETER: I have not received but

ln.10 those monies.

ln.11 MR. HODGES: This will be No. 13, gentlemen.

ln.12

ln.13 (Deposition Exhibit No. 13 was

ln.14 marked for identification.)

ln.15 MR. HARTMANN: Thank you.

ln.16 Exhibit 13 is a -- starts with a single page

ln.17 labeled Mohammad Hamed, Scotiabank, 45096814, Bates numbered

ln.18 UC003086, which is Bates numbered in a different manner but

ln.19 continues with 003087, serially through UC003131-Mohammad.

ln.20 I once again object to this document. I

ln.21 think it's been altered. I think the Bates number has been

ln.22 falsified on it. I think that it -- the front page is

ln.23 different than the rest, and we also didn't receive the

ln.24 front page.

ln.25 So I'd object to it's being used as an

begin page #197

MOHAMMAD HAMED -- DIRECT

ln.1 exhibit today to question the witness.

ln.2 MR. HODGES: Do you have some basis for

ln.3 declaring --

ln.4 MR. HARTMANN: Yes, that it --

ln.5 MR. HODGES: -- that this is falsified?

ln.6 MR. HARTMANN: Yeah, that it matches -- the

ln.7 front page of this matches the type face font and printout

ln.8 method that was on the falsified front page of FY00220, and

ln.9 these have -- these have Bates numbers that seem to be

ln.10 continuous but don't come from that grouping, according to

ln.11 our documents records.

ln.12 MR. HODGES: Then why would you automatically

ln.13 assume that something's been falsified, Mr. Hartmann?

ln.14 MR. HARTMANN: Because the documents have

ln.15 been altered. These front documents have nothing to do with

ln.16 the other documents, and Bates -- false Bates numbers have

ln.17 been placed on them.

ln.18 Q. (Mr. Hodges) Mr. Hamed --

ln.19 MR. HARTMANN: And they're not on the

ln.20 discovery list you gave us. So you're examining the witness

ln.21 with documents never produced with false Bates numbers, and

ln.22 one of them your co-counsel said was produced by Mr. --

ln.23 excuse me -- Iman.

ln.24 Other than that, they're fine.

ln.25 Q. (Mr. Hodges) Mr. Hamed, is this a copy from --

begin page #198

MOHAMMAD HAMED -- DIRECT

ln.1 Exhibit No. 13, second page, throughout the balance of the

ln.2 exhibit, is that a copy of your Bank of Nova Scotia bank

ln.3 statement?

ln.4 MR. HODGES: Objection. Objection.

ln.5 MR. HARTMANN: You have to answer to him.

ln.6 MR. HODGES: Are you --

ln.7 THE INTERPRETER: He's asking me the dates.

ln.8 Where -- where are you getting these numbers

ln.9 from?

ln.10 Q. (Mr. Hodges) The numbers that you're looking at

ln.11 are from the account.

ln.12 THE INTERPRETER: He says -- he says, Where

ln.13 are you getting this?

ln.14 MR. HODGES: I'm not answering his questions.

ln.15 Does he not know what this document is?

ln.16 THE INTERPRETER: He says, I don't know what

ln.17 it is, and I don't deal with it.

ln.18 A. You get me a number, I'm twenty years ago.

ln.19 (Speaking in Arabic.)

ln.20 THE INTERPRETER: He says, Where are you

ln.21 getting this from? I'm trying to --

ln.22 What I understood him to say is he's trying

ln.23 to open a grocery, and -- and you're telling me I have this

ln.24 money.

ln.25 MR. HODGES: Trying to open his grocery?

begin page #199

MOHAMMAD HAMED -- DIRECT

ln.1 MR. WALEED HAMED: Buy groceries.

ln.2 A. You have 251,000.

ln.3 THE INTERPRETER: He says -- he says he's not

ln.4 aware that he ever had this much money in this account. He

ln.5 says, I don't have money to buy groceries, and you're

ln.6 telling me I have this money.

ln.7 MR. HODGES: This was from November of --

ln.8 A. (Speaking in Arabic.)

ln.9 Q. (Mr. Hodges) This is from November of 2000

ln.10 through December of 2002. We're not talking about

ln.11 currently.

ln.12 THE INTERPRETER: Until when, December 2002?

ln.13 MR. HODGES: Tell us what he says.

ln.14 THE INTERPRETER: He says, I can sign or

ln.15 vouch from you that I've never been able to save this much

ln.16 money in my account. How is -- how are you coming up with

ln.17 this?

ln.18 Q. (Mr. Hodges) So is it Mr. Hamed's testimony that

ln.19 this is mistaken, the 251,000 --

ln.20 A. (Speaking in Arabic.)

ln.21 Q. Pardon me, sir.

ln.22 -- that $251,000 did not go through his Bank

ln.23 of Nova Scotia account reflected on Exhibit No. 13?

ln.24 MR. HARTMANN: Object. Object.

ln.25 MR. HODGES: Will you let me finish?

begin page #200

MOHAMMAD HAMED -- DIRECT

ln.1 MR. HARTMANN: Certainly.

ln.2 MR. HODGES: God.

ln.3 Is Mr. Hamed testifying that he is not aware

ln.4 of $251,000 going through his Bank of Nova Scotia account

ln.5 from November of 2000 through December of 2002?

ln.6 MR. HARTMANN: Object. Nowhere on the

ln.7 document that you directed his attention to, which is the

ln.8 second page, he's looking at the second page, is there

ln.9 two --

ln.10 MR. HODGES: I have not asked him to limit

ln.11 his attention to the second page.

ln.12 MR. HARTMANN: Yes, you did. You asked

ln.13 him -- he's looking at the second page of this document at

ln.14 your request, and the only place it says $251,670 is in

ln.15 handwriting.

ln.16 Q. (Mr. Hodges) Mr. Hamed, look at this entire

ln.17 document.

ln.18 MR. HARTMANN: Okay. Can he have it

ln.19 translated into English -- I mean, into Arabic, please?

ln.20 Q. (Mr. Hodges) Mr. Hamed, did you get a translator

ln.21 every time you got a bank statement from Bank of Nova

ln.22 Scotia?

ln.23 THE INTERPRETER: He says, My sons bring the

ln.24 mail. They put it on the table. Nobody interprets it for

ln.25 him.

begin page #201

MOHAMMAD HAMED -- DIRECT

ln.1 Q. (Mr. Hodges) Okay. And Bank of Nova Scotia

ln.2 doesn't issue statements or deposit slips in Arabic, do

ln.3 they, Mr. Hamed?

ln.4 THE INTERPRETER: He says, No.

ln.5 Q. (Mr. Hodges) You agree with me that the bank

ln.6 account that you had at Scotiabank was here on St. Croix,

ln.7 isn't that right?

ln.8 THE INTERPRETER: Yes.

ln.9 A. Where is this number, you get it?

ln.10 Q. (Mr. Hodges) Well, if you went through your bank

ln.11 statements and added up all the numbers --

ln.12 A. My bank statements --

ln.13 MR. HARTMANN: Object. You're testifying,

ln.14 Counsel.

ln.15 MR. HODGES: No, you're objecting before I

ln.16 finish my question, once again.

ln.17 Q. (Mr. Hodges) Mr. Hamed, if you read your bank

ln.18 statements that you get monthly from the Bank of Nova Scotia

ln.19 and added up all the deposits, perhaps you would find that

ln.20 the number was $251,000.

ln.21 Isn't that possible?

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

ln.23 THE INTERPRETER: November 2000 to what?

ln.24 MR. HODGES: November 2000 to December 2002?

ln.25 A. I -- never I have this number, man.

begin page #202

MOHAMMAD HAMED -- DIRECT

ln.1 THE INTERPRETER: He says he's never had this

ln.2 number.

ln.3 MR. HODGES: He's never had this account

ln.4 number?

ln.5 A. No.

ln.6 THE INTERPRETER: No, that's not his

ln.7 question.

ln.8 A. Well, I don't know who put it there.

ln.9 Q. (Mr. Hodges) All right. So you're not aware

ln.10 that --

ln.11 A. You got me that before two years, 2'02.

ln.12 Q. Look at --

ln.13 A. Or 2000. And you tell me this, too, you have it?

ln.14 I don't have it. I never have it, $251,000. No.

ln.15 THE REPORTER: I need to stop.

ln.16 MR. HODGES: Okay.

ln.17 THE VIDEOGRAPHER: Going off record at 5:13.

ln.18 (Whereupon the deposition concluded

ln.19 at 5:13 p.m.)

ln.20

ln.21

ln.22

ln.23

ln.24

ln.25

begin page #203

CERTIFICATE

ln.1 C-E-R-T-I-F-I-C-A-T-E

ln.2

ln.3 I, CHERYL L. HAASE, a Registered Professional Reporter

ln.4 and Notary Public No. NP-158-03 for the U.S. Virgin Islands,

ln.5 Christiansted, St. Croix, do hereby certify that the above

ln.6 and named witness, MOHAMMAD HAMED, was first duly sworn to

ln.7 testify the truth; that said witness did thereupon testify

ln.8 as is set forth; that the answers of said witness to the

ln.9 oral interrogatories propounded by counsel were taken by me

ln.10 in Stenotype and thereafter reduced to typewriting under my

ln.11 personal direction and supervision.

ln.12 I further certify that the facts stated in the caption

ln.13 hereto are true; and that all of the proceedings in the

ln.14 course of the hearing of said deposition are correctly and

ln.15 accurately set forth herein.

ln.16 I further certify that I am not counsel, attorney or

ln.17 relative of either party, nor financially or otherwise

ln.18 interested in the event of this suit.

ln.19 IN WITNESS WHEREOF, I have hereunto set my hand as such

ln.20 Certified Court Reporter on this the 21st day of April,

ln.21 2014, at Christiansted, St. Croix, United States Virgin

ln.22 Islands.

ln.23 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ln.24 Cheryl L. Haase, RPR

My Commission Expires 2/10/16

ln.25

p#