

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

MOHAMMED HAMED by His Authorized )  
Agent WALEED HAMED, )  
)  
Plaintiff/Counterclaim Defendant, )  
)  
vs. ) Case No. SX-12-CV-370  
)  
FATHI YUSUF and UNITED CORPORATION, )  
)  
Defendants/Counterclaimants, )  
)  
vs. )  
)  
WALEED HAMED, WAHEED HAMED, MUFEED )  
HAMED, HISHAM HAMED, and PLESSEN )  
ENTERPRISES, INC., )  
)  
Additional Counterclaim Defendants.)

**THE VIDEOTAPED ORAL DEPOSITION OF FATHI YUSUF**

was taken on the 2nd day of April, 2014, at the Law Offices  
of Adam Hoover, 2006 Eastern Suburb, Christiansted,  
St. Croix, U.S. Virgin Islands, between the hours of  
9:17 a.m. and 4:16 p.m., pursuant to Notice and Federal  
Rules of Civil Procedure.

---

Reported by:

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

**APPEARANCES****A-P-P-E-A-R-A-N-C-E-S****For the Plaintiff/Counterclaim Defendant:**

Law Offices of  
Joel H. Holt  
2132 Company Street  
Suite 2  
Christiansted, St. Croix  
U.S. Virgin Islands 00820

By: Joel H. Holt

and

Law Offices of  
Carl Hartmann, III  
5000 Estate Coakley Bay, #L6  
Christiansted, U.S. Virgin Islands 00820

By: Carl Hartmann, III

**For the Defendant/Counterclaimants**

Law Offices of  
Dudley, Topper & Feuerzeig  
P.O. Box 756  
Charlotte Amalie, St. Thomas  
U.S. Virgin Islands 00804

By: Gregory H. Hodges

and

Law Offices of  
Nizar A. DeWood  
2006 Eastern Suburbs, Suite 101  
Christiansted, VI 00830

By: Nizar A. DeWood

**APPEARANCES**1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25**For Waleed Hamed:**

Law Offices of  
Eckard, P.C.  
P.O. Box 24849  
Christiansted, VI 00824

By: Mark W. Eckard

**For Fathi Yusuf:**

Law Offices of  
K. Glenda Cameron  
2006 Eastern Suburb, Suite 101  
Christiansted, St. Croix  
U.S. Virgin Islands 00820

By: K. Glenda Cameron

**Also Present:**

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

## INDEX

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

<b>Description</b>	<b>Counsel</b>	<b>Page</b>
Direct	by Mr. Holt	8

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

<b>Exhibit</b>	<b>Description</b>	<b>Page</b>
1	Defendant United's Amended Responses to Plaintiff's Second Interrogatories to Defendant United: Second Set	11
2	Affidavit of Fathi Yusuf	18
3	Plaintiff's Responses to Defendants' Second Set of Interrogatories to Defendants	24
4	Oral Deposition of Fathi Yusuf	30
5	Memorandum of Law in Support of Defendants' Renewed Motion to Dismiss, and in the Alternative for a More Definite Statement, and to Strike Exhibits "B" through "D" of the Amended Complaint Pursuant to Rules 12(b)(6), 12(e) and 12(f) of the Federal Rules of Civil Procedure	59
6	Defendants' Reply to Plaintiff's Opposition to Defendants' Rule 12 Motion	62
7	Letter to Mohammed Hamed from Nazir A. DeWood, Bates No. HAMD200064	68
8	E-mail from Nizar DeWood to Wally Hamed dated March 13, 2012	68
9	Tutu Park Store Sales	83

10 Check No. 64866 94  
Cheryl L. Haase  
(340) 773-8161

## INDEX

1	11	Letter dated May 4, 2012 to	96
2		Mohammed Abdul Qader Hamed from	
3		Najef Yusuf for Fathi Yusuf with	
		attachments	
4	12	Handwritten document with	99
5		"Dorothia" at the top.	
6	13	Letter dated August 15, 2012 to	130
7		Mohammad Hamed from Fathi Yusuf	
8	14	Check No. 1154	131
9	15	Letter dated August 16th to Fathi	131
10		Yusuf from Waleed Hamed	
11	16	Letter dated August 15, 2012 to	153
12		Mohammad Hamed from Fathi Yusuf	
13	17	U.S. Income Tax Returns for 2002 to	154
14		2010	
15	18	U.S. Income Tax Return for 2012	161
16	19	U.S. Tax Return for 2011	161
17	20	Letter dated March 14, 2013 to	161
18		Joseph A. DiRuzzo, III from Joel H.	
19		Holt	
20	21	Check No. 4195	177
21	22	Check No. 4642	177
22	23	Check No. 4819	177
23	24	Check No. 5005	177
24	25	Check No. 5193	177
25	26	Check No. 11114	195
	27	Check No. 12187	197
	28	Check No. 12419	201
	29	Number not used	202

**COLLOQUY**

1	30	Check No. 19115	202
2	31	Check No. 12813	202
3	32	Number not used	203
4	33	Number not used	203
5	34	Check No. 13356	204
6	35	Check No. 14509	205
7	36	Check No. 14564	206
8	37	Number not used	207
9	38	Check No. 14643	207
10	39	Check No. 14787	208
11	40	Check No. 14889	208
12	41	Check No. 14922	209
13	42	Check No. 15626	210
14	43	Check Nos. 15819 and 15765	210
15	44	Check Nos. 15868 and 15857	211
16	45	Check No. 15891	211
17	46	Check Nos. 15943 and 15921	211
18	47	Check Nos. 15943 and 16009	213
19	48	Check No. 16026 and 16039	213
20	49	Check No. 16062	214
21	50	Check No. 16084	214
22			
23			
24			
25			

**COLLOQUY**

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

7                   My name is Josiah Wynans. I'm the  
8 videographer for today's proceedings. Our court reporter is  
9 Cheryl Haase. Today's date is April 2nd, 2014. The  
10 deponent is Fathi Yusuf. The time is 9:17.

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

14                   **MR. HOLT:** Joel Holt, counsel for Mohammad  
15 Hamed.

16                   **MR. HARTMANN:** Carl Hartmann, counsel for  
17 plaintiff.

18                   **MR. ECKARD:** Mark Eckard, counsel for Waleed  
19 Hamed.

20                   **MR. HODGES:** Greg Hodges, counsel for  
21 defendants.

22                   **MR. DEWOOD:** Nizar DeWood for Fathi Yusuf and  
23 United.

24                   **MS. CAMERON:** K. Glenda Cameron, counsel for  
25 Fathi Yusuf.

**FATHI YUSUF -- DIRECT**

1                   **THE VIDEOGRAPHER:** Please swear the witness.

2                   **THE REPORTER:** Raise your right hand, please.

3                   **THE WITNESS:** Stand up.

4                   **THE REPORTER:** No. You're fine.

5                                   **FATHI YUSUF,**

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

7                   Testified on his oath as follows:

8                                   **DIRECT EXAMINATION**

9                   **BY MR. HOLT:**

10                   **Q.** Can you state your name for the record, please?

11                   **A.** My name, Fathi, F-A-T-H-I; last name, Yusuf,  
12 Y-U-S-U-F.

13                   **Q.** And can you tell me where you reside?

14                   **A.** Where do I live?

15                   **Q.** Yep.

16                   **A.** 92C La Grande Princesse in Christiansted,  
17 St. Croix.

18                   **Q.** Are you married?

19                   **A.** Yes.

20                   **Q.** And what's your wife's name?

21                   **A.** F-A-W-Z-I-A, same last name.

22                   **Q.** And are you involved with a company called  
23 United Corporation?

24                   **A.** Yes, I do. I am.

25                   **Q.** And first of all, can you tell me what ownership

**FATHI YUSUF -- DIRECT**

1 interest you have in that company?

2 **A.** 36 percent.

3 **Q.** Okay. And does your wife have an ownership  
4 interest?

5 **A.** 36 percent.

6 **Q.** So between the two of you, you have 72 percent?

7 **A.** Yes.

8 **Q.** All right. And when the company was first formed,  
9 what was the ownership interest?

10 **A.** When first formed, it was a -- a C corporation.

11 **Q.** And who owned the stock then?

12 **A.** I owned, me and my wife was 50 percent, and a  
13 brother of mine, he used to own 50 percent.

14 **Q.** And what was your brother's name?

15 **A.** A-H-M-A-D, same last name, Y-U-S-U-F.

16 Oh, I'm sorry, I'm correcting that. The way  
17 he spell his last name is Y-O-U-S-E-F, but it's the same  
18 father.

19 **Q.** Okay. And when did you buy him out, or what --  
20 was he bought out of the corporation?

21 **A.** I did bought him out sometime ago.

22 **Q.** Do you know about when that was?

23 **A.** I have no idea, honestly.

24 **Q.** And after you bought him out, what was the  
25 ownership of United Corporation?

**FATHI YUSUF -- DIRECT**

1           **A.**    The ownership was -- I don't remember when I  
2 bought him out, when the company was a C or S. I believe, I  
3 assume it was a C. And I bought him out, and I didn't make  
4 no changes until I don't know what time I make the changes  
5 to move it to an S corporation.

6           **Q.**    Okay. I --

7           **A.**    I really don't recall.

8           **Q.**    Okay. I appreciate that, because this isn't a  
9 memory test, but to the best that you can recall, if you'll  
10 give me answers, I'll appreciate it.

11          **A.**    Yeah, I don't recall.

12          **Q.**    Okay. So it started off with you and your wife  
13 owning 50 percent, and your brother owning 50 percent.

14          **A.**    Yes.

15          **Q.**    Then there came a time when you and your wife  
16 owned a hundred percent, and then there came another time  
17 where you brought your children into the corporation and you  
18 and your wife owned 72 percent?

19          **A.**    Yes.

20          **Q.**    And as we sit here today, you and your wife own  
21 72 percent?

22          **A.**    Up to this moment, we own 72 percent, yes.

23          **Q.**    Okay. And who is the president of -- of  
24 United Corporation at the current time?

25          **A.**    My oldest son, his name is M-A-H-E-R; Fathi,

**FATHI YUSUF -- DIRECT**

1 F-A-T-H-I; Y-U-S-U-F.

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

4 **Q. (Mr. Holt)** Showing you Exhibit No. 1. These are  
5 interrogatory responses that were received last Friday  
6 evening in this case.

7 Have you seen these documents before today?

8 **A.** Excuse me?

9 **Q.** Have you seen these documents before today?

10 **A.** Maybe I see it, maybe not. I don't recall it. I  
11 have so much papers, and I honestly don't know.

12 **Q.** Okay. Looking over on the second-to-last page,  
13 see if you recognize the signature of your son, Maher Yusuf?

14 **A.** Yeah, I seen my son sign it as the president.

15 **Q.** And you see where it's subscribed and sworn to  
16 before a notary public?

17 **A.** Excuse me?

18 **Q.** See below that, where it says, Subscribed and  
19 sworn to, and there's a name of a notary public?

20 **A.** Yes.

21 **Q.** And do you know what the purpose of that is?

22 **A.** To certify this is signed by my son, under no  
23 pressure.

24 **Q.** And under oath, right? You understand that?

25 **A.** Under -- under oath, whatever.

**FATHI YUSUF -- DIRECT**

1 Q. Okay.

2 A. I wasn't present.

3 Q. Okay. Looking at Interrogatory No. 1 on Page 4, I  
4 want to ask if this answer is correct to the best of your  
5 knowledge.

6 A. Give me a chance, please.

7 Q. Sure.

8 A. Yeah (witness reviewing documents).

9 Q. Is that answer correct?

10 A. I be honest with you, first of all, I'm not a  
11 lawyer. I don't know, this is too much above my level of a  
12 language. Ask me a question, I'm going to answer you to the  
13 best I can.

14 Q. Okay. So you don't really understand the answer?

15 A. Not one hundred percent.

16 Q. Okay. Well, I'll read just a couple of parts and  
17 see if that helps clarify it. It says, --

18 A. Okay.

19 Q. -- when you get to the second line in the  
20 response, it says, United answers that --

21 A. What you mean to say, A and B, A or B?

22 Q. All the way down below the response.

23 A. Oh, okay.

24 Q. Second line.

25 A. Okay.

**FATHI YUSUF -- DIRECT**

1           **Q.**    It says, United answers that 50 percent of the net  
2 profits of the Plaza Extra stores were distributed through  
3 investments or other legal entities jointly owned by Hamed  
4 and Yusuf.

5           **A.**    Yes.

6           **Q.**    So that's correct? That's true?

7           **A.**    That's correct.

8           **Q.**    Okay. And why were 50 percent of the profits of  
9 Plaza Extra stores distributed jointly to Hamed and Yusuf?

10          **A.**    What do you mean, 50 percent?

11          **Q.**    It says, 50 percent of the net profits were  
12 distributed through investments or other legal --

13          **A.**    50 percent of the net profit? No. It's not --  
14 that should not be that way. It should be, whatever it is,  
15 it is a profit from the operation of Plaza Extra. It's not  
16 half of the profit. But I still own half, Mohammad Hamed do  
17 own half, of whatever we draw from Plaza Extra.

18          **Q.**    Okay. So let's just go back for one second.

19                    When you -- we talk about net profits of  
20 Plaza Extra --

21          **A.**    Yeah, I'm talking net profit, because if you want  
22 to say gross sale, our expenses is 27 percent, 28 percent.  
23 Our net profit is less than 10. The only answer, it is net  
24 profit.

25          **Q.**    Okay. So once we get to whatever the net profits

**FATHI YUSUF -- DIRECT**

1 are, --

2 **A.** Exactly.

3 **Q.** -- take it that 50 percent belongs to Yusuf,  
4 50 percent belongs to Mohammad Hamed?

5 **A.** That's correct.

6 **Q.** Okay. And then it says, Of the Plaza Extra  
7 stores.

8 I take it those are the three stores, Sion  
9 Farm store, --

10 **A.** That's correct.

11 **Q.** -- Plaza -- let me just finish -- Sion Farm store,  
12 Plaza West, and --

13 **A.** Yeah.

14 **Q.** -- Plaza St. Thomas store.

15 Correct?

16 **A.** Mm-hmm. That is correct, yes.

17 **Q.** Okay. And so, looking then over at Question No. 7  
18 on Page 10.

19 **A.** Question No. 7?

20 **Q.** Yeah.

21 **A.** That's what I seen on Page 10?

22 **Q.** Yeah.

23 **A.** Okay. The asset of Plaza Extra stores is the  
24 inventory and equipment.

25 **Q.** Okay. And you agree that Mohammad Hamed owns

**FATHI YUSUF -- DIRECT**

1 50 percent of --

2 **A.** Yes.

3 **Q.** -- the inventory of the three stores, and the  
4 equipment of the three stores?

5 **A.** Yes.

6 **Q.** Okay. And then going back to the profits for a  
7 second, I take it that to the extent any profits, net  
8 profits, have ever been distributed, they've been  
9 distributed 50/50?

10 **A.** No, sir. We never distribute any profit. No.

11 **Q.** Okay. Let me ask the question a little different.  
12 Whenever you took money out of the corporation, I take it  
13 you would always distribute it so it would be 50 percent for  
14 Hamed and 50 percent for Yusuf?

15 **MR. HODGES:** Objection.

16 **A.** No, sir.

17 **MR. HODGES:** Objection.

18 **Q. (Mr. Hodges)** Okay. Whenever you took net profits  
19 out of the Plaza Extra stores, it would always be 50 percent  
20 for Yusuf and 50 percent Hamed?

21 **A.** Sir, the money being drawn by individual as  
22 needed. It's not necessarily the other side have to match  
23 it. In more than one -- in hundreds of cases, the Hamed  
24 family withdrawing money, and I never have to match it  
25 because I have -- I have another source of income I used to

**FATHI YUSUF -- DIRECT**

1 use for my personal expense and need.

2 Q. Okay. But the intent of -- of the agreement was  
3 that 50 percent of the net profits of the three Plaza Extra  
4 stores would belong 50 percent to Yusuf and 50 percent to  
5 Hamed.

6 A. That is correct.

7 Q. Okay. And that would also apply to the net  
8 profits that have yet to be distributed, such as the  
9 money --

10 A. Yes.

11 Q. -- at the Banco Popular account?

12 A. After we go and sees who and who takes who, if I  
13 take ten dollars more than them, and I take ten, they have  
14 the right to take it. That's when we go to the book and  
15 reconcile our account between each other.

16 But up to now, unfortunate, we have never  
17 done that since the past 25 years. Only, I'm sorry, up to  
18 December 31st, 1993. That books was closed by that day. We  
19 was even on that day, on whatever left Plaza Extra. But we  
20 still a 50-percent joint venture in whatever left inside the  
21 store, what is accounts receivable or accounts payable.

22 Q. And that's true up through today?

23 A. Excuse me, sir?

24 Q. And that's true up through today?

25 A. Up to now.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Right.  Is that correct?

2           **A.**    Yes.

3           **Q.**    Okay.  And then from 1993 back, when you said you  
4 met and you --

5           **A.**    When I close the book, yes.

6           **Q.**    Okay.  When you close the book, I take it at that  
7 point that you'd used those profits to buy various assets;  
8 Peter's Farm, some of the other properties that we talked  
9 about, is that correct?

10          **A.**    Really, we -- when -- when we took that money, we  
11 actually never distributed directly.  We was borrowing it  
12 from United.  The various company that we own, such as  
13 Plessens or Peter's Farm, or we bought property in  
14 St. Thomas for 16 Plus, all these people used to draw money  
15 and owing to United for the accounting purpose.

16          **Q.**    Okay.  But when you would -- when you, for  
17 example, on Peter's Farm, when you issued the stock, you  
18 always issued the stock 50 percent to Yusuf side, 50 percent  
19 to Hamed side.

20          **A.**    That is correct, sir.

21          **Q.**    And the properties that Peter's Farm bought, 16  
22 Plus bought and Plessen bought, all those properties were  
23 bought by those corporations, or the corporations each were  
24 divided 50 percent Yusuf and 50 percent Hamed.

25          **A.**    Which whatever we bought here, I believe we bought

**FATHI YUSUF -- DIRECT**

1 it through a loan from United Corporation, which is clearly  
2 that's the request of Mr. Hamed. He don't want -- we don't  
3 want to distribute, because if we do distribute, we're going  
4 to end up with paying income tax. And that's why we did not  
5 distribute. That's when, honestly, this is one of the main  
6 reason.

7 **Q.** Okay. So whatever you didn't distribute would be  
8 50 percent Hamed, 50 percent Yusuf.

9 **A.** Yes.

10 (Deposition Exhibit No. 2 was  
11 marked for identification.)

12 **Q.** (**Mr. Holt**) Okay. All right. Showing what I'm  
13 going to mark as Exhibit No. 2. It is an affidavit that you  
14 signed.

15 If you could take a second and look at that  
16 document, and tell me whether or not you recognize the  
17 signature on the last page as your signature?

18 **A.** Yes, that's my signature.

19 **Q.** Again, we see the subscribed and sworn to, so this  
20 under -- statement's under oath, is that correct?

21 **A.** Yes.

22 **Q.** And if you could just look at it, I'm not going to  
23 go over the whole thing with you, but let me ask you a  
24 couple questions about it.

25 **A.** Okay.

**FATHI YUSUF -- DIRECT**

1           **Q.**    First of all, Item No. 2, My brother-in-law,  
2    Mohammad Hamed, and I have been full partners in the  
3    Plaza Extra Supermarket since 1984, while we were obtaining  
4    financing and constructing the store, which finally opened  
5    in 1986.

6                                Is that true?

7           **A.**    Yes.

8           **Q.**    No. 3, Mohammad -- Mohammad Hamed and I decided to  
9    open a St. Thomas Plaza Extra store, and used our own  
10   capital and later obtained financing to make the store ready  
11   for opening.

12                               Is that true?

13           **A.**    That's true.

14           **Q.**    No. 4, Mohammad Hamed gave his eldest son, Waleed  
15   a/k/a Wally, power of attorney to manage his interest for  
16   the family.

17                               Is that true?

18           **A.**    Hold on to No. 4, please.

19                               Yes, it -- I would say yes, but my  
20   understanding really of that time, the man give a power of  
21   attorney to his son.

22           **Q.**    Okay.

23           **A.**    I said here to -- to manage his affair? That's  
24   fine.

25           **Q.**    You had no problem with that?

**FATHI YUSUF -- DIRECT**

1           **A.**    No.

2           **Q.**    Okay.  And you -- you worked with Wally even  
3 before this -- this affidavit was signed, correct?

4           **A.**    Yes.

5           **Q.**    Okay.  You knew him.

6           **A.**    I love him.

7           **Q.**    Okay.  Next one, No. 5, and I'm -- I'm only going  
8 to do a couple more on here.

9           **A.**    Right.  Don't laugh.

10          **Q.**    We negotiated a lease for the St. Thomas store  
11 with Tutu Park, Ltd., and executed the agreement on May 30,  
12 1991.

13                               Is that true?

14          **A.**    What number you reading?

15          **Q.**    No. 5?

16          **A.**    No. 5?

17          **Q.**    Yes.

18          **A.**    We negotiated for the lease for St. Thomas store.

19                               Honestly, when I say "we," it mean me alone.

20          **Q.**    Okay.  When you say "we," even though --

21          **A.**    Because Wally was not present.  Wally was at  
22 school, and his father, with respect to him, you can see  
23 what is his grade yesterday.  Sometime we say -- I say "we"  
24 just like a bank manager will say "my bank."  He don't  
25 own -- he don't own the bank, but he's in charge of the

**FATHI YUSUF -- DIRECT**

1 bank, so he says "my bank." And when I say "we," we. I  
2 didn't say why, or I, because I don't want to be self  
3 selfish. That's why. I have no any other reason for that.

4 **Q.** All right. And when you -- when you say "we," I  
5 take it even though, you're saying, really, you're the one  
6 who negotiated.

7 **A.** I am the only negotiator for Plaza Extra. I do  
8 consult with Mohammad Hamed or his son before I enter into  
9 negotiation.

10 **Q.** And --

11 **A.** With anybody outsider.

12 **Q.** What do you -- would you repeat that again?

13 **A.** I -- I consult with them. After all, they own  
14 50 percent of the profit. They have investment there. I  
15 cannot take the risk and go on my own. They know that.

16 **Q.** Okay. And so even though you did the negotiation,  
17 you did it on behalf of --

18 **A.** Yes.

19 **Q.** -- your partner, Mohammad?

20 **A.** With their approval.

21 **Q.** Okay. And then looking at No. 13 on the next  
22 page. No. 13, United realized that more than one key person  
23 was necessary, so in addition to providing Willy Hamed,  
24 United assigned Wally -- Waleed, a/k/a Wally Hamed, and  
25 myself to work in the store for free. None of us received

**FATHI YUSUF -- DIRECT**

1 any salary for our services, and we all worked 18 to 20  
2 hours a day, seven days a week.

3 Is that correct?

4 **A.** Yes.

5 **Q.** And looking at Item No. 41 --

6 **A.** Can I comment on this?

7 **Q.** Certainly.

8 **A.** None of us ever make any money, but each one of us  
9 net worth right now is above a hundred million. That's a  
10 result of not getting paid on the job. I was -- I did not  
11 get paid myself, even though I am the key person, I am the  
12 negotiator, and my associate, my brother-in-law's children,  
13 was nothing. With respect to them, it's kids.

14 And now I am being blamed, Hey, we never get  
15 paid. How much money do you own right now, and where did  
16 that money come from?

17 Continue, sir.

18 **Q.** And listen, by the way, any time you want to  
19 expand on your answer, feel free to do so. And if  
20 I'm cutting you off --

21 **A.** If I see it necessary, yes.

22 **Q.** No problem. The only reason I mention it now,  
23 because if I start to cut you off because you aren't  
24 finished yet, let me know. Because sometimes I might think  
25 you're finished, and I'll start going to the next one.

**FATHI YUSUF -- DIRECT**

1           **A.**    No, see, the way you put it -- it's there, I  
2 agree.

3           **Q.**    Okay.

4           **A.**    It's there as the affidavit. But look like the  
5 people is not familiar with this, Hey, what kind of man is  
6 this? He will hire a child for twenty hour without paying  
7 him, like what his father say yesterday. But his father,  
8 unfortunate, did not realize what he was before I brought  
9 him to the United States, and what he is right now. That is  
10 gone.

11          **Q.**    What is gone?

12          **A.**    Before I mention my partner, I must mention my  
13 parents.

14          **Q.**    Right.

15          **A.**    We are real, real, real in the lowest poverty  
16 level back home. And thanks to America, that we came to the  
17 United States of America, the land of opportunity, and you  
18 either be what you want to be or be bum in the street. And  
19 I choose to work hard and build myself.

20                        So I say, when I did it, let me give the  
21 opportunity to my brother-in-law. And I did it, thanks God.  
22 I'm not sorry for what I did, even though it did not meet my  
23 expectation, but I'm not sorry. I get credit. There's a  
24 superior up there. Don't worry.

25          **Q.**    Okay.

**FATHI YUSUF -- DIRECT**

1           **A.**    Go ahead, sir.

2           **Q.**    All right.  Going just on that same document, Item  
3 No. 41.  And that's a short one, it says, The Hameds and I  
4 were able to turn the store around by the last part of 1994.

5                         Is that correct?

6           **A.**    Yes.

7                         (Deposition Exhibit No. 3 was  
8                         marked for identification.)

9           **Q.**    **(Mr. Holt)** All right.  Showing you Exhibit No. 3,  
10 these are interrogatories filed in the same case in  
11 St. Thomas.  If you look over on the last page, can you tell  
12 me, or second-to-last page, if that's your signature?

13           **A.**    I see two signature.  I see my son on top, and my  
14 signature below.

15           **Q.**    Okay.  And those are signed under oath, is that  
16 correct?

17           **A.**    Yes.

18           **Q.**    Okay.  Looking at this document, can you go to  
19 Interrogatory No. 2, which is on Page 4, and it has a  
20 sentence in it that says, Without waiving said objection,  
21 Mohammad Hamed?

22                         **MR. HODGES:** Hold on.  Hold on.

23           **Q.**    **(Mr. Holt)** See No. 2?

24           **A.**    Yeah, I see No. 2.  Yes, sir.

25           **Q.**    **(Mr. Holt)** It says, Without waiving said

**FATHI YUSUF -- DIRECT**

1 objection, Mohammad Hamed is a partner in Plaza Extra  
2 Supermarkets, and has been since the mid-1980s, is that  
3 correct?

4 **A.** Yes.

5 **Q.** And then over on Item No. 3, Interrogatory No. 3,  
6 on the next page, it says, Notwithstanding said objection,  
7 Waleed Hamed has been working for Plaza Extra on and off  
8 since 1986.

9 Is that correct?

10 **A.** Yes.

11 **Q.** Next sentence, From the time he worked at the  
12 St. Thomas Plaza Extra during the period of plaintiff's  
13 joint venture with United, which is the only relevant issue,  
14 he was a partner with general management duties, is that  
15 correct?

16 **A.** He's -- excuse me. Give me chance to let me read  
17 it, please.

18 **Q.** Sure.

19 **A.** He was general manager, sir, by the way, where?  
20 Wally was general manager where?

21 **Q.** I'm just reading the answer. It says he was --  
22 says, At the time he worked at the St. Thomas Plaza Extra  
23 during the period of plaintiff's joint venture with United,  
24 which is the only relevant issue, he was a partner with  
25 general management duties.

**FATHI YUSUF -- DIRECT**

1                   So I guess that would be the St. Thomas  
2 store?

3           **A.**    Well, we weren't there, really. We weren't there  
4 for less than a month, I believe. We just helping out  
5 somebody, our partner, the one we -- we have a joint venture  
6 with, and he was supposed to do a one-third, one-third,  
7 one-third income or loss. It's fine. And we went there to  
8 help him. None of us was getting salaries. And that is, I  
9 think, a month to six weeks, no more.

10                   Wally were never in charge for Plaza Extra  
11 St. Thomas. He, yes, one of the management. I used to give  
12 him a lot of duty, a lot of responsibility.

13           **Q.**    Okay. And then, so he wasn't a partner with the  
14 general management duties. He was just a manager.

15           **A.**    He's not a partner.

16           **Q.**    Okay.

17           **A.**    He's never a partner. Wally never a partner.

18 Wally was employed as a manager. His father was my  
19 associate with a deal that I'll give him 50 percent of the  
20 profit of Plaza Extra store, whether it's one store or 300  
21 store.

22           **Q.**    Okay. And then looking over at Item No. 4, and  
23 the only difference between 3 and 4 is instead of saying  
24 Waleed Hamed, it says Waheed Hamed. And my question was,  
25 was Waheed Hamed a partner with general management duties?

**FATHI YUSUF -- DIRECT**

1           **A.**    He is not a partner, sir. Waheed is never a  
2 partner.

3           **Q.**    Okay.

4           **A.**    Waheed was an employee. I took him and I choose  
5 him because I feel he's the right employee to protect his  
6 father interest and my interest.

7           **Q.**    Okay.

8           **A.**    But I did not take him as a partner.

9           **Q.**    So Waleed and Waheed were not partners in the  
10 St. Thomas store?

11          **A.**    None of Mohammad Hamed children.

12          **Q.**    Okay. Looking over at Interrogatory No. 6, and  
13 this is the last one that I'm going to ask you in this set,  
14 it says, starting in the second line, Without limiting or  
15 waiving said objection --

16                   **MR. HARTMANN:** Wait. He doesn't have it.

17          **Q.**    **(Mr. Holt)** Interrogatory No. 6. It's on Page 8  
18 at the top. You see that?

19          **A.**    Excuse me? I was looking at something else.

20          **Q.**    Okay. It says, With respect to Plaza Extra, the  
21 original partners were Khaled Ali, Issam Yusuf, Mohammad  
22 Hamed and Defendant Yusuf, which would be you.

23                   By the time Plaza Extra opened in 1986,  
24 Mohammad Hamed and Defendant Yusuf were the only partners.

25          **A.**    Yeah, okay.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Is that correct?

2           **A.**    Yes.

3           **Q.**    Okay.  Then the next sentence says, These partners  
4 operated Plaza Extra under the corporate name of  
5 United Corporation.

6                                Is that correct?

7           **A.**    That's correct.

8           **Q.**    Okay.  And how did that work?

9           **A.**    See, when I decided to open up Plaza Extra, Plaza  
10 Extra, as the record shows, it's an S corporation.  It's  
11 consisting of 100 percent.  There is nothing you call over  
12 100 percent.  When you say 100 percent, you are hitting the  
13 very maximum.

14                                So that 100 percent, whether a thousand  
15 shares or a -- or 10 million share, 36 percent was -- at  
16 that time, I was 32.5 percent owned by me, 32.5 percent  
17 owned by my wife, and I have five children that's 32.5 time  
18 two is 65, then I have five children that was having  
19 7 percent each.  That make United an S corporation of 100  
20 percent, and all share was taken.

21                                This exactly the way I explained it to  
22 Mohammad Hamed.

23           **Q.**    Okay.

24           **A.**    But I would love you to have you with me, and I  
25 cannot have anything in your name because simply you have no

**FATHI YUSUF -- DIRECT**

1 blood in this building. I build this building with my  
2 blood, and my son Maher blood. So I tell him, I will take  
3 you and give you 50 percent of the profit, and we shake  
4 hand, and up to now, at no one day I ever deny that.

5 Q. Okay. So, and he's entitled to 50 percent of the  
6 profit, --

7 A. Yes.

8 Q. -- and he also owns 50 percent of the inventory  
9 and the equipment of the store.

10 A. Well, the inventory is the result of the profit.

11 Q. Okay. And so then, can you just explain to me  
12 what was meant by this statement? These partners -- which  
13 are Mohammad Hamed and Fathi Yusuf -- these partners  
14 operated Plaza Extra under the corporate name of  
15 United Corporation.

16 A. That's exactly how I explain it to you.

17 Q. Okay.

18 A. I explain it to you just now, and you's very  
19 intelligent lawyer, I understand.

20 Q. Let me just ask you then, in general, --

21 A. That's it.

22 Q. -- I take it that you always kept separate bank  
23 accounts for the supermarkets, as opposed to the shopping  
24 center operation?

25 A. Yes.

**FATHI YUSUF -- DIRECT**

1           **Q.**    So the supermarkets operated under their own bank  
2 accounts, and the shopping center had its bank account, is  
3 that correct?

4           **A.**    Yes.

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

7           **Q.**    **(Mr. Holt)** Okay. All right. Showing you  
8 Exhibit No. 4.

9                                In the same case that we've been dealing  
10 with, you gave a deposition.

11                               Do you recall that?

12           **A.**    Excuse me?

13           **Q.**    In that case in St. Thomas, you gave a deposition.

14                               Do you recall that?

15           **A.**    Yeah.

16           **Q.**    Okay. And I have the entire deposition here, if  
17 you'd --

18           **A.**    And I saw it, too.

19           **Q.**    Okay. I just want to ask you some specific  
20 questions from this deposition.

21           **A.**    Okay.

22           **Q.**    On -- on Page 8, if you just want to turn to the  
23 next page?

24           **A.**    Page -- what page, sir?

25           **Q.**    Just turn right over to the next page. You see at

**FATHI YUSUF -- DIRECT**

1 the top, it says, I personally owned 50 percent of Plaza  
2 Extra in 1986. I own United Shopping Plaza. I'm a member  
3 of United Corporation, who owns United Shopping Plaza. I  
4 built that store, I was struggling for a loan. The whole  
5 island knew what I went through. I said, I'm going to build  
6 this building no matter what, and hold the supermarket for  
7 my personal use.

8 Is that correct?

9 **A.** That's correct.

10 **Q.** It took me three years. I give an offer to two  
11 nephews of mine and my brother-in-law, Mr. Hamed, if they  
12 would like to join me in the building up of the store  
13 together, and we should not have any problems. If I finish  
14 build up the building, we should have no problem whatsoever  
15 to go to the bank, and the bank will grant us the loan to  
16 operate the supermarket.

17 Is that true?

18 **A.** That's correct.

19 **Q.** All right. Over on the next page, it says, So I  
20 left Nova Scotia struggling, left them not to get a loan,  
21 but did not close my account. I struggled all over looking  
22 to get a loan. I went to all local banks at that time, and  
23 everybody says, I'm sorry, we can't help you. So I find it  
24 is a golden opportunity for me to go to Banco Popular.

25 So I went to the manager there, I explained

**FATHI YUSUF -- DIRECT**

1 to him my history, what Scotia did to me, so he say, I will  
2 come to the site. When he came to the site where I'm  
3 building, he says, How are you going to put this building  
4 together? Where is your plans? I show it to him. It's  
5 almost zero, the specifications. Just numbers for me,  
6 columns. But the column doesn't say what thick and what  
7 wide. Just give me the height.

8 So the bank, he say, Mr. Yusuf, I'm sorry, we  
9 don't do business that way. We have to have somebody  
10 professional plan with full specifications. I can see your  
11 plan approved, I can see the steel here, but it's -- you  
12 don't have the proper material or record to take to my board  
13 of directors to approve this loan in the millions.

14 Is that correct?

15 **A.** That's absolutely correct.

16 **Q.** Then on the next page, Page 14 of this deposition,  
17 But before I continue, I'm going to -- I would like to go  
18 back a little bit more to clear something. When I was in  
19 financial difficulty, when I was in financial difficulty, my  
20 brother-in-law, he knew --

21 And your brother-in-law would be Mohammad  
22 Hamed, correct?

23 **A.** That's correct.

24 **Q.** -- I shouldn't -- he start and to bring me money,  
25 okay? He own a grocery store, Mohammad Hamed, while I was

**FATHI YUSUF -- DIRECT**

1 building, and he have some cash. He knew I'm tight. He  
2 start to bring me money, bring me, I think, 5,000, 10,000.  
3 I took it. After that, I say, Look, we family. We want to  
4 stay family. I can't take no money from you because I don't  
5 see how I can pay you back. So he insisted, Take the money.  
6 If you can afford to, maybe pay me. If you can't, forget  
7 about it, okay? He kept giving me. I tell you, under this  
8 condition, I will take it. I will take it.

9 That's correct?

10 **A.** That's absolutely correct.

11 **Q.** He kept giving me until 200,000. Every dollar he  
12 make profit, he give it to me. He win the lottery twice, he  
13 give it to me.

14 **A.** May I say something there?

15 **Q.** Yeah.

16 **A.** Maybe I made a mistake. It was 225.

17 **Q.** Okay.

18 **A.** Even though, you'll see it someplace else, it's  
19 225 he gave me.

20 **Q.** Every dollar --

21 **A.** Under no one condition whatsoever, just as a  
22 family. Not under any kind of condition whatsoever. And I  
23 don't take no money from nobody, unless I know how I can pay  
24 it back, because I am in the business not to lose relatives  
25 and friend. My enemy do not lend me money.

**FATHI YUSUF -- DIRECT**

1           **Q.**   All right.

2           **A.**   My -- only my family and my dearest friend, it's  
3 the one who care about me, is the one who lend me money.  
4 That's the reason I took it, under one condition.  If I  
5 don't have it, Mr. Mohammad, I don't want to buy -- bust my  
6 head in the wall, try to raise your money.  Even though with  
7 no signature.  Signature in my -- in my philosophy doesn't  
8 mean anything.  It mean the will of a person.  And based on  
9 that, I took the man money.

10                               Please go ahead.

11           **Q.**   Okay.  So let me -- I'm going to read and just ask  
12 you if this is true:  Every -- every dollar he -- he made  
13 profit, he give it to me.  He win the lottery twice, he give  
14 it to me.  All right?  At that time, the man have a little  
15 grocery, they call it Estate Carlton Grocery.  Very small.  
16 Less than 1,000 square foot, but he was a very hard worker  
17 with his children.  And it was, you know, just like a  
18 convenience mom-and-pop store.  He was covering expenses and  
19 saving money.

20                               Is that correct?

21           **A.**   Absolutely correct.

22           **Q.**   I say, Brother-in-law, you want to be a partner  
23 too?  He said, Why not?

24                               Is that true?

25           **A.**   That's true.

**FATHI YUSUF -- DIRECT**

1           **Q.**    You know, as a family, we sit down, and says, How  
2 much more can you raise? Say, I could raise 200,000 more.  
3 I said, Okay. Sell your grocery, I'll take the 200, 400,  
4 you will become 25-percent partner.

5                               Is that correct?

6           **A.**    Make a -- I correct it the 200 to 25, and now  
7 you're saying an additional 200. No, additional 175.

8           **Q.**    All right.

9           **A.**    But it's still, we back to the same total of 400.

10          **Q.**    And you then said you would make him a partner at  
11 25 percent?

12          **A.**    I will make him a partner in the profit only.

13          **Q.**    Okay. So, and you say profit only, you're talking  
14 about profit in the supermarket?

15          **A.**    Yes.

16          **Q.**    So we end up, I'm 25 percent, my two nephew 25  
17 each, and my brother-in-law, Mohammad Hamed, 25 percent.

18                               And that's in the supermarket, correct?

19          **A.**    Yes.

20          **Q.**    Okay. I don't recall the year, it could be '83 or  
21 '84, but at least, thanks God, it's the year that Sunshine  
22 Supermarket opened, because his supermarket is the one who  
23 carries these two young men and my brother to go into the  
24 supermarket with me. So I have their money, I finish the  
25 building.

**FATHI YUSUF -- DIRECT**

1 Is that correct?

2 **A.** Yes.

3 **Q.** All right. On the next page, then, But when I  
4 been denied, I have to tell my partner what's going on.  
5 I've been entrusted to handle the job perfect, and I'm  
6 obligated to report to my partner to everything what  
7 happened. I told my nephew, I told my partner, Hey, I can't  
8 get a loan, but I'm not giving up. So two, three days  
9 later, my two nephews split, say, We don't want to be with  
10 you no more, and we want our money. I say, I don't have no  
11 money to pay you. The money's there, but if you want to  
12 leave because I default, you're free to leave.

13 Is that correct?

14 **A.** That's absolutely correct.

15 **Q.** How we -- how we going to get pay? I says, The  
16 shopping center is 50 percent owned by your uncle and  
17 50 percent by me. I have to feed my children first, and  
18 whatever left over, I'll be more than happy to give it to  
19 you, okay? But what do you want us -- what do you want --  
20 what do you want to pay us for the rent of our money? We  
21 come to an agreement, I pay them 12 percent on their money  
22 and \$150,000 default because I don't fill my commitment. I  
23 accepted that.

24 Is that correct?

25 **A.** That's correct.

**FATHI YUSUF -- DIRECT**

1           **Q.**    We wait until my partner, which is my brother,  
2           came. He is an older man, and we came up to Mr. Mohammad, I  
3           say, Do you want to follow them? He say, Yeah, I will  
4           follow them, but do you want -- do you have any money to  
5           give? I say, Look, Mr. Hamed. You know I don't have no  
6           money. It's in the building. And I put down payment in  
7           the -- in the refrigeration. So if you want to follow them,  
8           if you don't feel I'm going to the best I can, if you want  
9           to follow them, you're free to follow them. I'll pay you  
10          the same penalty, 75,000. I will give you 12 percent on  
11          your 400,000.

12                                Is that what you offered?

13          **A.**    That's absolutely correct.

14          **Q.**    He says, Hey, if you don't have no money, it's no  
15          use for me to split. I'm going to stay with you. All  
16          right. Okay. I say, Okay. You want to stay with me, fine.  
17          I am with you, I'm willing to mortgage whatever the  
18          corporation own. The corporation owned by me and my wife at  
19          that time.

20                                Is that correct?

21          **A.**    Yes.

22          **Q.**    And my partner only put up 400,000, that's all he  
23          put in, and he will own the supermarket. I have no problem.  
24          I told my partner, Look. I take you under one condition.  
25          We will work on this, and I'm obligated to be your partner

**FATHI YUSUF -- DIRECT**

1 so long as you want me to be your partner, until we lose  
2 800,000. If I lose 400,000 to match your 400,000, I have  
3 all the right to tell you, Hey, we split, and I owe you  
4 nothing.

5 Is that correct?

6 **A.** Yes. Can I comment on that?

7 **Q.** Certainly.

8 **A.** We almost lost the 800,000, but I was honest  
9 enough, I was still in the talent, but I was honest enough,  
10 as soon as I find there is a light I -- we could go through,  
11 I would never try to get rid of my partner, because my  
12 partner came with me with all good faith, and I prove it to  
13 everybody that I'll stay with him in good faith. I kept  
14 him, even though I could have let him go, but I'm not that  
15 type of person.

16 **Q.** Okay. So over on the next page, it says, He says  
17 do whatever -- do whatever you think is right. I tell him,  
18 You want my advice? I'll be honest with you, you're better  
19 off taking 50 percent. So he took the 50 percent.

20 **A.** That's correct.

21 **Q.** Okay. Then there came a time that the two of you  
22 entered into talks with Plaza Extra in St. Thomas, is that  
23 correct?

24 **A.** Excuse me?

25 **Q.** There came a time that the two of you began to

**FATHI YUSUF -- DIRECT**

1 have talks -- talks about going to St. Thomas, correct?

2 **A.** Yes.

3 **Q.** Okay. Now, this is -- this is an answer you gave.

4 May I -- may I interrupt you, sir? I cannot  
5 build a roof before a foundation. The problem is, you ask  
6 me who I am and where I come from. I'm explaining myself.  
7 I want to show you and the court that Mohammad Hamed is way  
8 before Plaza Extra was opened for me, he was my partner.  
9 And Mr. Idheileh, he himself knows, before the money he lend  
10 me when I opened Plaza Extra, he getting paid from Wally.

11 What does that mean, do you know?

12 **A.** No, you see, he lend us -- the time Mohammad Hamed  
13 really insisted to leave, he insisted to leave, he insisted  
14 to leave because the man play coward. We were losing money.  
15 We went in there, the man, he talk better than you, but  
16 running a business, he's zero. I could say that in his  
17 face. Okay. We put him as a one-third partner. All right?  
18 Cost-U-Less came in. He start to watch, he see Cost-U-Less  
19 affect the Pueblo real bad, and he trying to making all kind  
20 of problem, want to leave.

21 I was begging the man to stay with good faith  
22 because I'm a person, when I dealing with you, I deal with  
23 you and with -- with -- with the God in mind all the time.  
24 I don't take advantage of nobody.

25 Okay. When -- what I was saying, about what?

**FATHI YUSUF -- DIRECT**

1                   **MR. HODGES:** Talking -- you're talking -- you  
2 were talking about the deal with --

3                   **THE WITNESS:** Say it for me, please. I will  
4 tell you what it is.

5                   **MR. HODGES:** -- Idheileh, how Cost-U-Less  
6 came in.

7                   **THE WITNESS:** Oh, okay.

8           **A.** The man, when he see the activity of Cost-U-Less,  
9 the man get seize. He have invested 700,000, and the man  
10 couldn't sleep no more. He stopped shaving. I say, man,  
11 shave. You hurting the store. Look good in front of the  
12 customers.

13                   Okay. Then, the man absolutely don't want,  
14 and he's always behind Wally, behind Wally, behind Wally. I  
15 say, What's wrong with Wally? Wally working for you free,  
16 and I'm working free. What do you want? We're here to help  
17 you.

18                   Anyhow, he insisted he want to leave. And we  
19 have a cousin of his enter in the picture as a mediator, and  
20 he keep saying, The man want to leave. I say, Look, what he  
21 did in Price -- in -- in Sea-Mart, he cannot do it at Plaza.  
22 This man is in the boat with me in the middle of the ocean,  
23 and I'm not going to let him leave and watch for me ashore  
24 and sinking. I cannot let him leave.

25                   Finally, you know, I said, I have no money.

**FATHI YUSUF -- DIRECT**

1 Which is, honestly, I do not have any money. Say, we went  
2 in there, our week of grand opening, we did 293,000. And  
3 this is -- I was not satisfied with that numbers, but at the  
4 same time, it's okay. Take a look. There's many reason  
5 why, because most of the customer come for just looking,  
6 they're not shopping. They don't know where the item is  
7 located.

8 Okay. I working almost 18 hours every day.  
9 I move from St. Thomas to St. Croix, I slept 90 days in the  
10 store. In the store. Even though everybody on St. Croix  
11 know my house at La Grande Princesse, a 12,000 square foot  
12 house. I left it, and I was working, sleeping in my office,  
13 trying to gain, going to the rented apartment and come back.  
14 Because the responsibility is on me. I wanted to turn the  
15 store around. And we have our major suppliers, who now we  
16 purchasing about half a million dollars a week from them.  
17 They come up with neck ties and jacket, adviser. They want  
18 to know why we're not doing any good, and the store is keep  
19 coming down. Keep coming down.

20 And I -- my partner each time is getting --  
21 he getting more hungry, Mohammad -- Ahmed Idheileh. More  
22 scared on his investment. For me, no. Nobody die hungry.  
23 All you have to do, don't give up. Keep fighting until you  
24 turn the store around.

25 So finally this gentleman of Mr. Suid's, the

**FATHI YUSUF -- DIRECT**

1 Mr. Dollar, just for me to accept let this man go, he say, I  
2 will lend you the money. I say, Fine. I have no -- you  
3 know. Wally don't want Ahmed Idheileh to leave. I say,  
4 Wally, listen, 700. If I make the man give up 150 loss,  
5 let's say we lost 450. His share of the loss is 150. We  
6 really did not lost that much, but we are in bad spot in the  
7 ocean in the middle of a hurricane. I wouldn't accept less  
8 than 150. Wally, if you was 150, the man invested 700. If  
9 we lose, we -- we -- the loss is going to distribute the  
10 three of us anyhow. The maximum this man can lose is his  
11 \$700,000 investment. It's nothing else.

12 But Wally, let's take the 150, so our maximum  
13 exposure is only 600 left. If the store have to fail for  
14 some reason, take the 300 loss, and I will take the 300  
15 loss, and let's avoid all this kind of problem with Ahmed  
16 Idheileh. Let's -- let's turn the store around.

17 Okay. I kept working and working and  
18 working. People come advice, to give me advice. No advice.  
19 Until one day, I decided I call that gentleman, Waleed, I  
20 call his son, and I called the general manager. I say,  
21 Let's come up upstairs. We going down the hill. Before  
22 it's too late, I want to make some changes in the store.  
23 After I did five, six different changes and none of it is  
24 work. None. Some work a little bit, but each time it's my  
25 duty to go to Cost-U-Less.

**FATHI YUSUF -- DIRECT**

1 I go to Cost-U-Less. I see a customer  
2 leaving Cost-U-Less, I watching their face, I know them,  
3 they know me, Hi. I look at the shopping cart. Eh. These  
4 people, they're not business people. These people consumer.  
5 But I know more or less, in some cases, I know where they  
6 live, either by the airport or it's all the way very east.  
7 I say, Oh.

8 And when I tour, when we tour Cost-U-Less,  
9 sometime Wally with me, sometime Willy with me, we go to the  
10 store, we find the same customers in the store. I say,  
11 Willy or Wally, look, this guy was in the store just now.  
12 We met him coming out. I realized Cost-U-Less became the  
13 supermarket, and I have the most luxury store on town, I end  
14 up being the convenience store. I notice the customers  
15 going into Cost-U-Less, and then shop whatever they shop.

16 First of all, the majority of the locals or  
17 the residents of St. Croix, or St. Thomas, or any country in  
18 the world, the majority, they's limited income. Okay? They  
19 have a limited refrigeration capacity, limited space in  
20 their homes, limited pocketbook. So they go Cost-U-Less,  
21 they buy two item, three item, four item. Okay? And the  
22 customer, when he finish shopping at Cost-U-Less, he walk in  
23 to bought his whatever he bought from Cost-U-Less, he put in  
24 in the -- his car, in the trunk, on the back seat, he either  
25 walk into Pueblo next door on the sidewalk, or take his car

**FATHI YUSUF -- DIRECT**

1 and come to Plaza. I say, Wally, I have to stop that. I  
2 want to put every item Cost-U-Less have in my store, and  
3 sell it at cost. I look at the man, inventory is no more  
4 than a thousand items. I have 40,000 item. Then I could  
5 really use his numbers as my loss leader.

6 I did that. I switch the store from went  
7 down as low as 235, we're losing money. We have to have 275  
8 to break even. The store was down to 235. Okay? Then --  
9 then December of the same year, it sells \$918,000. I switch  
10 the store around. Okay. Before her, I decided to switch,  
11 Pueblo came. The president of Pueblo. It's a new store and  
12 he want to see -- and he want to see what type, you know,  
13 what type of new competition come into the island.

14 I introduce myself to him. Who are you? You  
15 know, from his employer, I could tell. He say, I'm the  
16 president of the Pueblo. I say, Nice meeting you, sir. I  
17 invite the gentleman in for coffee. All right. He accepted  
18 the offer. We start to talk, and look, and I don't have to  
19 explain myself to an expert person. So I say, Sir, I'll be  
20 honest with you, we're not doing too good. I cannot try to  
21 sell an item that's not salesable (sic). I cannot insult  
22 the man intelligence. If I try, I am the not intelligent.  
23 I'm the dummy one.

24 I tell him straight out, Sir, why didn't you  
25 try to buy me out? Look, I come in here, you know, I have

**FATHI YUSUF -- DIRECT**

1 to squeeze myself in, and whatever I squeeze is going to be  
2 at your expense. But if I was you, buy me out. I have a  
3 store under construction. I'll go back to my St. Croix  
4 store. I don't want nothing from you. Just pay me back  
5 what I spend on this store, and I'm packing up and go.

6 We talking, and, you know, the man, he left,  
7 Bye bye, bye bye, you know? I say, you know what, the last  
8 word he tell me, I'll buy you out later. When the man tells  
9 me "I'll buy you out later," I get pissed off. I'll be  
10 honest with you. And he walking laughing. I say, Sir, one  
11 more word, please. He stop. Yes. I say, Listen, I know  
12 you saw my shirt dirty and my pants is dropping off. But I  
13 promise you as a man, I will put you to break even in the  
14 Virgin Islands, or make you lose money. You prove to me  
15 you're not an intelligent man. If you was intelligent, you  
16 would have buy me out because you would have protect your  
17 markup. The man left.

18 His store at Four Winds was doing 12, one  
19 million two, per week. I stay behind him until he went down  
20 to 125 per week. Then he was forced to leave that location,  
21 pay the entire lease, just to be away from Plaza.

22 **Q. (Mr. Holt)** And this is Pueblo you're talking  
23 about.

24 **A.** This is Pueblo.

25 **Q.** All right.

**FATHI YUSUF -- DIRECT**

1           **A.**   And he finally, he left. Okay? Just to show you  
2           that the type of management I have. And some people says,  
3           Why did you compete with Kmart? Why didn't you compete with  
4           the guy -- I say, No, no, no, no. I can only shoot where my  
5           bullet hit. If my bullet does not hit, it's no -- save your  
6           bullet. You fire at somebody 10 miles away. That's biggest  
7           mistake in life, and that's put -- what led them to  
8           bankruptcy, defeat in the war, because he spread too much.

9                         If you fight, fight a person, or two person,  
10          you will win the war. I fight with Pueblo, I win. I'll  
11          fight with Price Mart and I win. Price Mart wasn't Fathi  
12          Yusuf. He already have two, three stores in St. Thomas, and  
13          two, three stores here. He owned 29 stores. The last time  
14          I look, it's two years ago. He doing 1,700,000,000. And I  
15          always behind Wally, Let's open up more stores.

16                        We open in 1986. Price Mart opened up in  
17          1994, and he doing right now, two years ago, he's a public  
18          corporation. He can't hide his number. He's doing one  
19          billion seven. And Plaza Extra, unfortunate, my experience  
20          here is a lot higher than their experience. You know.  
21          Remember, you know. Could be the owner could be smart, but  
22          not the 29 managers he have. Okay?

23                        So, and unfortunately, that man is the key  
24          blocking me. Now I know why he was doing it.

25          **Q.**   You're talking about Wally right now?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yeah.

2           **Q.**    Okay.

3           **A.**    Okay.  And that's it.  I don't want -- I don't  
4 have any more comment, but I want to tell you, the way I  
5 manage is always clean, honest.  I never, never have access  
6 to money from the day I run Plaza Extra up to now.  Never  
7 have access to cash.

8           **Q.**    Okay.  Let me go back to this deposition, --

9           **A.**    Yes.

10          **Q.**    -- because I just want to read some of these  
11 quotes, make sure they're correct, and then I'll move along  
12 to some other questions.

13                         The next -- next page has a statement, Every  
14 single Arab in the Virgin Islands knew that Mr. Mohammad  
15 Hamed is my partner way before Plaza Extra opened, is that  
16 correct?

17          **A.**    Yes.

18          **Q.**    Okay.

19          **A.**    Can I comment again, sir?

20          **Q.**    Sure.

21          **A.**    I see a lawyer and a client yesterday.  I saw  
22 Attorney Hartmann yesterday, and I saw my associate,  
23 Mohammad Hamed.  We understand we walking into the room a  
24 lawyer and a client.  He did call him "partner" yesterday.

25                         Do you recall?

**FATHI YUSUF -- DIRECT**

1           **Q.**    Okay.

2           **A.**    He telling my partner.  The "partner" sometime, we  
3 all live here, I live here for 54 years.  The "partner" is a  
4 casual word between friends.  Partner really mean friend in  
5 the Crucian dictionary.  I don't mean Webster.

6           **Q.**    Yes.

7           **A.**    But it's the milling gale (phonetic), the mongol  
8 (phonetic), what was the real detail that was given to  
9 Mohammad Hamed before he even put his money?  That's the  
10 most important thing.  I tell him, I cannot give -- I didn't  
11 even put the man name in the bank.  Not I mistrust him, no.  
12 I respect him.  But the man is not capable of handling this  
13 type of business.  I understand in one of these people  
14 affidavit, it wasn't his 175, and if it wasn't his  
15 experience, Plaza Extra will never succeed.  And each time I  
16 see Mohammad Hamed, he's sick or making operation, I give  
17 him hard time.  I have toughed -- I am so glad for  
18 yesterday, Attorney Holt.

19           **Q.**    You have about twenty seconds left, --

20           **A.**    Sure.

21           **Q.**    -- then we have to change the tapes.

22           **A.**    All right.  I was --

23           **Q.**    I don't want to have him cut you off.  The  
24 machine --

25           **A.**    No, don't cut me off.  If you cut me off, I'm

**FATHI YUSUF -- DIRECT**

1 going to stop if I have to say something with respect to  
2 you.

3 **Q.** All right. But can you hold that thought, and  
4 we'll come right back to it?

5 **A.** Okay.

6 **Q.** As soon as he changes, we'll just go right back to  
7 it.

8 **THE VIDEOGRAPHER:** Going off record. The  
9 time is 10:17.

10 (Respite.)

11 **THE VIDEOGRAPHER:** You ready?

12 **MR. HOLT:** Yep.

13 **Q. (Mr. Holt)** Mr. Yusuf, when we went off the  
14 record --

15 **THE VIDEOGRAPHER:** Going back on record at  
16 10:18.

17 **MR. HOLT:** You ready?

18 **THE VIDEOGRAPHER:** Yeah.

19 **Q. (Mr. Holt)** When we were off the record, you were  
20 speaking, and I don't want you to be interrupted. Do you  
21 want to --

22 **A.** I thank you very much by allowing me to continue.

23 I'm very, very glad for yesterday.

24 Unfortunate, we been -- I been reading the Hamed

25 affidavit -- affidavit, and I know there is not done by

**FATHI YUSUF -- DIRECT**

1 them, I know it's done by intelligent lawyers, but it's  
2 looks to me all sympathize for Mohammad Hamed. The man,  
3 even my lawyer, Nizar, said the man is sick. I was trying  
4 all the time to convince Nizar, This gentleman is not sick.  
5 He's an ageable (sic), yes, but he is not sick.

6 Look, the other day he went back to Jordan  
7 for ten days and come back. He went 10,000 miles, do  
8 whatever he have to do in ten days, and come back another 10  
9 mile -- 10,000 miles. Okay? I told my lawyer yesterday,  
10 Are you still convinced this man is sick? He say, No. We  
11 all see him yesterday from 9:00 o'clock until 5:30 stronger  
12 than 25 years of age. Say, What is the sympathize affidavit  
13 you keep sending me? For what?

14 I don't need -- business does not advertise  
15 on sympathize. Things have to go on fact. He have  
16 children, I have children. He's a human being, I am a human  
17 being. You can fool me, you can fool him, you can fool  
18 others, but you can't fool God. And either me or  
19 Mr. Mohammad Hamed, how far away from going and never come  
20 back? How far? Five, six years? Ten years? You think, I  
21 have ten children. None of them will stand up with me when  
22 I'm standing up in the front of God.

23 I am not going to be crooked for a hundred  
24 thousand child. I made my way out. If they are men, they  
25 should make their way out. But I'm not going to lie, or

**FATHI YUSUF -- DIRECT**

1 swear in the Quran lie, for no son, and if one of my  
2 children ever encourage me or tell me, Daddy, to get out of  
3 this mess, swear, he's no longer my son. He's no longer my  
4 son.

5           You know why I will have ten sons? Because  
6 the most -- if I lose one, two, three, the most I lose is  
7 30 percent, and still have 70 percent. I'm okay. But I'm  
8 not taking no child advice that will put me in hell forever.  
9 Either lie, or swear in the Quran. And my children will  
10 never face me with this. Never.

11           And if I'm sick, nothing wrong. Everybody  
12 get sick. But I will not say sick to use it as an excuse,  
13 and I prove it yesterday. The man was here from 9:30, 9:00  
14 o'clock, to 4:30. He, I get tired, and he was -- was not  
15 tired.

16           So please stop sending me affidavit the man  
17 is sick, unless is he really sick.

18           **Q.** Okay.

19           **A.** I finish.

20           **Q.** All right. Now, when you were going through all  
21 that, a couple questions came to mind, so let me -- I'm  
22 going to go back for just a little bit.

23           **A.** Sure.

24           **Q.** We were talking about the word "partner," correct?

25           **A.** Correct.

**FATHI YUSUF -- DIRECT**

1           **Q.**    You agree, though, that Mr. Mohammad Hamed is your  
2 partner to the extent that he is sharing in 50 percent of  
3 the net profits of the three Plaza Extra stores.

4           **A.**    He's my partner, sir, under a lot of conditions.  
5 There is a uniform law of a partnership, and there is  
6 individual agreement. If you want to call it in the -- in  
7 the category of partners, you may call it, but there is an  
8 agreement and commitment attached to that. It's not there  
9 is a loan at 20-percent interest, there is a loan at  
10 8-percent interest, and there is a loan, a friendship, at no  
11 interest at all, but we all call them loan. Isn't it?

12                       I have, with this gentleman, a shake-hand  
13 commitment, and I live up to it up to now, just to show you  
14 how clean I am and how decent I am, this man never have my  
15 signature as a partner, but I have never deny him as a  
16 partner in the profit. But there is a lot of condition, he  
17 have to live up to it.

18           **Q.**    Okay. I'll get to the conditions in a second.

19           **A.**    Okay.

20           **Q.**    So you haven't denied that he's a partner in  
21 50 percent of the net profits in the three stores?

22           **A.**    Yes.

23           **Q.**    And you've also agreed that he owns 50 percent of  
24 the inventory and equipment in the stores, the three stores,  
25 correct?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yes.

2           **Q.**    Okay.  And that would include 50-percent interest  
3           in the net profits of any bank accounts, payables,  
4           receivables?

5           **A.**    Whatever is belong to Plaza is for me and him.

6           **Q.**    Okay.  Now, you mentioned some conditions.  What  
7           conditions are there?

8                         Are there some other conditions to this  
9           partnership agreement?

10          **A.**    No.  The condition is, I have the final word.  
11          It's I am obligated to consult with him, if I see it's  
12          important for me to consult.  I was suppose to be, after  
13          1993, I was supposed to have an office within the  
14          supermarket free of charge.  I was -- he was supposed to,  
15          the Plaza Extra was supposed to pay all the gross receipt  
16          from January 1st, 1994 up to present, and it was covering in  
17          the building, the entire building of United Shopping Plaza.

18                         My duty was, is to go and commit the same  
19          thing we ensure, to bring money to Mr. Hamed an extent,  
20          which cost him nothing.  It cost me personal guarantee, and  
21          it costing me everything I own except my children and my  
22          wife.

23          **Q.**    Okay.  And so I'm going to go back in reverse  
24          order a little bit.

25          **A.**    Yes.

**FATHI YUSUF -- DIRECT**

1           **Q.**    When you say one of the conditions was -- was he  
2           agreed to cover United, you're talking about insurance  
3           coverage, is that what you're talking about?

4           **A.**    No, including the insurance.

5           **Q.**    Okay.  So the Plaza Extra stores would pay for  
6           insurance on the whole shopping center?

7           **A.**    Yes.

8           **Q.**    And the Plaza Extra Supermarket would pay the  
9           gross receipts, not just on the grocery store profits, but  
10          on the rent?

11          **A.**    Yes.

12          **Q.**    Okay.

13          **A.**    Excuse me.  One more item.  The United Shopping  
14          Plaza was using the entire shopping center value  
15          depreciation to offset any income tax, which that, in  
16          return, it will give you greater saving than the insurance  
17          and the gross receipt.

18          **Q.**    So there's a tradeoff you're giving them --

19          **A.**    It's a tradeoff, yes.

20          **Q.**    You're giving them depreciation; they're paying  
21          gross receipts and insurance?

22          **A.**    Yes.  Yes, sir.

23          **Q.**    Okay.  And then you said that something about an  
24          office that --

25          **A.**    No, I have -- you see, I have an office in the --

**FATHI YUSUF -- DIRECT**

1 for our shopping center manager, within the supermarket.  
2 It's on the second floor. And by the way, I'm not charging  
3 for the second floor.

4 **Q.** Okay. And then you also said that one of the  
5 conditions was that you would have the final word, but that  
6 you --

7 **A.** Excuse me.

8 **Q.** You said that one of the conditions was that you  
9 would have the final word, --

10 **A.** Oh, yes.

11 **Q.** -- but that you did have an obligation to consult  
12 with him?

13 **A.** An absolute obligation, yes.

14 **Q.** Okay. All right.

15 Now, I want to go back to this -- to this  
16 deposition, because this ties a little bit into it.

17 **A.** Yeah, okay.

18 **Q.** Okay. It says, I see Mr. Idheileh come knock on  
19 my door, come on in, shake hand, I offer him coffee. I -- I  
20 don't remember whether he took it or not.

21 **MR. HODGES:** Pardon me. What page are you  
22 reading from?

23 **THE WITNESS:** This is --

24 **MR. HOLT:** Page 21, the top, about halfway  
25 down, which says, I see Mr. Idheileh come knock on my door.

**FATHI YUSUF -- DIRECT**

1           **A.**    Who?

2           **Q.**    **(Mr. Holt)** Mr. Idheileh? How do you pronounce  
3 his name?

4           **A.**    Yeah, yeah, Ahmed Idheileh, yes.

5           **Q.**    Okay. I see Mr. Idheileh come knock on my door.  
6 Come in, --

7           **A.**    Uh-huh.

8           **Q.**    -- shake hand. I offer him coffee. I don't  
9 remember whether he took it or not.

10          **A.**    Uh-huh.

11          **Q.**    I say, I tell him, What can I do for you? How  
12 come you're back? I understand that you sold Sea-Mart not  
13 to come back to the Virgin Islands. Your intention was to  
14 sell Sea-Mart and go home. I can see you here now.

15                    He say, Yes, things is tough back home, and I  
16 decided to come back. I say, Well, what are you planning to  
17 do? It's a friendly discussion. He say, I would like to be  
18 your partner in St. Thomas, too. I says, You know, I don't  
19 have the final word. I will check with my partner,  
20 Mr. Hamed.

21                    Is that correct?

22          **A.**    That's exactly what I tell you.

23          **Q.**    Okay.

24          **A.**    I normally consult with them. This is an  
25 important step.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Okay.  And so you would reach an agreement after  
2 consulting Mr. Mohammad Hamed?

3           **A.**    Sure.  I couldn't give him my word.  Depend on  
4 the -- Mohammad approval.

5           **Q.**    Okay.  And then let me go back to another  
6 statement, then, on the next page.

7                                But I want you please to be aware that my  
8 partner's with me since 1984, and up to now, his name is not  
9 in my corporation.  And that, excuse me, and that proved my  
10 honesty, because if I was not honest, my brother-in-law  
11 would not be let me control his 50 percent.  And I know very  
12 well, my wife knows, my children knows, that whatever Plaza  
13 Extra owns in assets, in receivables or payables, we have a  
14 50 percent partner.

15                                Is that correct?

16           **A.**    I already say that.

17           **Q.**    And he never had that in writing from you because  
18 he didn't need to, right?

19           **A.**    If he asked for it, I'll never take him.

20           **Q.**    All right.

21           **A.**    If he asked for it, I'll never take him.  I wasn't  
22 that short of men, man.  I was not short of men.  I can run  
23 any business, thanks God, and I still making money.  I still  
24 make a living.  You know why?  Because I think my customer  
25 is my boss, and when I take care of that boss, he's going to

**FATHI YUSUF -- DIRECT**

1 take care of me.

2                   Mohammad Hamed, I have to tell him what is  
3 the condition I will take him. Not with his 175. I know  
4 how much a supermarket takes. I know how much a supermarket  
5 takes. The man give me 175, man, I receiving 500,000 a week  
6 in supply. From one supplier, 500,000 a week.

7           **Q.**    Okay.

8           **A.**    I have --

9                   **MR. HODGES:** Let him answer the -- ask the  
10 question.

11           **A.**    -- we getting about a million-and-a-half inventory  
12 weekly in total. 175 is nothing. It's the main thing is  
13 the -- is the -- is the deal we cut between each other.

14           **Q.**    **(Mr. Holt)** Okay. All right. And then I want to  
15 come back and just read a question, and answer the question  
16 on this. Then we'll be done with this exhibit.

17           **A.**    Okay.

18                   **MR. HODGES:** What page are you on?

19                   **MR. HOLT:** On Page 69, the last -- the last  
20 one of that exhibit.

21           **Q.**    **(Mr. Holt)** You were asked by Attorney Adams, When  
22 it says United Corporation in this Joint Venture Agreement,  
23 and talking about Plaza Extra, talking about the supermarket  
24 on St. Thomas, who owned or who were the partners in  
25 United Corporation Plaza Extra at the time you entered into

**FATHI YUSUF -- DIRECT**

1 the Joint Venture Agreement? And you answered, It's always,  
2 since 1984, Mohammad Hamed.

3 The question, Okay. So when it says  
4 United Corporation, and then you answered, It really meant  
5 me and Mohammad Hamed.

6 Is that correct?

7 **A.** What Mohammad -- when I say United, with the  
8 intention we are discussing Plaza Extra.

9 **Q.** Okay.

10 **A.** We're not discussing United.

11 **Q.** Okay. So when we say United Corporation Plaza  
12 Extra stores, we're talking about the Plaza Extra stores?

13 **A.** We're talking only Plaza Extra. Just like the  
14 bank manager, when he tell you, My bank will give you a  
15 loan, he don't own the bank. But this is a matter of  
16 language.

17 (Deposition Exhibit No. 5 was  
18 marked for identification.)

19 **Q. (Mr. Holt)** Okay. Showing you Exhibit No. 5.

20 Exhibit No. 5 is something that the  
21 lawyers -- your lawyers filed in court when this was in the  
22 District Court, and I just want to read you a couple  
23 sentences on Page 3 to say if this is -- if this is correct.

24 On the bottom of Page 3, the last paragraph  
25 begins with, In 1986.

**FATHI YUSUF -- DIRECT**

1 Do you see that?

2 **A.** Yes.

3 **Q.** Okay. In 1986, due to financial constraints,  
4 Defendants Yusuf and Plaintiff Hamed entered into an oral  
5 joint venture agreement. The agreement called for Plaintiff  
6 Hamed to receive 50 percent of the net profits of the  
7 operation of the Plaza Extra Supermarkets in exchange for a  
8 loan of 225 and 175 cash payment.

9 **A.** Yes.

10 **Q.** The loan was repaid in full, and Plaintiff Hamed  
11 received 50 percent of the net profits thereafter, is that  
12 correct?

13 **A.** Sir, I would say it's correct because our book --  
14 books is even by December 31st, 1993. We still as the joint  
15 venture, we still in agreement. The past is past. Whatever  
16 left over is a 50/50 percent. Whatever left over inside the  
17 store, or it is books. When I say "books," involved with  
18 suppliers and customers.

19 **Q.** Okay. And -- and it would also be, whatever  
20 left over would include what's in any of the existing Plaza  
21 Extra Supermarket bank accounts or the Banco Popular.

22 **A.** Yeah, well, the bank account, I don't own. Plaza  
23 Extra own.

24 **Q.** Okay. by the way, did -- did -- did either you or  
25 Mr. Mohammad Hamed ever have to put more money into Plaza

**FATHI YUSUF -- DIRECT**

1 Extra after it opened in 1986, your personal funds?

2 **A.** Yeah. None of us have any money. Neither  
3 Mohammad Hamed or myself. If he -- if we even have money,  
4 it will be Plaza Extra money. We was tired (sic) with no  
5 heirs.

6 **Q.** Okay. And you guys --

7 **A.** Both of us.

8 **Q.** Okay. And eventually you were able to -- you were  
9 able to secure loans for the Plaza Extra stores, correct?

10 **A.** Yes.

11 **Q.** And I -- I went down and did a title search. I  
12 saw a lot of loans over the years through different banks,  
13 is that correct?

14 **A.** Yes.

15 **Q.** Okay. And to the extent that those loans were  
16 ever paid off, they were paid off from the proceeds from the  
17 Plaza Extra Supermarkets stores?

18 **A.** Yes, sir.

19 **Q.** Okay. Showing you Exhibit No. 6 -- and let me  
20 just ask one more.

21 On any of the bank loans that were taken out  
22 after 1986 for Plaza Extra stores, have you personally ever  
23 had to take money out of your pocket to pay those back, or  
24 have they always been paid back from the Plaza Extra  
25 proceeds?

**FATHI YUSUF -- DIRECT**

1           **A.**    I have never paid any money out of my pocket. My  
2 pocket never have money anyhow.

3           **Q.**    My pocket, too.

4                                (Deposition Exhibit No. 6 was  
5                                marked for identification.)

6           **Q.**    **(Mr. Holt)** Looking at the next exhibit there in  
7 front of you, this is another pleading, and I just want to  
8 read --

9           **A.**    Exhibit 6, you mean?

10          **Q.**    Yeah. And I just want to read you something on  
11 Page 11.

12                                At the top, there's a sentence that says,  
13 There is no disagreement that Mr. Hamed is entitled to  
14 50 percent of the profits of the operations of the Plaza  
15 Extra store.

16                                That's correct?

17          **A.**    That's correct.

18          **Q.**    Okay. And then there's a sentence, two down,  
19 saying, The issue here again is not whether Plaintiff Hamed  
20 is entitled to 50 percent of the profits. He is.

21                                That's correct?

22          **A.**    Where -- where -- where is that?

23          **Q.**    Two sentences down, it says, The issue here again  
24 is not whether Plaintiff Hamed is entitled to 50 percent of  
25 the profits. He is.

**FATHI YUSUF -- DIRECT**

1 Is that correct?

2 **A.** Whatever money in the stores is belong to me and  
3 Mohammad Hamed. Inventory, or whatever.

4 **Q.** Okay. Now, you made a statement earlier, I just  
5 want to follow up on a little bit, where you said something  
6 and you pointed down where Wally was sitting, Wally Hamed.

7 And you said, Wally was blocking you, and I  
8 got the impression you were talking back in the time  
9 period --

10 **A.** I really, really wanted to expand, and it's an  
11 opportunity to expand, and from one chicken you can own 500  
12 hen or 500,000 hen, without taking nothing out of our  
13 pocket, and we had the money to do it.

14 And for you information, sir, if you have  
15 name established, you run with people money. You operate  
16 the supermarket with people money. Because I get my milk at  
17 least fifteen time a month, I only pay my bill once a month.  
18 Or produce, or dairy, or whatever it is. If you have good  
19 name, and you're established, you don't have to have too  
20 much money. Believe me.

21 We always owing 2, \$3 million. That's way  
22 above our inventory. But because we -- we selling bread,  
23 Holsum by example, he give me bread every single day. I pay  
24 him once a month or once every six weeks. Milk is the same.  
25 A lot of local suppliers is the same. And no credit. The

**FATHI YUSUF -- DIRECT**

1 beauty about supermarket is a cash-and-carry business. I  
2 owe, and no one owes me.

3 Q. Okay. I just wanted to come back, though, to the  
4 question. You pointed down and said Wally was blocking you.  
5 Were you talking about him blocking you something in the  
6 St. Thomas store or were you talking --

7 A. He blocking me by not expanding.

8 Q. Okay.

9 A. He blocking me by not expanding. Otherwise, we  
10 should of been Costa Rica right now.

11 Q. Okay. So you feel --

12 A. Or some -- or in Trinidad, or someplace.

13 Q. Okay.

14 A. Why Price Mart can do it, and we can't do it?

15 Q. Okay. And you feel that Wally was the one who  
16 should have been doing the expanding.

17 A. Not I feel. I'm 100 percent sure. And I have a  
18 two choice. Either say, Let's close the store and go your  
19 way and I go mine, or I listen to him. And I'm a person, if  
20 he don't care, why should I care? He's a young man in the  
21 forties, and I'm in the sixties. If an age of 40 or 35  
22 don't care, which he know by -- by average, he have much  
23 more years to live than me, if he don't care, I don't care.

24 But now I realize, it was a big mistake. If  
25 I have more store, I'll have more control. And that escape

**FATHI YUSUF -- DIRECT**

1 my mind.

2 Q. Okay. And you were counting on Wally Hamed to  
3 help you expand the stores to more than the three stores.

4 A. Huh?

5 Q. You were counting or expecting Wally Hamed to  
6 expand Plaza Extra --

7 A. Not Wally Hamed. Wally Hamed and my manager and  
8 my sons.

9 Q. Okay.

10 A. But you see, when I was -- this what making my  
11 oldest son very angry at me and his mother. I hardly  
12 consult with my son, because for some reason, I don't have  
13 to take order or advice from my son. But toward Wally,  
14 because of his father, I'm obligated to check with him on  
15 any move I want to make. And that used to turn my son  
16 unhappy all the time, and his mother.

17 It does not mean I don't love my son, but I'm  
18 not obligated to check with him on every thing, little thing  
19 I want to move. With Wally, or his father, his father, with  
20 respect to him, I hardly check with him. I, with respect to  
21 him, I hardly check with him. Wally know, Wally will tell  
22 you that. Okay? What he going to tell me? If you have  
23 twenty dollars, I ask you for eight, you could put your hand  
24 in your pocket and you give me eight. But how could I ask  
25 you for eight dollars if I know you don't have any? From

**FATHI YUSUF -- DIRECT**

1 there, please --

2 Q. You ready for me to ask another question?

3 A. No, it's not a question. Have an idea, okay?

4 What I'm talking about.

5 I mean, with respect to Mr. Hamed, he cannot  
6 give me a real effective advice. So if he can't give me  
7 effective advice, then, you know, he say, Deal with my son,  
8 I deal with his son.

9 Q. And you dealt with his son, really, pretty much  
10 like he was your partner ever since about 1992.

11 A. He was -- I tell you, I was dealing with him more  
12 than this son. This son, you see?

13 Q. Right. Talking about Maher; Mike?

14 A. Yeah, but I was with Maher to the interest of my  
15 son, not against my son. The only thing I was not dealing  
16 with my son, because I don't have to report to a son. I do  
17 have to report to somebody who own 50 percent of the  
18 business. But I only was doing all that to the benefit of  
19 my son. Wally failed to realize that.

20 Now, I am pulling my hand to Wally and Wally  
21 Hamed, says 9/2010, we have to split. We cannot live  
22 together no more. We just can't live together no more.  
23 Everybody should take his right, and go with it. Do  
24 whatever you want with it. That's from two -- September of  
25 2010.

**FATHI YUSUF -- DIRECT**

1 I told Mr. Mohammad and his son, Listen. I  
2 don't want you on my property anymore. I know the  
3 supermarket is a very large supermarket, and it's difficult  
4 to liquidate. If I tell you the end of 2010, I will not be  
5 reasonable. But I'm going to give you until the end  
6 of December -- December 31st, 2011. I'm giving you 15 to 16  
7 months to liquidate.

8 And during this period, we back and forth  
9 with nobody, with my lip is shut, for 15 months. No one  
10 knows. All people knows, that we going to split. And  
11 family member and friend used to come and say, Yusuf, why  
12 are you want to split? You have a very successful business.  
13 I say, Listen. The children is getting too much, and now we  
14 have to end up start with the grandchildren. Sooner or  
15 later, we have everybody should go his way. And I'm always  
16 arguing that for 15 months, protecting the Hamed family  
17 name.

18 Mohammad family keep punching me, punching  
19 me, punching me, and I cannot scream? I can't take it no  
20 more. I just can't take it no more. Now, Mr. Holt,  
21 Attorney Holt, with respect to all of you, \$1 million a day,  
22 and work with Wally one day, I don't want it. I need my  
23 dignity and my honor. I do not need to work with this man.

24 Q. Okay. So there came a time that you decided that  
25 you needed to part ways, is that correct?

**FATHI YUSUF -- DIRECT**

1           **A.**    He get the notice in December of 2010.

2                               (Deposition Exhibit No. 7 was  
3                               marked for identification.)

4                               (Deposition Exhibit No. 8 was  
5                               marked for identification.)

6           **Q.**    **(Mr. Holt)**  Okay.  Showing you Exhibit No. 7.  And  
7           might as well give you Exhibit No. 8 at the same time.

8                               **MR. HODGES:**  Is this No. 6?

9                               **MR. HOLT:**  That should be No. 7.

10          **Q.**    **(Mr. Hodges)**  All right.  Looking at  
11          Exhibit No. 7, I take it then you had --

12          **A.**    Where is No. 7?  This No. 7?

13                               **MR. HODGES:**  Say again?

14                               **THE WITNESS:**  This No. 7?

15                               **MR. HODGES:**  Yes, this is No. 7.

16                               **MR. HOLT:**  I take it that --

17                               **MR. HODGES:**  Oh.  Excuse me.  I got yours.

18                               **THE WITNESS:**  Okay.  Okay.

19          **Q.**    **(Mr. Holt)**  I take it that you had, then, Mr. --  
20          your lawyer, Mr. DeWood, sent a letter to Mohammad Hamed to  
21          talk about dissolving the partnership, is that correct?

22          **A.**    Yes.

23          **Q.**    Okay.  And then showing you Exhibit No. 8 -- and  
24          in looking at Exhibit No. 7, before we get to No. 8, I take  
25          it that's a letter that you authorized him to send?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yeah, but may I comment on this?

2           **Q.**    Yes.

3           **A.**    A verbal request was given to Mohammad Hamed and  
4 his son on Decem -- in September of 2010, and he, Wally,  
5 admit in the front of more than one witness that he have  
6 that verbal notice.

7           **Q.**    Okay. So you -- you told him in September of 2010  
8 that you wanted to dissolve the partnership?

9           **A.**    I want to give you 15 month to leave my property  
10 because we cannot work together, and let's try to finish our  
11 business peacefully. It's a dirty laundry, and let's wash  
12 it --

13          **Q.**    Okay. And --

14          **A.**    -- without any the neighbor knows.

15                   And unfortunate, Wally, he think he owns me.  
16 No, come on, Wally. I don't. When it's come to honor,  
17 honor and money, I run behind a quarter for 10 miles, but  
18 you give me \$10 million, I will not send my honor. There's  
19 no shame in work, but I don't need to sell my honor for  
20 money.

21          **Q.**    Okay. So when you told him that in  
22 September of 2010 that you wanted to -- to -- to dissolve  
23 the business and take time and liq--

24          **A.**    Verbally.

25          **Q.**    -- verbally, and liquidate the stores, you were

**FATHI YUSUF -- DIRECT**

1 talking about the three Plaza Extra stores?

2 **A.** No, I was telling him to leave my store, and we  
3 want split or dissolve, somehow. You know. At the most  
4 important is I want him out of my store.

5 **Q.** Okay. So there's three stores, --

6 **A.** And --

7 **Q.** -- and you either got to split or dissolve them,  
8 is that correct?

9 **A.** Right.

10 **Q.** Okay. And then looking at the next document there  
11 in front of you, Exhibit No. 8, that's an e-mail on  
12 March 13th of 2012 from your attorney to Waleed Hamed.

13 Now, before we get to the documents, why are  
14 these letters going to Wally Hamed, as opposed to Mohammad  
15 Hamed?

16 Is that because of the power of attorney?

17 **A.** Because of the power of attorney.

18 **Q.** Okay. All right. And then over, when it talks  
19 about the proposed partnership agreement, do you see that?

20 **A.** Yeah, yeah, I seen it, yeah.

21 **Q.** Okay. I just want to ask you if these -- if these  
22 statements are true. The first one, the second line, which  
23 is, Whereas the partners have operated the partnership under  
24 an oral partnership agreement since 1986.

25 Is that true?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yes.

2           **Q.**    Is that true?

3           **A.**    Yes, sir.

4           **Q.**    Okay.  The partnership was formed for the purpose  
5 of operating supermarkets in the district of St. Croix and  
6 St. Thomas.

7                               Is that true?

8           **A.**    Yes, sir.  It's true.

9           **Q.**    Okay.  And then the next one says, where, A  
10 serious dispute and disagreement between the partners --

11          **A.**    Where -- where are you reading, sir?

12          **Q.**    The third one down where, A serious dispute  
13 between the partners related to financial matters resulting  
14 in the partners being unable to continue.

15                            Do you see that one?  That's the third one  
16 down?

17                           **THE WITNESS:**  Which one?  Which one?  Right  
18 here?

19                           **MR. HODGES:**  Yeah.

20          **A.**    Yeah, whatever it is.

21          **Q.**    **(Mr. Holt)**  Okay.  What -- what were the disputes  
22 and disagreements?

23          **A.**    What dispute?

24          **Q.**    It says, Serious disputes and disagreements have  
25 arisen between the partners.

**FATHI YUSUF -- DIRECT**

1           **A.**    The man, I have he is -- I understand he have a  
2 power of attorney from his father. You could look at him as  
3 a partner, fine, or you can look at him as a manager, fine.  
4 I was questioning him too many questions involved with  
5 something that I own 50 percent, and Wally have never given  
6 me a clear answer, which I'm entitled to it.

7                        When I sign a check for 536,405 to his  
8 father, I two months waiting for Wally to give me an answer,  
9 what is this check written? I'll get to the bottom of it,  
10 I'll get to the bottom of it. I went below the ocean, and  
11 there's no -- I can't reach the bottom.

12                      Okay. Anything I ask Wally, he'll get back  
13 to me. I have never got an answer. This gentleman, you'll  
14 talk to him 2,000 word, he'll answer you five. What for?  
15 Be honest. Be up forward. Up front, like I am coming to  
16 you up front. Come on, we both men. Don't say, I get to  
17 the bottom of it, and you never come back. I'm entitled to  
18 an answer. I wait one year three months for an answer, and  
19 there's no answer. Then with the pain and suffering I been  
20 facing, I have to start to beg people to go between us.

21                      For your information, that gentleman was  
22 here. I sit with him for about five minutes since we have  
23 the lease agreement.

24           **Q.**    You're talking about Mohammad Hamed?

25           **A.**    Yes. Is this fair? Who's my partner? You want

**FATHI YUSUF -- DIRECT**

1 to call him my -- partner, call him whatever you want to  
2 call him. But then you owe me an explanation, Mr. Hamed, to  
3 come and say, What's going on between you and my son?

4 Q. And what did he say?

5 A. He never come.

6 Q. Okay.

7 A. He never come.

8 Q. I thought that you met with him and -- and you  
9 talked about exchanging properties?

10 A. What? That's way before. Way before. While my  
11 house is still with the zipper on. But as I start to talk,  
12 people start to know, which is not public, it's just friend  
13 of ours and family, you know, complaining about what's going  
14 on.

15 And then the word start to spread around,  
16 Hey, we wet already, so what? Don't give him no more.  
17 Don't give him these two million seven. Don't give him the  
18 rent. Don't give him that. Come on, Wally. Come on. You  
19 making a big, big mistake, Wally.

20 Attorney Holt, if I want to come against you,  
21 you know what I will think of? Three different item. No,  
22 four. I think of you, your reaction; I think of the  
23 government and the law; and I think of God punishment. If  
24 any obstacle of these three, I'm not -- not doing what I'm  
25 supposed to do.

**FATHI YUSUF -- DIRECT**

1                   But Wally is taking my money, go to the law,  
2 get it. Come on, Wally. I know you owe me that money.  
3 Come on, Wally. You're supposed to count me like I'm  
4 counting anybody else. If you can't get away from the law,  
5 you can't get away from me. You owe me that money. We're  
6 not talking about ten thousand, we're not talking  
7 about fifteen, we talking about millions.

8                   Come on. Gentlemen, we family. Let's come  
9 up front, sit down together, take what's yours and give me  
10 what's mine. Give me what's mine at 90-percent rate. I  
11 don't care of losing 10 percent, or even 20 percent. But  
12 don't -- don't walk over me, Wally.

13                   His father, unfortunate, didn't know anything  
14 of what's going on. He claim he don't owe the two million  
15 seven. You saying no distribution. Then how you been  
16 living? How you educate your children? You have four sons  
17 and three daughter get married at your expense. Seven  
18 wedding. Where the money come from? If you don't owe me  
19 the two million seven, where this money come from then?

20                   The building, Mr. Mohammad, with respect to  
21 him, when he come, up to the time we become partner, he do  
22 not own anything in the Virgin Islands. No house, no  
23 property, nothing. At least when he come, I own a shopping  
24 center -- I own three stores, and I own a house. That's  
25 before the shopping center. And he admit yesterday, there

**FATHI YUSUF -- DIRECT**

1 was no distribution. So we was living on drawing and sign  
2 for it. And someday we will sit down and see what is yours  
3 and what is mine.

4 Now, he said, you know, it's these people, I  
5 have a question. I beg you, Wally, not -- he was sitting  
6 down until he get that TRO. He's in good hand. He is in  
7 good hand. Wish him good luck with that good hand. I said  
8 before, I take you right. I must think of the three item.  
9 You, your reaction. There is no stick you will burn and  
10 there's no flame will come out and smoke. And I have to  
11 worry about the law, and God.

12 When we all going, we going same way we came  
13 in. Nobody will take anything with him. And even if you  
14 take it from me by force, God is so powerful, he's going to  
15 make you lose it anyhow. I advise Wally to sit and give me  
16 my -- give me 90 percent. Take one-tenth. But you can't  
17 ignore me. Ignore me is an honor in the middle. It's an  
18 honor in the middle.

19 I don't want to tell you about my two  
20 daughters. Let Nizar tell you what's happened to them. But  
21 I want them to know, if I have twenty daughters, they're not  
22 going to put their foot on my neck. They're not going to  
23 put no pressure on me because of two daughters. Even if  
24 there are twenty daughters. This is the quality of people,  
25 unfortunate, I get to know it after 25 years. And you know

**FATHI YUSUF -- DIRECT**

1 who's their mother-in-law, my daughters. It's their aunt,  
2 real aunt. Why you take my two daughters under -- what's  
3 your plan?

4 **Q.** Uh-huh.

5 **A.** That's a shame. Shame. I don't care about my two  
6 daughters. And look at that man, my son-in-law, these  
7 people don't look behind their table. His son, we're going  
8 down the step, my two son and myself, and his son is  
9 about seventeen or eighteen years of age, he will put off  
10 the light on us. He will put off the light.

11 If my son will do that to his uncle or his  
12 grandfather, I will kick him. But I want you to know, none  
13 of your children will ever come to my house. I have 36  
14 grandchildren. I don't care if I lose one or two. I don't  
15 care if I lose one or two. I mean, I lose by -- with no  
16 communication. But what happened to his son? Excuse me.  
17 His son, when he is, when he come to the age of 40, when he  
18 become an adult, he going to realize his father direct him  
19 to the wrong path.

20 That's shame of you, Mafi.

21 Sir, go ahead.

22 **MR. HODGES:** You have something shiny on your  
23 lip you need to get off. It's like a piece of bright stuff.

24 **MR. HOLT:** Greg, the court reporter wants to  
25 take a break.

**FATHI YUSUF -- DIRECT**

1                   **THE VIDEOGRAPHER:** Going off record at 10:57.

2                                   (Short recess taken.)

3                   **THE VIDEOGRAPHER:** Going back on record at  
4 11:12.

5           **Q. (Mr. Holt)** Mr. Yusuf, I think you'd finished with  
6 your last answer.

7           **A.** I think so, yes.

8           **Q.** Okay. But if you recall something that you wanted  
9 to say, always feel free to say it. Okay?

10          **A.** Thank you very much for the offer.

11          **Q.** You know, I asked a question, but I asked it  
12 wrong, but didn't there come a time when you and Mohammad  
13 Hamed sat down within the last year and a half and tried to  
14 resolve things by -- he talked about it a little bit in his  
15 deposition about the giving of properties and things of that  
16 nature.

17                               Do you recall that?

18          **A.** Much more than a year and a half.

19          **Q.** Can you tell me about that?

20          **A.** Can you come up with question, or you want to come  
21 up with a story?

22          **Q.** I can -- I actually like the way you tell the  
23 story, but I'll tell you what I've -- what I've heard, and  
24 then you can correct what I've heard.

25                               That the two of you met to try to resolve all

**FATHI YUSUF -- DIRECT**

1 the differences between you and yourself, the Hamed family,  
2 and Wally in particular.

3 **A.** Yes.

4 **Q.** And that he offered two or three properties, and  
5 you agreed to take one or something like that. And, you  
6 know, I never really quite --

7 **A.** I can comment on that.

8 **Q.** Okay. Please.

9 **A.** I -- we met, and after I tell him my story of what  
10 I know at that time, he say, What do you want? I say, I'll  
11 take two property for what I discover so far. He say,  
12 Which? I give him the description of the property, one in  
13 Jordan and one at Tutu Park. The one in Jordan, I pay one  
14 million two, approximate. The one at Tutu Park, I paid  
15 1 million for it. 1,000,350, I believe. It's two pieces at  
16 Tutu Park, but we call it one piece. One-half an acre as an  
17 entrance, and 9.31 as the major piece of property.

18 He say, You can have it. And after they say  
19 it, the man come up front after I tell him my story, and he  
20 was very generous to say, You can have it. And we kept  
21 talking, as a family. After all, we are family, as you  
22 mentioned over and over in your correspondence. We are  
23 family at that time, and we have a very high respect for  
24 each other, even though, up to now we still have high  
25 respect to each other, and I told him, No, one is enough.

**FATHI YUSUF -- DIRECT**

1 But we kept talking.

2 And when we kept talking, you know, whatever  
3 what he was saying, it doesn't add up. So I went to the  
4 store, I take a look, and I analyze the bank statement of  
5 what he was saying. I say, Man, after that, this man would  
6 not even tell me the truth, unfortunate? So immediately I  
7 told Wally, Do me a favor, Wally. You was present. Go back  
8 to your father and tell him, No, I wanted the two piece of  
9 property.

10 That's the same day. Not even, as soon as we  
11 get to the store, it take me about half an hour to take a  
12 look of what he was talking about. Unfortunate, I have  
13 found it's impossible what he was talking about, it could be  
14 true. And I say, Come on, man. You know? And -- and he  
15 went home that night. He told his father. The next day he  
16 come to work, I say, Did you tell your father? He said,  
17 Yes. I said, Fine.

18 That's it.

19 **Q.** Okay. You done?

20 **A.** Done.

21 **Q.** Okay. On the property in Jordan, you say that  
22 there was 1.2 million paid for that. I take it that was  
23 purchased with the money, joint money from the supermarket?

24 **A.** Money, yes. I own 50 percent, they own 50.

25 **Q.** Okay. And did you ever get a deed to that

**FATHI YUSUF -- DIRECT**

1 property?

2 **A.** No. I have a contract.

3 **Q.** So if I went over to Jordan and did a title  
4 search -- I don't even know if they do that -- it would show  
5 the property's still in both your names?

6 **A.** Yes.

7 **Q.** And the Tutu Park property, is that also called  
8 Ft. Milner, as well?

9 **A.** Yeah, it's Ft. Milner or Tutu. It's Ft. Milner, I  
10 believe.

11 **Q.** Okay. And one is a 9-acre parcel?

12 **A.** 9.31.

13 **Q.** Then the other one is like a half-acre parcel?

14 **A.** It's about .53, if I recall.

15 **Q.** Okay.

16 **A.** Not too sure exactly.

17 **Q.** And -- and both of those properties were supposed  
18 to belong 50 percent to you and 50 percent to Hamed?

19 **A.** Up to the time he give me his word, it was 50/50.  
20 After that, I would assume all is mine.

21 **Q.** Okay. So, and what I'm trying to get at is I know  
22 there's a half-acre piece in United, that's in the name of  
23 United?

24 **A.** Yes.

25 **Q.** But that was actually purchased with --

**FATHI YUSUF -- DIRECT**

1           **A.**    This is part of the --

2           **Q.**    Bigger piece?

3           **A.**    -- of the one he pledge to settle the number I  
4 give him at our first meeting.

5           **Q.**    Okay. And both of those, the smaller piece and  
6 the bigger piece, were purchased with money from the  
7 supermarket, so they're 50/50.

8           **A.**    That's correct.

9           **Q.**    Okay. And, you know, you keep referring back to  
10 the testimony yesterday of Mr. Mohammad Hamed.

11                         Did you hear him say anything that you think  
12 is incorrect or untruthful?

13           **A.**    A lot, unfortunate. A lot of what he say, I don't  
14 agree with.

15           **Q.**    Okay. Let me come back to that.

16                         All right. So getting back to the exhibit in  
17 front of you, I'm just going to read you two more clauses  
18 and then we'll be done with this one.

19                         The third -- the third clause from the bottom  
20 says, Whereas the partners have shared profits, losses,  
21 deductions, credits and cash --

22           **A.**    Excuse me. Where -- where it says that? What  
23 page?

24           **Q.**    The page you're on, right there.

25           **A.**    This?

**FATHI YUSUF -- DIRECT**

1           **Q.**    Yeah.

2           **A.**    Proposed Partnership Dissolution.

3           **Q.**    Yep.    Third one from the bottom.

4                   **MR. HOLT:**  Greg, could you point that out?

5           **A.**    Third from the bottom.  The partner desire to  
6 dissolve the partnership --

7                   **MR. HODGES:**  Excuse me.  This one.

8                   No, wait a minute.  The third whereas clause?

9                   **MR. HOLT:**  No, the second whereas clause.

10                   **THE REPORTER:**  Read it to yourself.

11           **Q.**    **(Mr. Holt)**  Whereas the partners have shared  
12 profits, losses, deductions, credits and cash of the  
13 partnership.

14                   Is that correct?

15           **A.**    Yes.

16           **Q.**    All right.  And then the next one, Whereas the  
17 partners have certain rights and responsibilities under the  
18 Virgin Islands Revised Uniform Partnership Act Governing  
19 Dissolution?

20           **A.**    Which -- which I don't -- Revised Uniform --  
21 Attorney Holt, I have, with respect to the Virgin Islands  
22 law, this agreement, it was not based on any government law.  
23 Now, if you want to hook me to it, at least you're hooking  
24 me by force, and it's too late.  Whatever the law say, it  
25 goes, but from now on, I will not move one step with these

**FATHI YUSUF -- DIRECT**

1 people, and everybody go his way. Whether he's a one  
2 hundred and ten partner, or shake hand. I'm ready right now  
3 to give him 50 percent of whatever Plaza Extra own. I never  
4 deny him that right. Never.

5 **Q.** Okay. All right.

6 **MR. HODGES:** Finished with 8?

7 **MR. HOLT:** Yeah.

8 (Deposition Exhibit No. 9 was  
9 marked for identification.)

10 **Q.** (**Mr. Holt**) Showing you Exhibit No. 9, this is  
11 the -- the rent calculation that was discussed yesterday.

12 **A.** Uh-huh.

13 **Q.** Are you familiar with this document?

14 **A.** Yes, sir. Prepared by me.

15 **Q.** Okay. And these numbers that we -- we see up  
16 where, we see Tutu Park store, you see all that, why is that  
17 on here?

18 **A.** You see, that will have -- will make me go back  
19 and explain myself to come to the conclusion, the answer, of  
20 what I have put down.

21 **Q.** Okay. Let me just see if I can -- see if I  
22 understand it right. Basically, you took the language in  
23 the St. Thomas lease, which did the rent calculation for the  
24 St. Thomas store, and then you just applied to the --

25 **A.** There's a lot thing --

**FATHI YUSUF -- DIRECT**

1           **Q.**    -- increment --

2           **A.**    -- before that, sir.  May I just explain what it  
3 is?

4           **Q.**    Absolutely.

5           **A.**    When we took this store, it was between four of  
6 us:  Myself, my two nephew and Mr. Mohammad Hamed.  I had  
7 promised him a ten-years lease with three dollars, plus  
8 maintenance.  Finally, before we engage into the business,  
9 unfortunately, two of the two of my nephew left after they  
10 invested \$520,000, in which I end up paying them out out of  
11 my rent money.  And I says, When we come to the -- getting  
12 the -- the -- the additional expense, what you call  
13 maintenance charge, we come up with a number, it's 2.55, and  
14 this number is covered the entire shopping center.  Okay?

15                        So it comes out then three dollars, plus 2.55  
16 maintenance, it was a total of the entire at 5.55 a square  
17 foot.

18           **Q.**    And is that -- is that the amount of rent that the  
19 Plaza Extra --

20           **A.**    Fifty-five -- 5.55 per square foot at the first  
21 day we enter, or maybe a year before.  Anyhow, from the time  
22 the store is committed to the partnership, let's put it this  
23 way.  I don't remember the numbers.  Anyhow, we open up, we  
24 run, open and close, open and close.  Insure, and insurance  
25 policy expire, we renew, it, bam, bam, bam, until sometime

**FATHI YUSUF -- DIRECT**

1 in '92.

2 Unfortunate, we was home, and all of a  
3 sudden, our store, bam, catch fire. Everybody knows about  
4 it. And it was a, really, a big loss, because we was  
5 underinsured with the inventory, underinsured with the  
6 equipment, and so we lost it. We had the store, we can't  
7 use the store anymore. Okay?

8 So I know it was, I think the settlement of  
9 two million eight, I don't remember how much, of the --  
10 proceeds from the insurance. The building and the  
11 inventory, okay? I told these gentlemen, we got two choice.  
12 Either you get your half and run, or we use the check and  
13 rebuild the store. Which is, after all, if the landlord  
14 deliver a store, the landlord -- the tenant operate it, and  
15 in case of fire, the tenant responsibility is to rebuild it  
16 and deliver it back to the owner. You cannot deliver it  
17 back by building flat. Okay.

18 So at that time, we wasn't new in the  
19 business, but it was about six, five, six years, it was more  
20 than enough to have a feel of the market, so as we lose, we  
21 always discussing things with Wally, I say, Wally, this  
22 store in the future is no good. It's too small. He say,  
23 No, no, no, Uncle, we have big store. I say, No, you don't.

24 Anyhow, we lost the store. We face a lot of  
25 loss. I tell him, Look, what do you think if we buy

**FATHI YUSUF -- DIRECT**

1 additional 1 acre, we will win both ways? We will push the  
2 store a little bit to the back, not the front, just add more  
3 to the back. Leave the front intact to match the rest of  
4 the building. We'll have extra space, and we'll have extra  
5 loading/unloading area. I said, If you agree, I'm willing  
6 to dip 100,000-dollar of my money into the 1 acre of land.  
7 He says, Okay.

8                   And I say, I'm willing to give you a new  
9 commitment of rent at 5.55 a square foot. The same as the  
10 old one. Even though the cost of living is up, everything  
11 is up, first I say it 5.55 in 1984. I was underground. I  
12 was in the dark. But I was willing to extend it when I was  
13 in the bright sun. I know how much the supermarket will  
14 make. But I wasn't too greedy to say, Let's keep it for  
15 myself. Okay?

16                   I went ahead and give it to them an  
17 additional ten years. Well, he said, Okay. Mr. Mohammad,  
18 he was -- sometime, he come and take a look. I say,  
19 Mr. Mohammad, what do you think? I have a lot of water in  
20 here. I put a cistern in the store, behind the store, it  
21 hold about 500,000 gallons additional to the old cisterns.  
22 Why? Because we have a cliff, and I don't want the truck to  
23 go down. It's impossible to go down with a short distant,  
24 because it's about 15 feet deep. I say, the best thing is,  
25 put a cistern.

**FATHI YUSUF -- DIRECT**

1 He say, How could you put a cistern and let  
2 trucks pass over it? I say, Don't worry. Cistern is  
3 nothing different than a bridge in New York, or in any one  
4 of these cities. You just make the roof like a bridge. So  
5 they accepted the idea.

6 I build it, I put the hundred thousand, and I  
7 give them the ten years of which they were free to account,  
8 because after we lose, but me as a landlord, I'll have --  
9 still have to put back the building to the owner, because I  
10 receive it intact, I have to deliver it back intact.

11 Anyhow, the agreement was -- it's beside the  
12 point -- the agreement was is to rebuild the store versus  
13 ten years at 5.55 per square foot. And we went there, we  
14 open up, we work. Everything is perfect. That's -- before  
15 even we build, before even we get the insurance checks --

16 **Q.** When did the ten years start?

17 **A.** Excuse me?

18 **Q.** When did the ten years start?

19 **A.** From the time we open up.

20 **Q.** After the fire?

21 **A.** After the fire.

22 **Q.** Okay. And then that's 5.50 per square foot,  
23 starting at that point?

24 **A.** Yes, sir.

25 **Q.** All right. And United's the landlord and Plaza

**FATHI YUSUF -- DIRECT**

1 Extra's the tenant?

2 **A.** Well, actually, it's from January 1st, 2004.

3 **Q.** So from January 1st --

4 **A.** I mean, I'm sorry. 1994.

5 **Q.** Okay. So from January 1, 1994, there's a  
6 ten-year --

7 **A.** That's -- that's when it start.

8 **Q.** There's a ten-year lease?

9 **A.** Yes.

10 **Q.** And United's the landlord and Plaza Extra's the  
11 tenant paying 5.55 --

12 **A.** Yes, sir.

13 **Q.** -- per square foot?

14 **A.** Yes, sir.

15 **Q.** Okay.

16 **A.** And we went going, we went going. Two or three  
17 years before the expire -- oh, when we building, I tell  
18 Mr. Mohammad, what do you think if we spend about five or  
19 \$10,000 and try to sell water? He said, That's a good idea.  
20 I say, We will sell the water. Whatever proceed, we'll send  
21 it back home to the poor. Your family and my family. He  
22 said, That's a good idea. I have too much water. I have, I  
23 think, three well, plus a big roof.

24 We open up, and then we start to sell water.

25 We start to sell it between fifty to \$70,000 a year in

**FATHI YUSUF -- DIRECT**

1 water, and that water was going in for the poor, his family  
2 and my family. But my commitment only for ten years. Only  
3 for ten years.

4 Three -- two or three years before the  
5 expiration of my commitment, I have to find a fair price  
6 after the ten years is finished. What is the fair price?  
7 Because really, I don't want to take advantage of my  
8 partner, period. You know? I keep saying "partner," but  
9 you understand what I mean. My partnership is different to  
10 what is in the Virgin Islands Code. My partner is according  
11 to our commitment. I respect the code, but I did not enter  
12 with these people according to the Virgin Islands Code.  
13 According to our agreement.

14 Okay. Now, I say, What is fair? St. Croix  
15 store, St. Thomas store is much smaller, and is doing better  
16 business. Selling more. If I want to charge 7.25 a square  
17 foot, that's not fair. I have a much larger store, and the  
18 store, even though it's larger, it sells less.

19 I say, Wally, to be fair with you and myself,  
20 I want to charge in, when the -- when my commitment finish  
21 with you guys, I will charge you according for percentage on  
22 sale, according to St. Thomas percentage.

23 He said, That's fair.

24 Q. Okay. Now, I'm going to cut you off right there  
25 because he's going to cut that tape off. Then we're going

**FATHI YUSUF -- DIRECT**

1 to come right back to where you're at now, --

2 **A.** Okay, sir.

3 **Q.** -- which is the St. Thomas percentage?

4 **A.** Okay.

5 **THE VIDEOGRAPHER:** Going off record at 11:32.

6 (Respite.)

7 **THE VIDEOGRAPHER:** Going back on record at

8 11:34.

9 **Q.** **(Mr. Holt)** All right. Mr. Yusuf, we -- we -- the  
10 tape cut you off, but you were then saying that you wanted  
11 to be fair, and you were talking to Wally about the next --  
12 the next set of rent?

13 **A.** Yes.

14 **Q.** Okay.

15 **A.** He says, Okay. That's is fair. Then when it's  
16 the -- when the lease, in '93, okay? When -- when that  
17 period finished, then I know we have to go based on  
18 St. Thomas sale. Now, St. Thomas is doing less -- I mean,  
19 St. Thomas doing much higher, so otherwise, if St. Thomas  
20 pays a half a million dollars a year, I was expecting time  
21 and a half the store, maybe getting 400,000. Because  
22 they're -- the deal is based on sale.

23 By the time my new agreement become  
24 effective, sale turn around. Sion Farm start to do a lot  
25 better than St. Thomas. And why? Because some --

**FATHI YUSUF -- DIRECT**

1 Cost-U-Less have something to do with it. Cost-U-Less  
2 become neighbor, and then we have to go more flexible in our  
3 prices, and we become a grocery spot. Whoever want to shop  
4 for grocery, either they come in this area. What he don't  
5 find at Cost-U-Less, will go to Plaza. Whatever he don't go  
6 to Plaza, he gone to Cost-U-Less, plus the competition get  
7 heat up. This cause the sale to go up. And we have to  
8 that. So when I wanted, in 2010 -- yeah, this is 2000 --  
9 1994 to 2000 --

10 **MR. HODGES:** 2004.

11 **A.** -- to 2004, that was -- that was my commitment for  
12 the 5.55.

13 **Q. (Mr. Holt)** Uh-huh.

14 **A.** After 2004, this become the new commitment between  
15 each other based on St. Thomas location, and I left it at  
16 that.

17 Now, as they come up with the -- start to see  
18 something questionable, and I start to question Wally, and  
19 unfortunately I know he's obligated to come to an answer,  
20 but unfortunately he never come up with an answer at all, I  
21 decided to give him and his father the notice we leaving.  
22 We have to split. We can't work together.

23 So -- but the rent, really, it doesn't bother  
24 me, because that's the agreement between me and Mr. Hamed.  
25 I am the final word in running the show. I am the one who

**FATHI YUSUF -- DIRECT**

1 sign the policies. I am the one who required the two  
2 signature after I see something wrong. I insisted, to cut  
3 losses, make sure no disbursement until two checks (sic) is  
4 on the same check. I am the one who put through rule,  
5 because I feel I'm the one in charge, I feel, you -- you  
6 talking to me, I'm a forklift operator, a buyer, a produce  
7 manager sweeping the floor. Whatever the store need, you  
8 used to find me there. Because that same store is the one  
9 bring food on my table. Okay?

10 Then when I -- the -- the rent, you know,  
11 it's -- I know the rent is there. I never have to request  
12 it. When I want the 2000 -- I give this my notice, as long  
13 as we are month to month, and I extend my notice to  
14 December 31st, 2011. Up to December 31st, 2011, I consider  
15 myself committed to Mr. Hamed. After that, I was expecting  
16 him to leave no later than December 31st, 2011.

17 Then when I see him January 1st, 2012, stays,  
18 I send him a bill for 200,000. And I tell him, Listen, in  
19 three months, if you don't leave, I will raise my rate to  
20 250. You know why? Because this is my property. I am the  
21 landlord, not Mr. Hamed, and I have too much pressure. I  
22 have -- my question is unanswered, and they are in my  
23 property by force. I give them the proper notice. Okay?

24 Then this calculation, St. Thomas store is  
25 some we own, some we do not own. Okay? We needed an

**FATHI YUSUF -- DIRECT**

1 additional ten feet of a space. The owner refused to give  
2 us. One of his excuses is, I don't have fund to build you  
3 10,000 square foot. I said, that's easy. I'll give you the  
4 money, but you have to give me free rent. Okay? Say, How  
5 much you want? I say, I'll ask the contractor how much he  
6 can build it for. I don't want to charge you. Just pay the  
7 taxes, and I don't want to charge you rent.

8 **Q.** You're talking about the St. Thomas store?

9 **A.** St. Thomas, yeah.

10 So that store is 60,000 square foot. 50,000  
11 is rented, and 10,000 build by our money with the full  
12 agreement of the landlord. It's in the lease. So this  
13 calculation, we have to know, 80 percent of that space, how  
14 much is sell and how much it cost us money.

15 So if he sells 30,000, 80 percent is 24,000.  
16 Then wherever we building, I have to calculate based on what  
17 we rented. What free is free. I can't pay rent twice. So  
18 that's where I come, everything is explained, Wally is very  
19 knowledgeable of this, and after he double-check the  
20 numbers, after he examine, he did, in fact, issue a check to  
21 over -- to cover that expense.

22 **Q.** Okay. I'm going to get to that check in one  
23 minute.

24 So on this particular document you have,  
25 Exhibit No. 9, I take it, then, you negotiated or you met

**FATHI YUSUF -- DIRECT**

1 with -- with Wally, and you went over these figures with  
2 him, and Wally agreed that these figures are correct?

3 **A.** Yes.

4 (Deposition Exhibit No. 10 was  
5 marked for identification.)

6 **Q.** (**Mr. Holt**) Okay. And then showing you  
7 Exhibit No. 10, is this the check that was then paid for the  
8 rent?

9 **A.** Yeah, this is the -- that's the check to cover  
10 this.

11 **Q.** Okay. And so the check was from Plaza Extra  
12 Supermarkets to United Corporation to pay for the rent --

13 **A.** Yeah.

14 **Q.** -- based upon the calculation you gave them.

15 **A.** Yes.

16 **Q.** Okay. And that rent covered from 2004 through  
17 2011?

18 **A.** Yes.

19 **Q.** Okay. Was there any agreement for there to be a  
20 ten-year lease?

21 **A.** Yes -- no. It was month to month.

22 **Q.** Okay.

23 **A.** That one was month to month.

24 **Q.** Okay. Now, you say after you gave them notice to  
25 leave, you expected them to leave. You were talking about

**FATHI YUSUF -- DIRECT**

1 the Plaza East store, where they -- where they were tenants?

2 **A.** Exactly.

3 **Q.** So you didn't expect them to leave any other  
4 store?

5 **A.** No, no, no, no.

6 **Q.** You're talking about --

7 **A.** My intention is to -- trying to find a ways and  
8 means to split these two stores, or sell them, or -- because  
9 we have an obligation to the landlord. We still have to be  
10 there approximately close to five years.

11 **Q.** That's in St. Thomas.

12 **A.** And we had obligation to pay the landlord in the  
13 neighborhood of, minimum, \$400,000 or maybe more.

14 **Q.** Okay. And so, getting back to the East store, you  
15 gave them notice, you expected them to leave, they didn't  
16 leave, correct?

17 **A.** They did not leave, right.

18 **Q.** So then you were saying that you started charging  
19 them \$200,000 a month in rent?

20 **A.** Yes.

21 **Q.** You increased to 250,000?

22 **A.** Yes.

23 **Q.** Showing you Exhibit No. 11.  
24  
25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 11 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** These are rent statements starting in  
4 May 4th of 2012 all the way up to March 1 of 2014, where  
5 you're -- you're charging this rent, correct?

6 **A.** Yes.

7 **Q.** Now, who did you discuss these figures with?

8 **A.** Who?

9 **Q.** When you decided to increase the rent to 200 and  
10 then to 250,000, who did you discuss that with?

11 **A.** I don't have to discuss it with anybody. This is  
12 my property, and I don't have to discussed it with anybody.

13 **Q.** Okay.

14 **A.** This store is -- Wally father is in it by force.  
15 You understand, Attorney Holt, --

16 **Q.** Okay.

17 **A.** -- what mean force?

18 **Q.** Please explain.

19 **A.** This is by force. They are -- they're not  
20 accepted in my property.

21 **Q.** Okay.

22 **A.** They are by force.

23 Ask the question to your client. We don't  
24 talk to each other for the past two years. Not even bad  
25 word or good word or good morning or good night or nothing.

**FATHI YUSUF -- DIRECT**

1                                   What kind of life is that?

2           **Q.**    Okay.

3           **A.**    We can't talk to each other.

4           **Q.**    Okay.  So you didn't discuss this with them.  You  
5 just sent it to them, correct?

6           **A.**    In September of 2010, I gave him the notice with  
7 his father, and I have more than one witness that Wally and  
8 his father admit, in that meeting, a notice verbally was  
9 given to them.

10                               Listen, we're 1986 based on shake hand, we do  
11 business.  I don't see no reason why the same hand cannot  
12 pull to separate.  I mean, this is the custom we do  
13 business.

14           **Q.**    Okay.  So let me just get it straight.

15                               In 2010, September of 2010, you gave them  
16 notice to leave the Plaza East store?

17           **A.**    Right.

18           **Q.**    And they did not leave, and therefore you then  
19 increased the rent to 200,000, and then eventually 250,000,  
20 because they didn't leave?

21           **A.**    Right.  And if I have a choice, sir, by any judge,  
22 \$1 million a month, I don't want these people in my  
23 property.  They are in my property by force.

24           **Q.**    Okay.  And you didn't discuss that with them.  You  
25 just sent them the notice.

**FATHI YUSUF -- DIRECT**

1           **A.**   Well, what kind of discussion, I have to tell  
2           somebody to leave my property by a certain date and they  
3           don't leave? I give him a year and three months to leave.

4           **Q.**   I understand that. I'm just saying that when you  
5           selected the number of 200,000 or 250,000 --

6           **A.**   And that's cheap.

7           **Q.**   But you didn't discuss that. You just sent that?

8           **A.**   I will send that, because my property, I own it  
9           100 percent.

10          **Q.**   Okay. And they never told you that they would pay  
11          that, did they?

12          **A.**   No, they never -- they never even say anything.

13          **Q.**   Okay.

14          **A.**   Maybe you wrote me two, three letters. But what  
15          is your letter? To tell me what to do with my property?

16          **Q.**   Okay. Now, these notices, you can just look at  
17          the first one, United Corporation sends them to Mohammad  
18          Abdul Qader Hamed; that's Mohammad Hamed who was here  
19          yesterday, correct?

20          **A.**   Yes.

21          **Q.**   And you're sending it to them as the Plaza Extra  
22          Supermarket as a tenant of the store, of the Sion Farm  
23          store, correct?

24          **A.**   Yes.

25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 12 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** All right. All right. Showing you  
4 Exhibit No. 12, can you tell me if you recognize that? Do  
5 you recognize that document --

6 **A.** Yes, it's my handwriting.

7 **Q.** And at the top it has "Dorothia" written, is that  
8 correct?

9 **A.** Yes.

10 **Q.** Can you tell me, what -- what -- what what does  
11 this transaction mean?

12 **A.** The transaction that we bought -- we was in  
13 partnership with a third person, that we own 50 percent of  
14 the Dorothia real estate -- a real estate in Dorothia, and  
15 the other partner owned the other 50 percent.

16 Finally, I come to this decision to sell it  
17 to my partner. He bought it at one-and-a-half million, and  
18 this number below, it was an idea to Mr. Hamed what would  
19 I -- I am counted for, up to the time I give it to him. I  
20 tell him what it is. By example, Jordan Fund, 75,000, it's  
21 a checking account. This, I'm going to reclaim it back.  
22 Because at that time I did it, I did it in the most honest  
23 way, and we end up transferring property to myself. That  
24 transfer the property cost me money, well, I have to put  
25 that money out of my own pocket, even though the obligation

**FATHI YUSUF -- DIRECT**

1 was on both of us.

2 And then I'm going to use whatever it cost me  
3 to transfer that property into my name, at the expense of  
4 both of us, even though we missing three, four property that  
5 he never transferred it to me. It's still in his name. He  
6 said no, but I can claim, I can prove, still in his name.

7 **Q.** Okay. So now the first line, Dorothisia,  
8 1.5 million, those were the funds that you received when the  
9 other partner bought you out or paid you off?

10 **A.** Excuse me, sir?

11 **Q.** The first line, the 1.5 million on that line?

12 **A.** Yeah, this is a fund I received -- I received from  
13 Dorothisia.

14 **Q.** And is that actually technically YNH Investments,  
15 Inc.? Is that --

16 **A.** Yes.

17 **Q.** Okay. And -- and so those were funds that you  
18 received from them, is that correct?

19 **A.** I received for our half, but I kept it. I'm not  
20 stealing it. We're going to account for it.

21 **Q.** Okay.

22 **A.** This is yours, this is mine.

23 Excuse me. I going back a little bit towards  
24 the 251,000. That wasn't Mr. Hamed money. Mr. Hamed, I  
25 were giving him \$150,000 to the batch plant, and I have

**FATHI YUSUF -- DIRECT**

1 proof I deposited it for him in St. Thomas. And up to now,  
2 he denying that money. That money, I give him \$150,000 to  
3 deliver to the batch plant, and he claim that the batch  
4 plant is ours.

5 It's not ours. We put it just not to let the  
6 town fight together.

7 **Q.** Okay. I am going to ask you about the batch  
8 plant, but --

9 **A.** Oh, whenever you want.

10 **Q.** -- I want to try to stick on this document?

11 **A.** Yeah. But I want to show you why these people, I  
12 believe they owe me a lot of money.

13 **Q.** I understand.

14 **A.** Why should I pay them? Let's sit down and say,  
15 What is yours and what is mine.

16 **Q.** No problem. Let me go down this list.

17 Dorothia is -- the 1.5 million were -- were  
18 monies paid that belonged to you and -- and Mr. Hamed?

19 **A.** Yes.

20 **Q.** And then the Jordan fund, it says 75,000 dinar. I  
21 take it that, converted, that's 105,932 U.S. dollars?

22 **A.** Right.

23 **Q.** Okay. and those are funds that are to be split  
24 between you and Mr. Hamed, as well?

25 **A.** I explained to you, sir.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Yeah.

2           **A.**    The 105 is by mistake. I end up transferring from  
3 his -- the property was mine and his.

4           **Q.**    Right.

5           **A.**    And I choose for some reason to put it in his  
6 name, because I trusted him.

7           **Q.**    Right.

8           **A.**    Now, when we decide to leave, we have to shake  
9 hands forever. I'm not looking back anymore. I need my  
10 half back, Mr. Mohammad.

11          **Q.**    What is -- what is that plot number, the -- the  
12 one you're talking about?

13          **A.**    Several. We have -- we have properties, too much.  
14 We have 1,200 or two -- 1,200 acre right here in the Virgin  
15 Islands.

16          **Q.**    Okay.

17          **A.**    Were owned between both of us.

18          **Q.**    All right. So then the next line comes down and  
19 it says, 617,000 for Fathi Yusuf.

20          **A.**    No. Yeah, this is -- I -- I don't know why I  
21 should give him that. This is my half. I went and bought  
22 the property with it.

23          **Q.**    Okay. So you --

24          **A.**    After I give him notice, I don't want to work with  
25 you no more.

**FATHI YUSUF -- DIRECT**

1           **Q.**    So we -- tell you what, let's get to the bottom.  
2    At the bottom of this calculation is \$802,966.

3                        Do you see that?

4           **A.**    Sir, it's a lot of -- this 8,200 (sic) I owe him  
5    on account.

6           **Q.**    Okay.

7           **A.**    We sit down, he give what I owe him to the  
8    accountant, I give what I believe he owe me to the  
9    accountant, and let's (indicating).

10          **Q.**    Okay.

11          **A.**    Let's, what do you call it, reconcile the account,  
12    and who owe who, we'll settle. I'm not running away.

13          **Q.**    Okay. So one of the items that you owe them for,  
14    I understand there are items back and forth, but one of the  
15    items you owe him is the 802,960 --

16          **A.**    Not 802, sir. I told you I already spent 105, or  
17    most of it, in a property where both of us is responsible to  
18    spend that money.

19          **Q.**    Okay. So you would take the 105 off of this 802?

20          **A.**    I might -- well, the others -- yeah, this -- that  
21    should go off.

22                        **MR. HARTMANN:** Half.

23          **Q.**    **(Mr. Holt)** Half of that should go off?

24          **A.**    Yeah, but I -- sir, thanks God, I -- I -- you  
25    know, I'm not speaking Arabic, not even one word up to now.

**FATHI YUSUF -- DIRECT**

1 Okay? They all English. I'm talking to you in plain  
2 English. Let's sit down and give this to an accountant and  
3 what is yours is yours, what is mine is mine. I have a  
4 check of 536,405, begging Mr. Wally to give me an answer for  
5 this check. This is written to your father, drawn on your  
6 account. Can you tell me what is this for?

7 Q. Okay.

8 A. All I'm getting, I'll get to the bottom of it.  
9 When this gentleman is going to reach the bottom?

10 Q. All right. So the sale of -- the money in  
11 Dorothea was 1.5 million, to be split between the two of  
12 you.

13 A. Yes, sir.

14 Q. Okay. And then you did some more accounting to  
15 come up with the fact --

16 A. Yeah, this will go, and we'll go through every  
17 little thing, right? Whatever is his is his, whatever is  
18 mine is mine.

19 Q. Okay.

20 A. I'm not denying anything.

21 Q. All right. And on that pile, is 802,966 is --

22 A. Yes, yes, but all of it is not his.

23 Q. All of this is not his.

24 A. Because there's an accountant. Some of it, I told  
25 you, by example, the bank statement.

**FATHI YUSUF -- DIRECT**

1 Q. Which is another -- another item.

2 A. Definitely this was an expense. I brought that  
3 money out.

4 Q. Okay. So you start with the 1.5 million, which is  
5 50/50, and then you start adding --

6 A. One million and a half is absolutely 50/50. I'm  
7 not hiding anything.

8 Q. Okay. And when did you get that money?

9 A. I get that money, I don't have a date. But I get  
10 that money maybe, I can guarantee you, it's not three years.  
11 It's less than three years. I sold this property many, many  
12 years ago.

13 Q. Okay. So you got this money, would it be fair to  
14 say you got it in 2012?

15 A. I don't know when.

16 Q. Okay.

17 A. I don't remember.

18 Q. Well, this lawsuit was filed in August of 2012.  
19 Did you get the money before this lawsuit was filed?

20 **MR. HODGES:** September 2012.

21 A. Maybe. Look at the date. Go to the owner and  
22 look at the date, or go to the public recorder office.  
23 That's something that can be resolved.

24 Q. **(Mr. Holt)** Okay.

25 A. I don't remember.

**FATHI YUSUF -- DIRECT**

1           **Q.**    So you don't remember when it was sold.

2           **A.**    No.  At least I'm not hiding anything, but I don't  
3 remember when I sold it.

4           **Q.**    All right.  Let's go back to the batch plant then.  
5 Explain to me, first of all, how -- how was the batch --  
6 batch plant first purchased?  How did you -- how did that  
7 get -- where did the funds come from to buy that batch  
8 plant?

9           **A.**    The batch plant, when we was selling the water and  
10 sending it back home to the poor people, --

11          **Q.**    Uh-huh.

12          **A.**    -- split between his family members -- I mean his  
13 family could be 2,000.

14          **Q.**    Right.

15          **A.**    I don't mean his brothers and sister, no.  Mine,  
16 more or less the same.

17                    Then every year, they start to ask, Where's  
18 the water money?  I say, Mr. Hamed, look.  We have to put an  
19 end to this.  What do you think, we making our people lazy?  
20 They start to get free money.  Why don't we try to give them  
21 something to do?  After all, you came with nothing.  I came  
22 with less than nothing.  We poor.  Our parents is poor.  
23 Very respectable parents, but they're poor.  And now we made  
24 it.  And you are a Muslim, and I am a Muslim.

25                    And Muslim religion have five pillar.  The

**FATHI YUSUF -- DIRECT**

1 first one is, to become a Muslim, you must admit God is the  
2 only one, Mohammad is the prophet. The second pillar, you  
3 have to pray toward Mecca five times a day. The third, you  
4 have to fasting one month a year from around 5:00 o'clock or  
5 4:30 in the morning to ten minutes after sunset. No drink,  
6 no smelling, nothing. Okay. We're three.

7 The fourth one, you have to pay taxes for the  
8 poor on anything you own over 365 days. You have to set a  
9 target, like Internal Revenue says April 15th, you have to  
10 set a target and start from there, and you have to pay  
11 two-and-a-half.

12 And the fifth one, you have to go pilgrim, if  
13 you can afford it, at least once a lifetime. And the one  
14 condition, you owe nobody, you don't borrow from nobody to  
15 go to pilgrim.

16 And he says, What do you want? I say, Why  
17 don't we send some money? He say, How much? I say, What do  
18 you think of about a million dollars? We have money. And  
19 we came with nothing, you know. I start with a suitcase,  
20 just like him.

21 And so Wally, we -- I told Wally, we told  
22 Wally, Listen, Wally. We have money in St. Martin. Go  
23 ahead and send \$1 million into your father in West Bank. Go  
24 ahead and send \$1 million to your father in West Bank. And  
25 we told him what for. And it's gone. I finish. You know?

**FATHI YUSUF -- DIRECT**

1 I told Wally to do it, and I done. And --

2 Q. By the way, when -- about when was this, just  
3 general time period?

4 A. I have -- I don't know when it is. In the  
5 nineties.

6 Q. All right. Go ahead, then. So you told Wally,  
7 and you thought it was done. So go ahead.

8 A. And in the presence of his father, Go ahead and  
9 send \$1 million to your father.

10 Q. And that 1 million that you're sending would  
11 consist of half of Hameds' money and half of Yusufs' money?

12 A. Yes, because we -- our money is not even a split.  
13 Whatever we have, is he own 50 percent, I own 50 percent.

14 Q. So of the million that went, 500 would be your  
15 interest, 500 would be his interest.

16 A. Right.

17 Q. Okay. So go ahead.

18 A. So we send -- we say, Okay. Send \$1 million to do  
19 a batch plant. We might hire 30, 40 people. At least 30,  
20 40 people can find food. He says, Okay. That's a good  
21 idea. We told Wally, and he gone.

22 Then I start to ask, How about the batch  
23 plant? Oh, they find land. Oh, they -- they couldn't find  
24 land. It takes time to find land, it takes time to find  
25 managers. You know. And one day, I went home, and the

**FATHI YUSUF -- DIRECT**

1 money was sent, as far as I know. Mr. Mohammad, he was  
2 talking about the money. He say, I have a hell of a tough  
3 time with the secret agent of Israel when the money come in.

4 I say, What you mean? He say, Too much  
5 question. Where the money come from, what are you going to  
6 do with it, this, this, this. Remember, we occupied the  
7 area by Israel, and it's their interest to know what a  
8 million dollar for.

9 Mohammad Hamed, he have never mentioned the  
10 amount of money he received, but I am a listener. We  
11 talking about something, and I assume it's a million dollar.  
12 But he have never tell me a million dollars. Okay? And I  
13 say, I told him finally, What happened? Finally, they let  
14 me go, go home, and they promised me they'll credit my  
15 account with the money.

16 He never mentioned the amount. I never asked  
17 him the amount, because it's no use for me to ask him the  
18 amount. I know what it is, and it's finished. And it --  
19 people is working, and I understand they buying equipment,  
20 they putting themselves together, they building up the batch  
21 plant.

22 All of a sudden, and they's working, they're  
23 working, all of a sudden, we have the FBI raids. I stopped  
24 communicate. We all know we was labeled we could be  
25 terrorists, and our phone is monitored, and it -- if you

**FATHI YUSUF -- DIRECT**

1 have 200 FBI with radio, your business is in your home and  
2 you enter your cistern, you have to build it very careful  
3 not to talk on the phone. This is natural.

4 I told my people, Listen. I have a problem.  
5 I don't want no communication with you guys, so cut the  
6 communication. Some day, the FBI, with respect to them,  
7 they behind me for taxes. When September 11 comes in, they  
8 switch from taxes into terrorism. They thought I'm a  
9 financier and all this, this, this.

10 All right. Now, I want to fight my case with  
11 the FBI. Okay? I know I'm wrong. I'm a human being.  
12 Anybody subject to make mistakes. I'm wrong. And -- but I  
13 want a way and mean to defend myself. I can't go and tell  
14 the judge, Hey, Your Honor, I'm a Superman. No. I have to  
15 come to him with something reasonable that he can be  
16 convinced, I'm an honesty person. Hey, you's a lawyer. I  
17 don't have to tell you any of this.

18 So I want to defend myself, you were looking  
19 for terrorism, you were not looking for taxes, and I'm not  
20 the only one cheating taxes. All right. So why, because  
21 when they raid me, they enter in my cistern. Are you  
22 looking for money and record in somebody's cistern? Would  
23 you go and look for record in the bush, or on the roof?  
24 They was looking for a weapon. They didn't find anything.

25 All right. Even when they raid us, they take

**FATHI YUSUF -- DIRECT**

1 nothing. All they took is our record. Then when they --  
2 when they find, Hey, these people don't have nothing I don't  
3 think, but we looks bad. Well, I was in the newspaper in  
4 New York, I was hiding cell, sleeping cell, whatever you  
5 call it, and we was worried. We part of the community. I'm  
6 here when I came in, 19 years of age. I was not even 20. I  
7 came in December 23, 1960. Now I'm 54 years. I did not  
8 come care about terrorism, I care, I'm a guy want a living.

9           Anyhow, the FBI, when he's looking, label us  
10 with taxes. He didn't find no terrorist activity to be  
11 labeled. I want to defend myself, confess to the judge,  
12 hey, Your Honor, these people looking for terrorism. This  
13 case should be dismissed.

14           And why, they was looking even for any  
15 relative of mine in St. Maarten. That's what encourage me  
16 to fight. Why are you looking for Fathi Yusuf relative, if  
17 he have never entered the United States? This man don't owe  
18 no taxes. And when Attorney Smock told me, Hey, man, you  
19 have to settle, you have to do something. I say, No, man.  
20 These people owes me. You can't put your Constitution on  
21 the shelf. You have to put your Constitution to play. I  
22 have to be a fair trial.

23           He say, Yeah, you have indicted for 76 years.  
24 I laugh. Say, Why you laugh? I say, Attorney Smock, I  
25 laugh because I'm the happiest man in town. He say, What?

**FATHI YUSUF -- DIRECT**

1 I say, Well, I'm 60 right now, and I'm going 76 years.  
2 That's means I'm going to live 136 years. And I, Isn't this  
3 good cause to be happy? He start to laugh.

4 Oh, anyhow, why they raiding people for tax  
5 purpose, they claim it's taxes, a family of mine never enter  
6 the United States. You know, that's mean (indicating). So,  
7 well, anyhow, finally we -- we settle with the people. From  
8 the correspondence between the Department of Justice, from  
9 the bank, through Department of Justice in St. Martin, to  
10 the Department of Justice of United States, it gave about a  
11 file of about, easy, 2,000 pages. And unfortunate, it came  
12 in in French, because the bank, it happen to be in the  
13 French side. And when I see it, I told the gentleman,  
14 Listen, this is in French. There's nothing I could do. He  
15 said, Don't worry. We'll find a translator. They have to  
16 send it to Canada to translate it, and send it to me, send  
17 me a copy, and I went through.

18 When I came to one of the pages and see  
19 our -- you know, they have all my cousins, my nephews, what  
20 they deposit, what this, what that, what that, what that,  
21 they have Bin Laden name in there, it look like Bin Laden,  
22 but at least they don't know who I am.

23 Anyhow, I came to a page where it's the  
24 business activities for our account. Three accounts. One  
25 in Diamond -- Hamdam Diamond Corporation that I use --

**FATHI YUSUF -- DIRECT**

1                   **THE REPORTER:** I'm sorry, one in?

2                   **THE WITNESS:** Hamdam Diamond Corporation,  
3                   which really I don't own. Used to own by my brother, and I  
4                   open up account for myself sometime I remember in 1996, and  
5                   one account in Wally name.

6                   And I see a transfer or purchase bank draft,  
7                   and a lot of things. When I see \$2 million was sent to --  
8                   to -- to Mohammad Hamed, Mohammad Abdul Qader Hamed, in West  
9                   Bank, Israel -- I open my eyes. I never aware of this. All  
10                  I know is, Oh, I -- I think I went too fast. I think I went  
11                  too fast.

12                  Before all this -- I'll get back to this,  
13                  please. One day I go looking for paper, and I have the two  
14                  manager, after they open, they came in to Amman, because I  
15                  don't want to go to Israel, and I asked him, How you doing?  
16                  He say, Business is good, but we short of money. I say,  
17                  What do you mean, you short of money? He say, We lose a lot  
18                  of business. I say, Why? He said, Because we short. We  
19                  need to buy a concrete pump. You know?

20                  And I say, What do you mean, a million  
21                  dollars is not enough for you? Are you guys think that we  
22                  shoveling money in the United States, bagging easy?

23                  He say, Hey, wait a minute, Cousin. We don't  
24                  receive no \$1 million. All we received is 662. I say, Is  
25                  that's all what you receive? They said, Yes. I said, Do

**FATHI YUSUF -- DIRECT**

1 you have receipt? They said, Yes. Said, Can I have copy of  
2 this receipt? They said, Yes. I left it like that.

3 I say, But Mohammad should have tell me that.  
4 Mr. Mohammad should have tell me. I left it at that because  
5 really, what's in -- in my mind, is the FBI case. It's not  
6 the batch plant. I'm in the middle of the ocean. I start  
7 to think of myself, not of the poor. Then -- but I took it  
8 as it is.

9 One day, Mohammad Hamed, when he came from  
10 back home, I invite him for dinner in my house. And I say,  
11 I'm going to confront him, find out, why 662? I say,  
12 Mr. Hamed, can you tell me how much money do you receive?  
13 He says, 750. I say, Okay. If it's 750, it's fine, but you  
14 never told me that. He say, No, I did not tell you because  
15 maybe it split -- split my mind.

16 I say, Mr. Mohammad, but the difference is  
17 \$88,000. What did you do with the 88,000, between the what  
18 you actual delivery, and what you claiming? Unfortunate,  
19 honest to God, the man scrub his head like this  
20 (indicating), and say 700.

21 I say, 700? Maybe the man make a mistake,  
22 700. It's 700. I did not get suspicious. Whatever  
23 left over, doesn't matter. It's still in the pot for him  
24 and me. No suspicious whatsoever. And he shows me -- I  
25 say, Then what is this? He show me a piece of paper. As I

**FATHI YUSUF -- DIRECT**

1 ask him, he was already prepared to tell me where is the  
2 38,000 went. 30,000 went, \$11,000, they purchase in a small  
3 little town, and when town took the money, they make a  
4 meeting if they will allow the batch plant, they end up not  
5 approving it and they never returned back the money. Okay.

6 Two people want to get married, they approach  
7 him. They need help for their wedding, he asked me. I  
8 said, Go ahead, pay. School needs some paint. He say, How  
9 about the school? I say, Go ahead, pay it, until the 38 is  
10 gone. Okay?

11 And -- but when I read this, I say, But this  
12 is -- this guy's telling me 700. Why it's 2 million? When  
13 I see, I was blank with a -- with a federal seal in my head.  
14 Nobody could touch it. My mind is open up. I start to read  
15 and read and read and read. I'm -- I find additional one  
16 million four.

17 One day I was in St. Thomas, and Wally would  
18 call me and says, Uncle, we received one million four for 16  
19 Plus from St. Thomas -- from St. Maarten. What do you want  
20 me to do with it? What do you want me to do with it? I  
21 say, Open up a bank account and go ahead and deposit it.

22 One minute later, he call me back, say the  
23 bank have refused to open up an account because we do not  
24 have a license yet. I said, Fine. Put it in United or  
25 Plessen, and I hang up the phone. Never -- excuse me --

**FATHI YUSUF -- DIRECT**

1 never check back. Yes, I did check back after I received  
2 the FBI report to see if this one million four ever  
3 deposited in one of these companies' account.

4 Unfortunately, I find none.

5 I confronted Wally. Wally telling me, Bank  
6 make a mistake. I say, Wally, you told me the money is  
7 here, and now you're telling me the bank make a mistake.  
8 And he tried to show me in the report, Look at this, look  
9 at -- I say, Look. Bank would send thousands of check with  
10 the same amount or transfer. Don't tell me. You already  
11 told me. I say, How about the 2 million? I begging Wally  
12 over and over and over. Wally not telling me.

13 One time, though, he do like this  
14 (indicating). He say, Uncle, if we -- if the money went,  
15 the \$2 million went to West Bank, what would you do? And he  
16 raise up his head. I said, We will account it for. I mean,  
17 if (speaking in Arabic.)

18 **MR. MAHER YUSUF:** Accounted for.

19 **A.** We accounted for it. You know.

20 But still the man refuse to tell me. Okay?  
21 Then I start to dig more and more and more, and I have a lot  
22 of questionable item. Some we find answer, me and him, and  
23 some more, unfortunately, up to now, an answer is not there.  
24 Even though I have the actual, the signature of the  
25 transfer, but I don't have an answer where that money went.

**FATHI YUSUF -- DIRECT**

1                   And one of the checks he purchased for a  
2 hundred thousand dollars from him to me, I have never signed  
3 that check. But there is a notice in the check stub, which  
4 I have a copy of, it says, Attention: Gloria. And that  
5 Gloria is a young lady was in charge at the Bank of Nova  
6 Scotia. She's one of the top managers. But unfortunate, I  
7 don't have an answer for these checks. Is this how people  
8 work together?

9                   **MR. HARTMANN:** Okay.

10           **Q. (Mr. Holt)** All right. So coming back to the  
11 batch plant.

12           **A.** Oh, excuse me. Let me finish then.

13           **Q.** I understand -- okay.

14           **A.** I forget something.

15                   When the man admit it's only 700, then  
16 someday I say, Mr. Mohammad, we already give up this money.  
17 We have to pay that \$300,000. He say, No. I said, This  
18 money is not yours. It's not mine neither. We already  
19 donate it. If you giving something, you can't try to put  
20 your hand on it.

21                   So we have a little friendly discussion.  
22 Then I says, Okay. If you don't want to give them 300, why  
23 don't you give them 150, Mr. Mohammad? At least let them  
24 buy the -- the concrete pump. And I'll tell you what, the  
25 other 150, I split it between me and you. Seventy-five for

**FATHI YUSUF -- DIRECT**

1 you, give it to whoever you want. That's your money.  
2 You -- you the judge on that. And 75 for me, I will give it  
3 to whoever I want. My family, you know, poor family. Then  
4 we come to an agreement on that.

5 His son, Waheed, in St. Thomas, was present  
6 in the office. We come to conclusion, let's send 150, and  
7 let's share 150 between each other. Take 75, and 150 for  
8 the batch plant. I take 75. I don't have to -- you know,  
9 we told Waheed, Please go and deposit it.

10 I can't comment -- I can't say one more  
11 things. Deposit it. 150, 75. And it's gone. I never  
12 think about it. Only when I receive the report, then I  
13 start to search all -- all over. And I'm a person, thanks  
14 God, no Heineken, no rum and Coke, nothing. I have good,  
15 clear mind.

16 Then when -- where did I stop? Oh, all  
17 right. When I have the raid, and I have the -- the -- the  
18 hard drive, I know something is wrong because I went to  
19 Buffalo, and I requested some documents, and I get hard  
20 drive. Wally, by the way, he went before me and he get some  
21 document and he show it to me. The second day -- oh, I were  
22 busy, and says, Leave it until I come back from St. Thomas.  
23 The following week, I say, Let me see the document. He give  
24 me a set of document 100-percent different to what they  
25 show.

**FATHI YUSUF -- DIRECT**

1 I say, Wally, this is not what you show me  
2 last week. He say, That's what I showed you. I say, Well,  
3 I maybe was drunk that day. Anyhow. And before this, what  
4 I was saying? Okay.

5 Now, I told Mufeed, Mufeed, do you remember I  
6 told you to deposit 225 -- Waheed. I'm sorry. Waheed, not  
7 Mufeed. Mufeed work in St. Croix. Waheed is the one work  
8 with me in St. Thomas. Do you remember I told you to  
9 deposit check -- I mean to deposit \$225,000 in your father  
10 name for the batch plant? He say, No, I don't remember. I  
11 say, Come on, Waheed. Don't tell me you don't remember  
12 depositing 225,000. I beg Waheed several times. The answer  
13 I get? Waleed say, Our word against yours.

14 I said, It doesn't go that way, man. I will  
15 end up find it. And I was lucky that the account was in  
16 St. Croix, and we made the deposit in St. Thomas. I say, I  
17 will find it. And I did find what you show him yesterday,  
18 and that not Waheed deposit 225. What he been told. He  
19 deposit, I think, 240 or something like 245. \$20,000 more  
20 than what he was told. Not only the 150 for the batch plant  
21 and the 75 for his father, but he put in more.

22 Isn't fair enough for me to question these  
23 thing?

24 **Q.** Okay.

25 **A.** Okay, sir.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Now, I want to see if I understand the math.  You  
2  agreed that you all would do something for a batch plant  
3  in --

4           **A.**    Yes.

5           **Q.**    -- in your home --

6           **A.**    Yes.

7                       **MR. HARTMANN:**  In the year 2000.

8           **Q.**    **(Mr. Holt)**  -- in the year 2000?

9                       And you sent what you thought was a million  
10 dollars over to do that, correct?

11          **A.**    That's what I told Wally, to send a million there.

12          **Q.**    And now you're telling me that only 700,000 got  
13 sent?

14          **A.**    According to what Mr. Hamed told me.

15          **Q.**    Okay.

16          **A.**    Finally.

17          **Q.**    All right.  So it was decided that another  
18 \$300,000 should be donated, is that correct?

19          **A.**    Right.

20          **Q.**    Is that correct?

21          **A.**    And I explained to you what it is.

22          **Q.**    150 for the -- for the pump, concrete pump, and  
23 then 75 to whomever he wanted to give something to, and 75  
24 to who you would like to give it to, is that correct?

25          **A.**    Uh-huh.

**FATHI YUSUF -- DIRECT**

1           **Q.** Did the pump ever happen? Did it ever --

2           **A.** They have never delivered that. I delivered that  
3 150,000 after I sold this property (indicating).

4           **Q.** When you say "this property," you're talking about  
5 Dorothisia?

6           **A.** Dorothisia, yes.

7           **Q.** Okay. And -- and of the remaining money, you're  
8 saying that Mr. Mohammad Hamed still has 245,000?

9           **A.** I don't know how much he will have left. As I  
10 said, we have to use an accountant to see what is his and  
11 what is ours.

12           **Q.** Okay. So the money that -- that Mr. Mohammad, he  
13 was asked about it yesterday, the 245,000, half of whatever  
14 money was taken out would belong to him, and half would  
15 belong to you, is that correct?

16           **A.** Yes.

17           **Q.** So where -- where does -- where do you have a  
18 right to any of that 225 -- \$245,000?

19           **A.** Excuse me?

20           **Q.** Why do you have a claim to any of that 245,000 if  
21 the whole half is his, and half is yours?

22           **A.** Who told you I'm claiming it? Who told you I'm  
23 claiming it? I already took. But he still have to come up  
24 with the 20,000. When we have an accountant, let him do the  
25 work.

**FATHI YUSUF -- DIRECT**

1           **Q.**    So in the entire issue about the batch plant,  
2           you're saying that you're entitled to an offset of 20,000?

3           **A.**    No, no.  See, we settled that.  The 150 will have  
4           to deduct out of the Dorothis.  There is more numbers.  
5           There's 536,000.  There's a lot of item.  It's credit and  
6           debit between two people that working together.

7           **Q.**    Okay.  So you're saying that the -- whatever the  
8           issues were with the batch plant were settled by the numbers  
9           in the Dorothis transaction?

10          **A.**    It, as far as I'm concerned, I took 150 out of his  
11          own money and build the batch plant.  And if I did not do  
12          that, that batch plant is -- was in the verge of bankruptcy.

13          **Q.**    Okay.  But by taking the 150 out of Mr. Mohammad  
14          Hamed's money and paying the batch plant, you then took care  
15          of all the issues related to the batch plant.

16          **A.**    No, sir.  There's a lot of issue to be -- I say,  
17          sir, we will go to the accountant.

18          **Q.**    I'm just talking about the batch plant.  I'm not  
19          talking about anything else.

20          **A.**    Oh, the batch plant.

21          **Q.**    Yeah.

22          **A.**    What do you want to lock me on?

23          **Q.**    I just want to say, if by taking the 150,000, the  
24          \$150,000 out in the Dorothis transaction, you then took care  
25          of whatever the outstanding issues were on the batch plant,

**FATHI YUSUF -- DIRECT**

1 so that that's settled?

2 **A.** According to his testimony, Mr. Mohammad  
3 testimony, that I sold this batch plant without he knowing,  
4 and I sold it, and he never get a penny.

5 First of all, none of us owns it. Second, I  
6 sold it without one cent dollar down, and the one who bought  
7 it end up selling it to his nephew, who having married his  
8 daughter. And it still, I did not get a penny. But at  
9 least I secure the sale of a million dollar, and that money  
10 is not mine, is neither Mr. Mohammad.

11 **Q.** Okay.

12 **A.** That money is for the poor people. They do  
13 whatever they want with it.

14 **Q.** Okay. So neither you have a claim to that money,  
15 nor Mr. Hamed?

16 **A.** No, none of us.

17 **MR. HOLT:** Okay. All right. I think this  
18 might be a good point to stop for lunch, if that's okay with  
19 you guys. You're at 12:30.

20 That work?

21 **MR. HODGES:** Uh-huh.

22 **THE VIDEOGRAPHER:** Going off record at 12:28.

23 (Noon recess taken.)

24 **THE VIDEOGRAPHER:** Okay. We're back on the  
25 record at 1:39.

**FATHI YUSUF -- DIRECT**

1           **Q. (Mr. Holt)** Good afternoon, Mr. Yusuf.

2           **A.** Good afternoon, sir.

3           **Q.** Before we begin the afternoon session, do you have  
4 anything you want to comment or add on to questions -- the  
5 answers you gave this morning?

6           **A.** Yes, maybe two item I skip, I'd like to make note  
7 for the record. One of them is the batch plant, is we  
8 started really when the money being transferred from  
9 St. Maarten, the \$2 million, which the authorization was  
10 only 1 million, and I believe we end up with the batch  
11 plant, the financing aspect of it, and at the time we  
12 deposit the money to Mr. Mohammad, and unfortunately he  
13 never delivered it until when I deliver it about a year or  
14 two years ago.

15                           And the batch plant is no longer in our name.  
16 When I sold it to a group, I sold it to -- I did not defeat  
17 the purpose. The batch plant was really established for the  
18 purpose of employing the people, and thanks God, whether we  
19 own it or you own it or anybody own it, the plant is still  
20 running. So the same purpose is being served.

21                           Unfortunately, when these people bought, they  
22 start to complain to me, you sell it to us too expensive.  
23 So I was lucky one of them sold. He get \$50,000 profit. I  
24 say, Are you complaining? One of you sold his share and  
25 make \$50,000 profit? They stopped complaining to me.

**FATHI YUSUF -- DIRECT**

1 Human being is always want something is not  
2 belong to him. Some people.

3 Finally, Mr. Mohammad nephew came to me. I  
4 was in Orlando, and it happen he was in Orlando, and he  
5 says, I'm interested in the batch plant. Are you have any  
6 objection moving the debts, the application of payment? I  
7 said, No, I have no objection whatsoever.

8 We went to the bank, we went to lawyers, we  
9 make a new document. They signed, and I did sign.

10 By the way, I don't want to skip nothing.  
11 Mr. Mohammad, in his testimony, he say I sold the plant. I  
12 did sold my share. And he gave a power of attorney to  
13 somebody else. It was not to me. So actually myself, I  
14 throws in the share of my 50 percent, and his agent have  
15 sold it in behalf of Mr. Mohammad. Which it serve the  
16 purpose. I'm going to, what I'm going to do with that  
17 money, hopefully when I go to the bank, I get postdated  
18 checks, the bank hold them. I want to build maybe two,  
19 three apartment building. Two, three apartment.

20 Because me, by example, I born in that  
21 village. I love to be there. To me, that is better than  
22 Manhattan because that's where I come to earth. I would  
23 love to build few apartments, encourage the fellow villager  
24 like me that to go and visit their village. And you don't  
25 have to go and look for -- by the way, we have no hotels in

**FATHI YUSUF -- DIRECT**

1 the villages. I came from a family where we have house.  
2 There is no such human being in the, most of the Arab world,  
3 what you call homeless. Everybody have a home.

4 But since the land is occupied by Israel, we  
5 have to lend relative of ours using the house; otherwise, we  
6 end up losing it. So whenever I want to go to the village,  
7 I can't, you know, can't be board into this family of mine  
8 to stay with them. I prefer to rent an apartment in my own  
9 village, and stay as long as I want. One month, two months.

10 That's the purpose of, if I did not sell it,  
11 unfortunately, the people was running it, they end up  
12 being -- taking some money. And therefore, I was forced to  
13 sell it.

14 **Q.** How much did you sell it for?

15 **A.** One million.

16 **Q.** And that's your half?

17 **A.** I haven't received no money, but I have  
18 commitment.

19 **Q.** Okay. So the 500,000 that you put into this,  
20 you're going to actually receive a million back if they pay.

21 **A.** I will never receive a penny back.

22 **Q.** All right.

23 **A.** It's already donated.

24 **Q.** So the million dollars that you've received back,  
25 you've already donated?

**FATHI YUSUF -- DIRECT**

1           **A.**    I -- I'm not going to receive it. I already  
2 assign it to the bank, and the bank, they knows is this is  
3 the village money.

4           **Q.**    Okay.

5           **A.**    It's not my money anymore.

6           **Q.**    Okay.

7           **A.**    Can I comment on the other item I believe I  
8 missed?

9                   **MR. HOLT:** You can, but he's going to change  
10 the tape on us.

11                   **THE WITNESS:** Okay.

12                   **THE VIDEOGRAPHER:** Going off record of 1:44.

13                                   (Respite.)

14                   **THE VIDEOGRAPHER:** Going back on record at  
15 1:45.

16           **Q.**    **(Mr. Holt)** Mr. Yusuf, you indicated that you had  
17 one more comment that you wanted to make?

18           **A.**    Yes. When we was talking about Plaza Extra, the  
19 location, East, which is Sion Farm, which myself, my wife  
20 and our children owns it 100 percent? When we was talking  
21 about the rent, I was looking up to December 31st, 1993, and  
22 all of a sudden from -- we get busy when you handing me  
23 these sheets, we start to talk about this sheet. I have  
24 skipped 1994 to 2004.

25                   I know I'm okay, because Mr. Mohammad admit

**FATHI YUSUF -- DIRECT**

1 and acknowledge he owes the rent, but I should have just  
2 have it for the record, too, just to confirm it, that  
3 Plaza Extra still owe the rent for that from that period for  
4 United Corporation.

5 **Q.** And that was the rent that you calculated at 5.55  
6 per square foot?

7 **A.** 5.55. I get the approval from Wally. I -- he  
8 have 69,580 square feet.

9 Bless you.

10 **Q.** (**Mr. Hodges**) If that rent is owed, how come you  
11 didn't add it to the figures that are on Exhibit No. 8 that  
12 you're holding?

13 **A.** That's a good question. Thank you very much for  
14 bringing it up.

15 **Q.** And -- and just for the record?

16 **A.** First of all, it's two different rates, one by the  
17 square foot, the second one based on income. That's one  
18 thing.

19 The second thing is, that is 5.55. This is  
20 based on income. The only thing I did not submit both of  
21 them on separate -- separate, same subject but separate  
22 invoice, which it can be done. But since I know I break the  
23 record, I mean I close up some years, and I don't have no  
24 record to remember up to what year I have closed in the --  
25 conciliate (sic) the price, you know, come even with

**FATHI YUSUF -- DIRECT**

1 Mohammad Hamed, one day I was in the office and my son says,  
2 I have this books, Daddy. Want me to do with it? I say  
3 What? Since when you have this book. He said, I receive it  
4 from the FBI file. They return back to us our file.

5 Say, Man, I'm looking for this book long  
6 time. This is have a few notes. It's not the full detail.  
7 The full detail in a separate book still in the FBI  
8 possession. But this is the note, the final note. Let's  
9 put it this way. And I left it with Wally to look at it.  
10 He look at it, and I left it right in the front of his -- on  
11 the front of him on the desk, and I went to St. Thomas.

12 After that, I have never seen that book,  
13 until my son brought it to my attention that, This came back  
14 from the FBI, daddy. What you -- what do you want me to do  
15 with it? I say, Man, I'm looking for this. And that's why,  
16 you know, I can't submit an invoice if I didn't know when.  
17 Would you accept that? You's an attorney. I have to be  
18 certain what I'm talking about. If I'm not certain, you  
19 know, I better wait until I get certain.

20 Q. Okay. When did you -- when did your son bring  
21 that book to you to your attention?

22 A. It's about the same week I submit the invoice.

23 Q. And during --

24 A. I don't remember exactly, but same week, because  
25 this was like I'm winning the lottery. I know there is some

**FATHI YUSUF -- DIRECT**

1 money, but I don't have the proper channel to go and face my  
2 partner and call for the rent. He going to ask me, From  
3 when are you going to want the rent? From what date? If I  
4 didn't have an answer, why should I look to know what I'm  
5 talking about?

6 That's the reason why I did not submit it.

7 **Q.** Okay. Any other points that you want to add from  
8 this morning?

9 **A.** That's it.

10 (Deposition Exhibit No. 13 was  
11 marked for identification.)

12 **Q.** **(Mr. Holt)** Okay. Showing you Exhibit No. 13.

13 **A.** Thank you for allowing me to comment on these two  
14 items.

15 **Q.** No problem.

16 You recognize that letter?

17 **A.** Yes, sir.

18 **Q.** Okay. And this is the letter sent to Mohammad  
19 Hamed indicating that you're going to remove 2.7-plus  
20 million dollars from United's operating account, correct?

21 **A.** Yes, sir.

22 **Q.** This is dated August 15th of 2012?

23 **A.** That's correct.  
24  
25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 14 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** And showing you Exhibit No. 14, can  
4 you tell me what that is?

5 **A.** It's a check in United Corporation d/b/a Plaza  
6 Extra, Check No. 1154 dated August 15, 2012, issued to the  
7 name of United Corporation, signed by Maher Yusuf and Fathi  
8 Yusuf, which is myself, in the amount of 2,784,706.25.

9 (Deposition Exhibit No. 15 was  
10 marked for identification.)

11 **Q. (Mr. Holt)** Okay. Showing you Exhibit No. 15, do  
12 you recall receiving this letter in response to your  
13 August 15th letter?

14 **A.** Yes, sir.

15 **Q.** And that's dated August 16th, correct?

16 **A.** Yeah.

17 **Q.** Okay. And this letter says, In response to your  
18 August 15th Re: Notice Withdrawal, these figures have not  
19 been agreed to. Indeed, there were no attachments as  
20 indicated. There are numerous other funds that have to be  
21 included in any such calculation before any disbursements  
22 can be made.

23 For example, all withdrawal receipts have to  
24 be reviewed before any withdrawals are paid. No mention or  
25 indication of the amounts that the Yusuf family has

**FATHI YUSUF -- DIRECT**

1 previously withdrawn. By way of another example, the  
2 800,000-plus due the Hamed family for the sale of the condo  
3 property in St. Thomas would have to be included.

4 In short, while these are just a few  
5 examples, no withdrawals will be issued until a full  
6 accounting is done and agreed to.

7 You received this letter, right?

8 **A.** I received this letter, yes.

9 **Q.** Notwithstanding receiving this letter, did you  
10 proceed with depositing of the check that you wrote on  
11 August 15th?

12 **A.** Yes.

13 **Q.** So your -- your partner has now told you that he  
14 doesn't agree to the withdrawal; he doesn't agree with the  
15 calculation; that the attachments you referenced aren't  
16 attached to the letter; and he brings up the \$800,000  
17 Dorothea money that we went over this morning that we know  
18 is now due.

19 Why did you proceed to withdraw the money if  
20 you knew that there was still a dispute about the release of  
21 the money?

22 **MR. HODGES:** Objection to the referral of  
23 Waleed Hamed as his partner.

24 **THE WITNESS:** Oh, I'm sorry. I didn't notice  
25 it.

**FATHI YUSUF -- DIRECT**

1 He's not my partner.

2 **Q.** (Mr. Holt) Okay. Did you -- well --

3 **A.** He's my employee.

4 **Q.** So that's the reason you didn't do it, because you  
5 received the letter from the employee?

6 **A.** No, not only that. They get their money  
7 back 2010.

8 **Q.** All right. As a matter of fact, the letter that  
9 you sent?

10 **A.** Wait a minute, sir. My son dealt with this. I  
11 don't know if I should answer this question, or let my son  
12 Maher answer it, --

13 **Q.** To the extent --

14 **A.** -- because he's the man in charge of Plaza East,  
15 and he know what's going on.

16 **Q.** Okay. To the extent that you can answer it,  
17 please do, and if you want to defer to him --

18 **A.** Yeah.

19 **Q.** The letter that was sent on August 15th actually  
20 is sent to Mohammad Hamed by and through Waleed Hamed.

21 So why do you send letters to Mohammad Hamed  
22 by and through Waleed Hamed?

23 Because of the power of attorney, correct?

24 **A.** I didn't --

25 **Q.** Looking at Exhibit No. -- No. 13 in front of you,

**FATHI YUSUF -- DIRECT**

1 where you say you're going to withdraw the money, the  
2 2.7 million, that letter's addressed to Mohammad Hamed by  
3 and through Waleed Hamed.

4 Do you see that?

5 **A.** Oh, you mean our letter?

6 **Q.** Yeah, your letter?

7 **A.** Yes, Mohammad Hamed.

8 **Q.** Okay. And you sent --

9 **A.** His -- his --

10 **Q.** -- you sent it to Waleed because Waleed has the  
11 power of attorney, correct?

12 **A.** Well, what's the difference?

13 **Q.** Okay. There isn't any difference, really.

14 **A.** To me, it's not the difference.

15 **Q.** Okay. All right. So getting back then to the  
16 letter that you received on August 16th --

17 **A.** Uh-huh.

18 **Q.** -- from Hamed, the fact that they told you that  
19 there was a dispute about the withdrawal, there was a  
20 dispute about the calculations, and in fact there's an  
21 \$800,000 offset, why did you still proceed to deposit the  
22 check?

23 **A.** Sir, first of all, I don't remember -- I am not  
24 the one who delivered this letter. Maybe my son delivered  
25 all the necessary documents with it.

**FATHI YUSUF -- DIRECT**

1                   Second, I don't have to answer the 800,000.  
2     The 800,000, he did not receive that, the breakdown, by  
3     accident. This was delivered by me to him, under accounting  
4     purposes. Let our accountant work and see how much you owe  
5     me and how much I owe you. And -- but -- and, with that, I  
6     am the man in charge of Plaza Extra.

7                   Mohammad Hamed is the one my -- I consider I  
8     cut a deal with. I accept that to be in his place. But if  
9     this man available, I don't have to go to Mr. Mohammad  
10    Hamed. And Mr. Mohammad Hamed said over and over and over  
11    and over, until two hours from now, keep repeating the same  
12    word, that I am the man in charge of running the Plaza  
13    Extra. And this money owed to me.

14                  That gentleman is, with respect to him, he is  
15    hired as a manager. As an employee. Yes, as a power of  
16    attorney with his father, if his father is not available.  
17    So he don't -- I don't need to play game.

18                  **Q.**    Okay. So when you send him a letter, and you're  
19    going to tell him to withdraw it --

20                  **A.**    That's a courtesy, I let him know to show him that  
21    I'm not stealing the money.

22                  **Q.**    Okay. And when they write back and say they don't  
23    agree with the calculations, indeed there's a \$800,000  
24    calculation you admit you owed them, why did you proceed  
25    with withdrawing the check?

**FATHI YUSUF -- DIRECT**

1           **A.**    The 800, sir? He owes me million up to now. If I  
2   owe him millions, I'll be more than happy to pay.

3           **Q.**    Okay. So it's your testimony --

4           **A.**    If he owes me dollar, I want my money back. Let's  
5   go to the accountant. I'm not hiding the man money. I give  
6   him this notice. I can't be having authority today, and  
7   tomorrow I don't have, and after tomorrow I have. This  
8   gentleman, over and over and over he said, I have the final  
9   word. Final word of running the Plaza Extra operation. The  
10   two million seven is -- it is part of the operation of Plaza  
11   Extra until Attorney Holt walk in to me with a TRO. Then I  
12   am under the law, under the court orders.

13                        But before the court order, I was free from  
14   the man who I shake hand with. I have the final word. And  
15   my final word said, This money is owing to me.

16           **Q.**    Okay. And if Mr. Mohammad Hamed had wanted to  
17   withdraw 2.7 million, could he have just written himself a  
18   check?

19           **A.**    He don't know anything about it. He don't know  
20   anything about it. His son did not tell him the truth.

21           **Q.**    Okay. That's not my question.

22           **A.**    He could --

23           **Q.**    That's not my question. My question is, if  
24   Mohammad Hamed --

25           **A.**    Yes.

**FATHI YUSUF -- DIRECT**

1           **Q.**    -- had decided to withdraw 2.7 million, --

2           **A.**    He cannot draw it, because his son draw it.

3           **Q.**    Could Mohammad Hamed --

4           **A.**    Uh-huh.

5           **Q.**    -- have withdrawn 2.7 million in August of 2012 if  
6 he had wanted to without consulting you?

7           **A.**    They have -- they have withdraw money. They have  
8 draw money. This money I'm only taking to match them. I am  
9 taking this money for to match what they already draw.

10          **Q.**    Okay. And so you're telling me that they owed you  
11 the money, and therefore you could just take it?

12          **A.**    You don't understand up to now? Yes, sir.

13          **Q.**    Yeah. That's right. I -- I want you to clarify.

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

15          **Q.**    Okay.

16          **A.**    This money owing to me since 2010, and I choose to  
17 take it. And I ask Wally -- my son, not Wally, I'm sorry.  
18 My son. Son, the proper way, take your bill to the man, ask  
19 him nice way to sign the check to you. And if he don't, get  
20 back to me.

21                        When he come back to me, I don't need his  
22 signature.

23          **Q.**    Okay.

24          **A.**    It's a courtesy from me. But if he want to play  
25 game, Come on, boss.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Okay.  So why didn't you take the \$800,000 that  
2 you already --

3           **A.**    Sir, they owe me money.

4           **Q.**    Let me finish the question, and then you can  
5 answer.

6           **A.**    Okay.

7           **Q.**    Let me finish.  I'm letting you answer, then I'm  
8 going to ask my question.

9           **A.**    All right, sir.

10          **Q.**    Why didn't you take the --

11          **A.**    Sorry about that.

12          **Q.**    -- \$802,000 that you admittedly owed him from the  
13 Dorothis property and deduct that from the 2.7 before you  
14 made the withdrawal?

15          **A.**    I did not deduct that.  That I didn't -- that have  
16 nothing to do with the two million seven.  The 802, that  
17 have nothing to do with the two million seven.

18          **Q.**    Well, in the letter you sent them, you explained  
19 why he owed you money to come up with the 2.7.

20          **A.**    Yeah, the -- the Dorothis money is not there.  
21 He's the one bringing up Dorothis money.

22          **Q.**    Well, you owed him 800,000 in Dorothis.

23          **A.**    Sir, but he owe me something else.  He owe me  
24 explanation of a Check 536405, and he have to answer me  
25 \$2 million being sent, and he keep saying, I don't know.

**FATHI YUSUF -- DIRECT**

1 And the one million four he keep telling me, mistake.

2 I feel this gentleman owes me a lot more than  
3 what I owe him.

4 **Q.** All right. And so what did you do with the 2.7  
5 million that you withdrew?

6 **A.** That's my money, sir. I never asked the Hamed  
7 family what they did with what they draw. Why should I  
8 answer something that I did not ask for?

9 **Q.** That's not my question. My question is, you  
10 withdrew 2.7-plus million dollars. What did you do with  
11 that money?

12 **MR. HODGES:** Object to the relevance.

13 **A.** I plead the Fifth.

14 **Q.** (**Mr. Holt**) What's that?

15 **A.** I plead the Fifth. You get no answer from me on  
16 that. Listen, you going into my private business, Attorney  
17 Holt.

18 **Q.** Okay. Well, your -- your son testified at -- at  
19 the TRO hearing, where you were not at, that it was used to  
20 buy three properties on St. Croix.

21 Is that true?

22 **A.** That's not the three property I bought. I bought  
23 a lot more properties.

24 **Q.** Okay.

25 **A.** What have property -- don't tell me that I want

**FATHI YUSUF -- DIRECT**

1 lunch that day.

2 **Q.** Did you use --

3 **A.** I have to live my normal life. That have nothing  
4 to do with the two million seven.

5 **Q.** Okay. Did you -- well, in the second -- the  
6 second day of the TRO hearing, your son testified that some  
7 of that money was used to invest in a mattress company.

8 Is that true?

9 **A.** It could be.

10 **Q.** Okay.

11 **A.** It is my money, no matter where I put it.

12 **Q.** Okay. Now, did you invest some of the 2.7 million  
13 in a mattress company?

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

15 **Q.** Why don't you know?

16 **A.** Because.

17 **Q.** 2.7 million, and you don't know where you spent  
18 it?

19 **A.** No, I don't know where I spend it.

20 **Q.** Okay.

21 **A.** I really don't know where I spent it. I'm used to  
22 be a gambler. Maybe I went to the casino and gambled with  
23 it. Is it any of your business, sir?

24 **Q.** Well, --

25 **A.** It is my money. I'm free to do whatever I want

**FATHI YUSUF -- DIRECT**

1 with my money.

2 **Q.** So if you take --

3 **A.** If I am stealing that money, then lock me up.

4 **Q.** Okay. If you take money that belongs to the  
5 partnership and you spend it for something that's for you  
6 only --

7 **A.** This is not partnership money, sir. He already  
8 took his part in 2010. And I have witnesses, he admit one  
9 million six. At least two witnesses, if not four. Two  
10 already assure me they're willing to come and testify.

11 **Q.** Okay. So --

12 **A.** Wait a minute. Please.

13 You know about it. This man knows about it.  
14 Attorney Smock knows about that he agreed to it. But they  
15 say, Well, the lawyer cannot be involved.

16 **Q.** Okay.

17 **A.** Attorney Smock is aware of it, that he owes me one  
18 million six.

19 **Q.** Okay.

20 **A.** I say, You owe me more. He say, Whatever receipt  
21 you have over the one million six, bring it. Now,  
22 unfortunately, all lawyers is out in the picture. But  
23 there's some Arab, was Mr. Wally admit in the front of them,  
24 and let me tell you something, Attorney Holt. Two million  
25 seven, and the money I draw, one million three, that's is a

**FATHI YUSUF -- DIRECT**

1 total of \$4 million. Right? That's all the money they get  
2 since 1993 up to 2002.

3 **Q.** All the money who got?

4 **A.** The Hamed family.

5 **Q.** So the Hamed family?

6 **A.** Wait a minute.

7 If they say they don't get that money, where  
8 they went, from which money they went and four of them  
9 become university graduate? Four men get married, and three  
10 daughter get married, at the expense of the father. Where  
11 he buy land back home, and where he -- he admit to you that  
12 he bought -- he bought his house after he become with me.  
13 Wally have eight apartment after.

14 If they don't want -- excuse me -- if they  
15 don't want to admit the two million seven, which I know they  
16 can't, but let's assume they are, then I have to put -- I  
17 have no choice but to say, Hey, I have to find ways and  
18 means to put these people under arrest.

19 What did they get what they have from, if  
20 they don't want to admit what -- what they draw? That's not  
21 how two people work together.

22 **Q.** Well, Mr. Hamed -- I mean, Mr. Yusuf, you sent  
23 them a letter saying you're going to withdraw 2.7.

24 **A.** Yes.

25 **Q.** They send you a letter back saying they haven't

**FATHI YUSUF -- DIRECT**

1 agreed.

2 **A.** I don't have to honor his letter.

3 **Q.** Let me finish. Let me finish my question.

4 Since they told you that they didn't agree,  
5 rather than deposit that check, why didn't you go meet with  
6 them and go over those numbers?

7 **A.** I said, the money, he don't own it. His father  
8 own it. And his father understood, between me and him, I  
9 have the final word. And I did order my son to go ahead and  
10 deposit that money. That money is yours.

11 And why I did that? Because that's the  
12 agreement between me and my father. Why did I do that? I  
13 did not have a TRO. Now, I don't make a single move.

14 **Q.** Okay.

15 **A.** Because there is a TRO. TRO, you brought it.  
16 It's fine. That's not the end of the world. We all have to  
17 respect the judge, and the judge ruling. Call it that.  
18 These days will pass. Two years from now, what now is going  
19 on now is going to be, as far as I'm concerned, it's the  
20 past.

21 I'm not worrying about nothing, young man.  
22 Okay? Now. Now. Two years from now, it will be a history.  
23 What we say right now. Don't -- please, treat me as a  
24 73-years-old. Don't look at me as ten years old. I'm a  
25 businessman, with respect to your degree, before you get

**FATHI YUSUF -- DIRECT**

1 your degree.

2 So we all have a way of making a living. You  
3 have a trade, I have a trade. I tell you I'm authorized by  
4 mut -- by agreement with the man, and you have to honor  
5 that. He said that over and over.

6 **Q.** Okay.

7 **A.** I didn't tell him to say it. And this is true.  
8 He did not make up this story. What do you have something  
9 to do with it?

10 **Q.** All right. I want to go back to something you  
11 said.

12 **A.** All right, sir.

13 **Q.** You said that you told Mike to deposit the check,  
14 so I take it that Mike came to you and asked -- asked  
15 whether he should after receiving this letter?

16 **A.** Yes, because Mike is just like Wally. He work for  
17 me.

18 **Q.** Okay. So when Mike received a letter saying that  
19 they didn't agree, he came and asked you and you told him to  
20 deposit it.

21 **A.** Yes. I don't have to listen to that letter.

22 **Q.** Okay.

23 **A.** I don't have to listen to that letter.

24 **Q.** Okay. So you ignore --

25 **A.** If he think he's right, tell his father, right?

**FATHI YUSUF -- DIRECT**

1 Q. So you ignored the letter and deposited the check?

2 A. Huh?

3 Q. You ignored the letter and deposited the check.

4 A. I still ignore it, because I have an authorization  
5 to sign that check.

6 Q. And the letter --

7 A. I -- I have an authorization to sign that check,  
8 until I receive a TRO. After TRO, unfairly, with respect to  
9 the judge, all that authorization I have is evaporate.  
10 We'll wait till we go to court. That's all.

11 Q. Now, at the time that you took this money out, --

12 A. Uh-huh.

13 Q. -- there was a TRO in the criminal case that said  
14 you couldn't take out the money, wasn't there?

15 A. Oh. There is no such thing -- first of all, we  
16 should not bring the criminal case on this table.

17 Q. I'm -- I'm not going to bring the criminal case  
18 in.

19 A. But I want to please you with a decent answer.

20 Q. Okay. Go ahead.

21 A. This makes any difference by moving this book from  
22 this shelf to this shelf?

23 Q. So you kept the money in United --

24 A. I kept it in United Corporation.

25 Q. So you didn't take it out --

**FATHI YUSUF -- DIRECT**

1           **A.**    I did not move this book out of the office.

2           **Q.**    Okay.

3           **A.**    I move it from this shelf to this shelf.

4           **Q.**    Okay.  So we now know that you took --

5           **A.**    I am within the court order.

6           **Q.**    Okay.  So you took the 2.7 million, and you moved  
7 it from one United account to another United account?

8           **A.**    Right.

9           **Q.**    And then what did you do with the 2.7?

10          **A.**    Ah.  That's become my private business.

11          **Q.**    Okay.  So you're not going to tell me what you did  
12 with it?

13          **A.**    No, sir.  You have no business to tell me how I'm  
14 running my life.

15          **Q.**    So didn't you put the money in Mattress Pile?  
16 That's what your son said.

17          **A.**    I'm not going to answer your question, sir.

18                   **MR. HOLT:**  Counsel, can you tell him he's got  
19 to answer the question?  He can't not answer the question.

20          **A.**    You know your client signed a check, five million  
21 four hundred.  Of that five million four hundred, I put it  
22 in the mattress company.

23          **Q.**    **(Mr. Holt)**  Okay.  Did any of the 2.7 million go  
24 in the Mattress Pile?

25          **A.**    No.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Then why did your son say that it had?

2           **A.**    Huh?

3           **Q.**    Why did your son say that it had?

4           **A.**    He can say whatever he want.

5           **Q.**    Excuse me?

6           **A.**    He can say whatever he want.

7           **Q.**    Okay.  So if you put it in the United account,  
8 where did it go?

9           **A.**    Sir, I don't know where --

10          **Q.**    Is it still there?

11          **A.**    -- I don't know where it's gone.

12                        As far as I know, it's my money.  I am not --  
13 listen, this money is belong to United, and I don't have to  
14 report to anyone what I'm going to do with the -- with that  
15 money.  Only maybe to Internal Revenue.  Follow the law.  
16 That may be the case, I will be reporting.

17                        But to individual citizen like yourself, I'm  
18 sorry, I don't have to let you know.

19          **Q.**    Okay.  I take it that you used \$700,000 of that  
20 money to buy the piece of land down towards Carlton, right  
21 across from the Diageo warehouse?

22          **A.**    Where is that?

23          **Q.**    The property right across from the Diageo  
24 warehouse?

25          **A.**    I tell you, I don't know what I did with it.  It's

**FATHI YUSUF -- DIRECT**

1 none of your business, with respect to you.

2 Q. Okay.

3 A. This is my money. I take it with the  
4 authorization of Mohammad Hamed. Mohammad Hamed testify  
5 under oath, I have the final word. And I choose to take my  
6 matching fund of his son. This is my authority. I did it  
7 within my authority.

8 Q. Okay. At the time that you took the 2.7 million,  
9 you didn't talk to Mohammad Hamed and ask him if it was  
10 okay, did you?

11 A. I -- what? I talked to his agent.

12 Q. Okay. And his agent told you it wasn't okay,  
13 didn't he?

14 MR. HODGES: Objection to you raising your  
15 voice. There's no need for that.

16 Q. (Mr. Hodges) His agent told you it wasn't okay  
17 for you to take it, didn't he?

18 A. What he told me?

19 Q. His agent, Wally Hamed, told you that you  
20 couldn't -- that they didn't agree with you withdrawing the  
21 money, didn't they?

22 A. I don't have to listen to him. You know why I  
23 don't have to listen to him? Because his father is in the  
24 island. If his father was in the hospital, he critical, you  
25 cannot reach him, the only one I can report to is Mr. Wally

**FATHI YUSUF -- DIRECT**

1 Hamed, then I might give him a little credit.

2 But if his father is here, listen, by the  
3 Islamic religion, if I want to go pray, there is no water, I  
4 do it on sand and prepare myself and I go pray. But if it's  
5 water is available, you can't go and use the sand.

6 And Mr. Mohammad is the water, and his son is  
7 the sand. I'm not going to use no sand.

8 **Q.** Okay. Now, if Mohammad Hamed had told you on  
9 August 15th that you couldn't take the money out, would you  
10 have not taken the money out?

11 **A.** If Mohammad Hamed? No, then I will go and ask  
12 him, Look, let's look for a panel, you tell your story and I  
13 tell my story. And then we have to go to the -- to the  
14 panel, and by the way, that's one way to answer it; and the  
15 second way, the deal from day one is I have the final word.  
16 It's not gifted to me by Mohammad Hamed. If it's gifted to  
17 me, I will appreciate it from him forever. But if this is  
18 the pillar of the deal, without that pillar you have no  
19 stand, you have no table. If this table doesn't have leg,  
20 it can't stand up in the air.

21 **Q.** Okay. If Mohammad Hamed had told you on  
22 August 15th of 2012, himself personally, that you could not  
23 withdraw the money, would you have still withdrawn the  
24 money?

25 **A.** I will still draw it, because that's the way I

**FATHI YUSUF -- DIRECT**

1 took him to work with me: I have the final word. And he  
2 accepted it.

3 **Q.** And could you take out any amount at any time?

4 **A.** No, I don't take -- I don't take anything that's  
5 not belong to me. Never. I never have access to cash. I  
6 never take -- excuse me. I never take anything is not mine.

7 **Q.** Okay. And -- and you're the person who gets to  
8 decide what's yours and what's not yours?

9 **A.** I took it because I have reason to -- to take it.

10 **Q.** Okay.

11 **A.** I drink this water because I'm thirsty. I don't  
12 drink this water because I want to drink water. No. You do  
13 things when you think it's fit to do it. If it's not fit to  
14 do it, you don't have to do it. It will be childish to do  
15 it. I'm not going to use Mr. Hamed's money if I know 100  
16 percent that portion of the money is not mine. No way.

17 **Q.** Okay. So you do agree that half of the -- half of  
18 the profits belong to him, and half belong to you --

19 **A.** He took matching.

20 **MR. HODGES:** Objection.

21 **A.** I'm only taking match. I agree with that. He own  
22 50 percent of the profit, I own 50 percent of the profit.  
23 But he took two million seven 10 years before me.

24 **Q.** (Mr. Holt) Okay.

25 **A.** I'm only matching him.

**FATHI YUSUF -- DIRECT**

1 Q. Okay. And when did he take 2,700,000?

2 A. He took it by receipt of one million six, and that  
3 being destroyed, and the one million seven, we -- I itemized  
4 it.

5 Q. Okay.

6 A. We itemized the one million seven.

7 Q. And did you read --

8 A. One million one. I'm sorry.

9 Q. Did you ever -- did you ever look at the  
10 attachments to that letter? Did you ever see the  
11 attachments to that letter?

12 A. Which attachments?

13 MR. HARTMANN: Which exhibit?

14 Q. (Mr. Holt) Exhibit No. 13.

15 A. This, you mean?

16 Q. Yeah.

17 Did you ever see the exhibits to that, the  
18 attachments to that?

19 A. Yeah, yeah. I -- I'm the one who wrote it down  
20 and --

21 Q. Did you add 'em up?

22 A. Maybe. I'm sure I'm add it up.

23 Q. Did they add up to that number?

24 A. I think so. I would assume I added.

25 Q. You sure?

**FATHI YUSUF -- DIRECT**

1           **A.**    I hope I did not make a mistake.

2           **Q.**    Well, we added it up and we found that the figure  
3 where you say 1.6 million was only 334 -- excuse me.

4                        On the attachment that you sent, the figure  
5 that you said was additional withdrawals as per the attached  
6 receipts of 1,095,000.

7                        In fact, the attachments only came out to  
8 334,000. So where's -- where's the other --

9           **A.**    I don't think --

10          **Q.**    -- 700,000?

11          **A.**    -- we make that big mistake. I doubt it. Unless  
12 he looking at something else.

13          **Q.**    Well, we -- we took the attachments --

14          **A.**    Well, show me -- show me where I'm wrong. I'll be  
15 more than happy --

16          **Q.**    Okay. So those -- if those attachments to that  
17 letter --

18          **A.**    Hey, if I make a mistake by calculation, by  
19 anything, that's why I'm begging you guys to sit down, give  
20 these things to an accountant. Let the accountant deal with  
21 it.

22          **Q.**    Okay.

23                        **MR. HODGES:** Joel, what number did you say  
24 they came up to?

25                        **MR. HOLT:** \$334,363.

**FATHI YUSUF -- DIRECT**

1                   **MR. HODGES:** This is for the witness, or for  
2 me?

3                   **MR. HARTMANN:** That's yours. That's the  
4 witness's.

5                   (Deposition Exhibit No. 16 was  
6 marked for identification.)

7           **Q. (Mr. Holt)** Okay. Showing you Exhibit No. 16.

8                   Now, in this lawsuit, we were provided a copy  
9 of this letter with the attachments.

10           **A.** Uh-huh.

11           **Q.** And we took those chits and we added them up, and  
12 we came up to \$334,363 instead of \$1,095,381?

13           **A.** I -- I don't know. I -- I think we should have  
14 the proper time to go through it, and if it's anything,  
15 we're not -- we're not taking a ticket and leaving the  
16 island. We're here.

17           **Q.** Would it be wrong --

18           **A.** If we owe him, we owe him.

19           **Q.** Yeah. Would it be wrong to take more money than  
20 you should have?

21           **A.** I will never do that intentionally. If I do that  
22 intentionally, I will be absolutely wrong.

23

24

25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 17 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** Showing you Exhibit No. 17.

4 **MR. HOLT:** Greg, I have an extra copy.

5 **MR. HODGES:** This is all 17 right here?

6 **MR. HOLT:** Yeah.

7 **Q. (Mr. Holt)** These are the tax returns filed by  
8 United Corporation --

9 **A.** Yes.

10 **Q.** -- with the IRB for 2002 to 2010.

11 And all of them are signed by you, as  
12 president, and none of them are signed by any kind of tax  
13 preparer or anybody else.

14 Is that your understanding?

15 **A.** Sir --

16 **Q.** Just answer that question.

17 Is that your understanding?

18 **MR. HODGES:** Objection. It assumes he -- he  
19 signed as the president.

20 **A.** What is the purpose of the question?

21 **Q. (Mr. Holt)** Okay. So this isn't your signature on  
22 here?

23 **A.** No, what is the purpose of this question? Are you  
24 a representative of Internal Revenue?

25 **Q.** You know, I'm --

**FATHI YUSUF -- DIRECT**

1           **A.**    We put nothing in our pocket. We put no money in  
2           our pocket. If we do it in good faith, it's for both of us,  
3           and if we do it wrong, it's both of us.

4           **Q.**    All right. I'm going to withdraw the question and  
5           ask it a little different.

6                            Are you -- have you seen these tax returns  
7           filed by United?

8           **A.**    No. My son look at it. My -- I have an  
9           accountant who look at it.

10          **Q.**    What accountant looked at it?

11          **A.**    My son will deal with it. When it's his turn, you  
12          ask him.

13          **Q.**    Just tell me the name of the accountant that you  
14          dealt with?

15          **A.**    All I know, the gentleman by name, John. He'll  
16          give you his last name.

17          **Q.**    Okay. And these -- these tax returns are all  
18          stamped February 11th, 2013, the front of them.

19          **A.**    Whatever it is.

20          **Q.**    Okay. So you disagree these returns were all  
21          filed in February 2013?

22          **A.**    I don't know. I don't -- going to have to look at  
23          it. It's signed by the president. I'm not the president.

24          **Q.**    I'm talking about the stamp --

25          **A.**    I'm the secretary and treasurer.

**FATHI YUSUF -- DIRECT**

1           **Q.** I'm talking about the stamp on it from the  
2 Internal Revenue Service.

3           **A.** Whatever it is.

4                           What is the purpose of this?

5           **Q.** Well, let me ask you this question. You been  
6 testifying all day long --

7           **A.** Yes.

8           **Q.** -- that half of the net profits belong to Mohammad  
9 Hamed of the -- from the Plaza --

10          **A.** Net profit -- yes, go ahead. Go ahead. I'm  
11 sorry. I'm sorry. I'm sorry.

12          **Q.** You been testifying all along --

13          **A.** I'm sorry. Yeah.

14          **Q.** -- that the net profits from the three Plaza Extra  
15 stores belong to Mohammad Hamed.

16          **A.** Yeah.

17          **Q.** And I want to ask you, if that's the case, then  
18 why did United Corporation file tax returns with the IRB and  
19 claim 100 percent of the net profits of Plaza Extra?

20          **A.** Sir, net profit after taxes. Net profit after  
21 taxes. This is the agreement with Mohammad Hamed.

22          **Q.** Right.

23          **A.** Ask your client, if he's my partner since 1986,  
24 did he ever have a K-1 form? Did he file as a partner?

25          **Q.** That's not my -- okay. My question --

**FATHI YUSUF -- DIRECT**

1           **A.**    This is just to prove to you, this is to prove to  
2    you, it's an agreement exist.  And when you went to the  
3    Honorable Brady, Judge Brady, you get a TRA -- TRO, says,  
4    Everything must go according by order, and does not change  
5    the way it being done.  And this being done since 1986 this  
6    way.

7                         No judge after Judge Brady, I think, will  
8    give the order otherwise.  Let me finish, please.

9                         Mr. Mohammad Hamed will have to keep paying  
10   this taxes until we shake hand and say, Good luck.  That's  
11   whatever left is yours, take it and run.  And up to him to  
12   go and report what he received from me or not.  That's up to  
13   him.  I'm not a tax agent.  I understand he submit taxes and  
14   been approved and he get clearance.  I am not the  
15   representative of IRA, IRR, PRA, Internal Revenue Service.  
16   They do their business, they want to give him the Government  
17   House free, that's not mine.  That's government own.  And  
18   whoever representative of the government want to give it as  
19   a gift to you, Mr. Mohammad Hamed, that's their business.  
20   It's not mine.

21                        My business is I have to honor the TRO you  
22   brought to me.  He say, Everything must go the same way it  
23   was, and the same way it was, go to respectable your client,  
24   Mr. Mohammad Hamed, you will find from 1986 till 2003, he  
25   was submitting as an employee of United Corporation.  Even

**FATHI YUSUF -- DIRECT**

1       though two years before we opened, there's an agreement, he  
2       did not advise the Internal Revenue of that agreement.

3                       I cannot be blamed for that.

4               **Q.**    Okay.  But you also had a court order in the  
5       criminal case to file truthful tax returns, didn't you?

6               **A.**    Sir, we here to discuss a civil case, not criminal  
7       case.

8               **Q.**    You're telling me that you filed these taxes  
9       because Judge Brady had an order out there, but didn't you  
10       also have an order --

11              **A.**    No, no, no, this is not the judge.

12              **Q.**    Let me finish.  Let me finish my question.

13                      Didn't you have an order in the criminal case  
14       to file truthful tax returns?

15                      **MR. HODGES:**  Objection.  Entirely irrelevant.

16              **A.**    He got it.

17              **Q.**    **(Mr. Holt)**  You can answer.

18              **A.**    Plead the Fifth.  I am not here to discuss the  
19       criminal case.

20              **Q.**    Okay.  Didn't you tell the IRB that all of the --  
21       all of the 50 percent -- all of the profits supposedly  
22       belonging to Mohammad Hamed, in fact belonged to  
23       United Corporation?

24                      Didn't you tell that to the IRB?

25                      **MR. HODGES:**  Objection.  Same.

**FATHI YUSUF -- DIRECT**

1           **A.**    I am not here to discuss any criminal case.

2           **Q.**    **(Mr. Holt)**  Okay.  That's not my question.

3                         Didn't you tell the IRB, when filing these  
4 tax returns, that 100 percent of the profits from the  
5 supermarkets belong to United Corporation, not to Mohammad  
6 Hamed?

7                                 **MR. HODGES:**  Objection.  Same objection.

8           **Q.**    **(Mr. Holt)**  Isn't that what you told them?

9           **A.**    If you want to buy a fish from me, do I have to  
10 tell you how much is the filet mignon sells for?  You want  
11 fish, talk about the fish.

12                                 We are in a civil case.  Let's keep  
13 discussing the civil case.  You jump in into criminal case.  
14 Have nothing to do with it.

15           **Q.**    Okay.  I'm going to go right back to the civil  
16 case.  Why would you tell the IRB that 100 percent of the  
17 profits from the supermarket belong to United Corporation  
18 when you know, under oath, they belong -- half of them  
19 belonged to Mohammad Hamed?

20                                 Why did you do that?

21                                 **MR. HODGES:**  Objection.  Same.

22           **A.**    Tell me why I married my wife.

23           **Q.**    **(Mr. Holt)**  So you don't have an answer to that?

24           **A.**    Why should I married my wife?  Don't enter into my  
25 life.  You, sir, I respect you.  Do not enter into my

**FATHI YUSUF -- DIRECT**

1 lifestyle. You are interfering in my life.

2 I respect the man.

3 Respect me. I'm a human being like you.

4 **Q.** Isn't it true that when you filed these tax  
5 returns in February of 2013 for United claiming 100 percent  
6 of the income from the Plaza Extra stores, you were doing  
7 that so you could hopefully keep Mohammad Hamed from his  
8 50-percent interest?

9 **A.** It's not -- it's not Plaza Extra store. It's the  
10 rent and the Plaza Extra operation. They are -- next part  
11 of the question, I'm not going to answer it, because we have  
12 a civil case here. You were not representing, you're not  
13 discussing no criminal case.

14 Even though you interfere too much with  
15 that -- with that criminal case, and I let it pass. Go  
16 interfere and do whatever you want.

17 **Q.** Are there any accountants at the current time,  
18 other than the in-house accountant, doing an analysis of the  
19 books of -- of --

20 **MR. HODGES:** What?

21 **THE WITNESS:** What he say?

22 **Q. (Mr. Holt)** Are there any other accountants, other  
23 than Mr. John Gaffney, that are currently doing a study of  
24 the accounting books?

25 **A.** I don't know. Check with my son on that.

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 18 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** Okay. All right. Showing you  
4 Exhibit No. 18.

5 This is the 2012 income tax return of  
6 United Corporation.

7 Have you ever seen that before?

8 **A.** Have my signature on it, yes.

9 (Deposition Exhibit No. 19 was  
10 marked for identification.)

11 **Q. (Mr. Holt)** You know what? Showing you  
12 Exhibit No -- No. 19, this is the 2011 tax return.

13 Is that your signature on this document, as  
14 well?

15 Is that your signature?

16 **A.** Yes.

17 **Q.** So you signed and -- and caused both of these tax  
18 returns to be filed?

19 **A.** If it's my signature, yes.

20 **Q.** Okay.

21 **A.** And it is my signature.

22 (Deposition Exhibit No. 20 was  
23 marked for identification.)

24 **Q. (Mr. Holt)** Showing you Exhibit No. 20, did your  
25 lawyers ever show you this letter I wrote on March 14th of

**FATHI YUSUF -- DIRECT**

1 2013?

2 **MR. HODGES:** Object. Calls for  
3 attorney-client work product.

4 **Q. (Mr. Holt)** All right. Let me ask you a little  
5 different question.

6 Have you ever seen the March 14th, 2013 letter?

7 **A.** Well, wait a minute.

8 **MR. HODGES:** I would represent, for the  
9 record, that we only got the entire letter, I believe,  
10 yesterday.

11 Is that correct?

12 **MR. HOLT:** No, you got two different letters.

13 **MR. HODGES:** Oh, okay. Excuse me. Never  
14 mind.

15 **A.** You can call -- you can write all letter in the  
16 world you want, you are not going to change the pattern of  
17 doing business with Mohammad Hamed. We have done that since  
18 1986. You are -- I'm not changing nothing since 1986. I am  
19 not changing nothing at this time. When I disburse him his  
20 money, it's up to him to go and report it to the tax or walk  
21 out with it. I don't care.

22 **Q. (Mr. Holt)** So --

23 **A.** But this is the agreement between me and the man.

24 **Q.** Okay. So no matter what happened before 2002 --

25 **A.** Excuse me. May I stop you?

**FATHI YUSUF -- DIRECT**

1 Q. Sure.

2 A. His children were signing these checks. Why they  
3 didn't object, because before I converted them in the  
4 2 million and the many other things, they were signing these  
5 checks to Internal Revenue in the past.

6 Q. The ones before 2002?

7 A. Yeah.

8 Q. Okay.

9 A. It's the same. I didn't make no changes.

10 Q. And then in --

11 A. They went to the -- in the criminal case and they  
12 said, We're not partner. Okay. You're not partner, you're  
13 not partner. Now why you partners?

14 I still don't -- I still recognize you as a  
15 50 percent in the net profit after taxes.

16 Q. Okay. So what you're telling me is, you haven't  
17 changed any way of doing business since before the criminal  
18 case was filed, up to today?

19 A. Not that I know of, and I'm not going to make no  
20 changes --

21 Q. Okay.

22 A. -- until I have a court order where I could hide  
23 behind the rock.

24 Q. Have you filed a 2000 -- a tax return for 2013?

25 A. I have. I don't know. I don't think so. I doubt

**FATHI YUSUF -- DIRECT**

1 it. I think we have an extension.

2 **Q.** Okay. Did you file any quarterly tax returns  
3 between -- in 2013?

4 **MR. HODGES:** Objection as to relevance.

5 **Q.** (Mr. Holt) You can answer.

6 Do you know?

7 **A.** I don't understand the question.

8 **Q.** Do you know if United Corporation filed quarterly  
9 tax returns for the first, second, third and fourth quarter  
10 of 2013?

11 **A.** I think this is United's business. It's not  
12 anybody business. Mohammad Hamed is, even, is not involved  
13 in the administration of the operation of -- of Plaza Extra.

14 **Q.** Okay. Do you know if those quarterly tax returns  
15 were paid or not?

16 Do you know?

17 **A.** I don't have to answer this question, sir.

18 **Q.** So you don't know or you're just not going to tell  
19 me?

20 **A.** I don't have to answer this question.

21 **MR. HOLT:** Greg, can you tell him to answer  
22 the question?

23 **A.** If I'm in contempt of court --

24 **MR. HODGES:** You -- you want to take a  
25 moment? I don't want to talk right here.

**FATHI YUSUF -- DIRECT**

1           **A.**    If I'm in contempt of court, I'll speak.

2                   **MR. HOLT:**  You want to go off the record?

3                   **MR. HODGES:**  No, I want -- if you want to  
4 take a break, I can take a break.  I'm not going to talk  
5 right here in front of everybody.

6                   **MR. HOLT:**  Sure.

7                   **THE VIDEOGRAPHER:**  Going off the record at  
8 2:31.

9                                   (Short recess taken.)

10                   **THE VIDEOGRAPHER:**  Okay.  Going back on  
11 record at 2:41.

12           **Q.**    **(Mr. Holt)**  The question is whether or not  
13 United Corporation had filed its quarterly tax return for  
14 the year 2013?

15                   **MR. HODGES:**  I don't believe that was the  
16 last question.  Can we have it back?

17                   **MR. HOLT:**  Thought he said he wasn't going to  
18 tell me, and then we took a break.

19                   **THE WITNESS:**  Your question is for me?

20                   **MR. HOLT:**  Let's just make sure we get the  
21 right question.

22                   **THE REPORTER:**  Okay.  Everyone be quiet.

23                   **THE WITNESS:**  This 2011.

24                   **THE REPORTER:**  Shhhh.  Sorry.

25                   "So you don't know or you're just not going

**FATHI YUSUF -- DIRECT**

1 to tell me?"

2 "I don't have to answer this question."

3 "Greg, can you tell him to answer the  
4 question?"

5 **Q. (Mr. Holt)** And the question you said that you  
6 didn't want to answer is, United Corporation filed its  
7 quarterly tax returns -- quarterly tax reports for 2013.

8 **MR. HODGES:** Objection as to relevance.

9 **A.** Sir, the best answer is, you get it from John, or  
10 my son. You're asking me for something --

11 **Q. (Mr. Holt)** I'll -- I'll accept that.

12 **A.** -- I don't know.

13 **Q.** Okay. And -- and the answer you just gave may be  
14 the answer to this question, but let me just ask it.

15 The 2012 tax return shows the \$5.4 million  
16 rent check that we went over this morning that Plaza Extra  
17 paid United --

18 **A.** Yeah.

19 **Q.** -- as income to United --

20 **A.** Uh-huh.

21 **Q.** -- on a schedule.

22 But then on the front of the tax return, it  
23 has United deducting that as a payment of rent.

24 Is that your understanding of how you treated  
25 that?

**FATHI YUSUF -- DIRECT**

1           **A.** I don't -- look, the -- the man accepted to work  
2 under United.

3           **Q.** Okay.

4           **A.** And United is you moving from shelf to shelf. The  
5 one to answer your question is John. I'm not an accountant.

6           **Q.** Okay. Who is Mohammad Hamdam?

7           **A.** That's my brother.

8           **Q.** Okay. And he's -- he's not the one that owned  
9 part of the shopping center with you. He's different than  
10 Ahmad Yusuf.

11          **A.** No, he's a different person.

12          **Q.** Okay. Did you ever open any brokerage accounts in  
13 his name that you traded?

14          **A.** Yes.

15          **Q.** And the money in those brokerage accounts, was --  
16 was that your money or was that money, --

17          **A.** If I open?

18          **Q.** Was that your money or --

19          **A.** I'm taking my answer back. I did not open it. He  
20 opens it.

21          **Q.** Okay. And then after he opened it?

22          **A.** And my name is in -- in his account.

23          **Q.** Okay. And after he opened it, did you then put  
24 money in that account in trading?

25          **A.** His money, not mine.

**FATHI YUSUF -- DIRECT**

1           **Q.**    So all the money that was in that account belonged  
2 to him, not to you?

3           **A.**    Yes.

4           **Q.**    Okay.  None of the money in that account belonged  
5 to Plaza Extra?

6           **A.**    None.  Zero.

7           **Q.**    Okay.  And you indicated that the 1993 and 1994  
8 tax returns of Waleed Hamed shows large amounts of trades in  
9 the stock market.

10                               Are you familiar with that?

11           **A.**    Repeat the question again.

12           **Q.**    You've indicated in some of these pleadings that  
13 Waleed Hamed is showing large stock transactions in the  
14 1992, 1993, 1994 time period.

15           **A.**    Yeah.

16           **Q.**    And where did you see this information?  On his  
17 tax returns?

18           **A.**    On Mohammad Hamed tax return.

19           **Q.**    Okay.  On Mohammad Hamed, or Waleed Hamed?

20           **A.**    No, Waleed -- sorry.  Mohammad -- Waleed Hamed.

21           **Q.**    Okay.  And do you know if the -- if the trades  
22 that are showing up on Waleed Hamed's returns are trades  
23 that he made, or whether trades were actually made on  
24 Mohammad Hamdam's account?

25           **A.**    I don't see the trade.  I don't know the

**FATHI YUSUF -- DIRECT**

1 company's. All I seen is numbers.

2 Q. Okay. So --

3 A. I did not make any trade for Waleed Hamed.

4 Q. Have you ever -- have you ever seen any accounts  
5 where Waleed Hamed actually had those accounts?

6 A. Never.

7 Q. You've just seen the tax returns.

8 A. Only from the hard drive.

9 Q. And the hard drive has the tax returns, correct?

10 A. Yes.

11 Q. It doesn't have any -- any brokerage account  
12 information for Waleed Hamed on it, does it?

13 A. All I know, he -- he's dealing with Merrill Lynch.

14 Q. But you don't --

15 A. I don't know what's it appear in his -- if it's  
16 there, it's there. If it's not, I don't need to be told  
17 where he trading his stock. I know it's only one firm in  
18 the Virgin Islands right now, and for the past ten, fifteen  
19 years.

20 Q. Okay. You've never seen any brokerage accounts,  
21 the actual brokerage accounts, for Waleed Hamed, have you?

22 A. Repeat the question, please.

23 Q. Have you ever seen any brokerage accounts, Merrill  
24 Lynch or otherwise, for Waleed Hamed, that show any of these  
25 trades?

**FATHI YUSUF -- DIRECT**

1           **A.**    No, I did -- I did not see the physic -- physical  
2 bank statement, I mean the brokerage account. I maybe  
3 recall seeing it on the hard drive, but I didn't pay no  
4 attention to bring you a copy.

5           **Q.**    Okay.

6           **A.**    If it's there, it's in the hard drive.

7           **Q.**    All right. Who was Manel Yusuf?

8           **A.**    That's my niece.

9           **Q.**    And when was the last time you spoke to her?

10          **A.**    Maybe three, four years ago.

11          **Q.**    Do you know where she is at the current time?

12          **A.**    She is somewhere in the West Bank.

13          **Q.**    Have you ever given her any money?

14          **A.**    No, I never give her money.

15          **Q.**    What does she do for a living?

16          **A.**    She's a housewife.

17          **Q.**    And do you know what her husband does for a  
18 living?

19          **A.**    He have business in St. Martin, and back home.

20          **Q.**    And what's his name?

21          **A.**    I honestly don't know his name.

22          **Q.**    Have you ever spoken to him?

23          **A.**    Yes.

24          **Q.**    Is he related to you?

25          **A.**    Somehow.

**FATHI YUSUF -- DIRECT**

1 Q. Has -- has he ever given you any money?

2 A. He never give me no money.

3 Q. Has Manel Yusuf ever given you any money?

4 A. Does not give me money. She lend 16 Plus  
5 four-and-a-half million dollar, and I was in charge of that  
6 four-and-a-half million dollar. She did not give it to me.  
7 She give it to 16 Plus, and we give her a loan, and that  
8 file was in Plaza Extra and I can't find it no more.

9 Q. And where did she get four-and-a-half million  
10 dollars from?

11 A. From her father left it, and I'm the custodian of  
12 that money.

13 Q. How much money did he leave her?

14 A. Four-and-a-half million dollar, exactly what she  
15 give me.

16 Q. And how did you end up being the custodian for it?

17 A. I'm the -- I'm her uncle.

18 Q. Okay. So her father died and left her money that  
19 you are the custodian for?

20 A. He did not left for -- with her. He left with me.  
21 He did not leave that money with her.

22 Q. Okay. And he left it with you.

23 A. He left it with me, and I left it with her  
24 brother.

25 Q. Okay. And so where is that money today?

**FATHI YUSUF -- DIRECT**

1           **A.**    Huh?

2           **Q.**    Where is that money today?

3           **A.**    Today I -- did I still speak Arabic like  
4 yesterday, or English? She lend it to 16 Plus. I'm a  
5 member of 16 Plus. Waleed Hamed is a member of 16 Plus, and  
6 Mohammad Hamed is a member of 16 Plus, and three of us  
7 signed that document. And I have a file in St. Thomas, file  
8 in St. Croix, but right now -- and power of attorney from my  
9 niece, and right now, I can't find it no place.

10          **Q.**    Okay.

11          **A.**    What I did, I say, Go back. I don't need to  
12 interfere with you anymore. Go and find somebody else to  
13 represent you. She picking up her nephew. I'm not -- I  
14 have nothing to do with that.

15          **Q.**    So she picked up her nephew?

16          **A.**    To be -- I understand she give him power of  
17 attorney.

18          **Q.**    What's his name?

19          **A.**    I don't know.

20          **Q.**    Where does he live?

21          **A.**    He live in St. Martin.

22          **Q.**    And when's the last time you spoke with him?

23          **A.**    Maybe two years ago, or maybe a year ago.

24          **Q.**    Okay. So her father died, --

25          **A.**    Uh-huh.

**FATHI YUSUF -- DIRECT**

1 Q. -- left her four-and-a-half million dollars.

2 A. Yes.

3 Q. Put you in charge of it.

4 A. Yes.

5 Q. And you then caused it to be loaned to 16 Plus?

6 A. Yes.

7 Q. Okay. How old was she when all this happened?

8 A. Excuse me?

9 Q. How old was she when this loan took place?

10 A. How old is she?

11 Q. Yeah.

12 A. I have no idea. Maybe 35, 40. I have no idea how  
13 old is this.

14 Q. Okay. When the -- when the father left the money  
15 for her, how did you physically come -- did it come into  
16 your possession? Did he give you a check, did he open an  
17 account? How did you actually get the money?

18 A. We have cash, and the cash was left with me, and  
19 I -- we puts it with his son in St. Martin.

20 Q. Okay. So her father left you four-and-a-half  
21 million dollars in cash for her.

22 A. Yeah.

23 I want to ask you a question, sir. May I?

24 Q. No.

25 A. Is we coming to discuss that, or we coming to

**FATHI YUSUF -- DIRECT**

1 discuss between -- what's between me and Mohammad Hamed?

2 Why do -- are we coming to discuss Plaza  
3 Extra business, or 16 Plus business?

4 **Q.** Well, in the counterclaim you filed, 16 Plus is  
5 listed in there. I want to know a little bit more about it,  
6 so that's why I'm asking about it. So --

7 **MR. HODGES:** I object.

8 **A.** Well, you'll know it from people in charge.

9 **Q. (Mr. Holt)** Anyway, we're almost through this one,  
10 but let me get to it.

11 So her father left four-and-a-half million  
12 dollars in cash --

13 **A.** Yes.

14 **Q.** -- with you, for her.

15 **A.** Uh-huh.

16 **Q.** And that money somehow or other ended up being  
17 loaned to 16 Plus, is that correct?

18 **A.** I don't have to answer that question. I come to  
19 discuss Plaza Extra business. I did not come to discuss 16  
20 Plus business. That's two different companies.

21 **Q.** Okay. So you're not going to tell me what you did  
22 with the cash?

23 **A.** I don't think I should.

24 **Q.** Let me finish the question.

25 You're not going to tell me what you did with

**FATHI YUSUF -- DIRECT**

1 the four-and-a-half million dollars in cash that her father  
2 left with you for her?

3 **A.** What I did --

4 **MR. HODGES:** Objection. He's -- he's -- he's  
5 already said that.

6 **MR. HOLT:** Right.

7 **MR. HODGES:** He's answered it.

8 **MR. HOLT:** Answered what?

9 **MR. HODGES:** It was loaned to 16 Plus.

10 **MR. HARTMANN:** He's asking how.

11 **Q. (Mr. Holt)** And how did you -- how did you loan it  
12 to 16 Plus? Was the four-and-a-half million dollars then  
13 deposited in 16 Plus, was it wired to 16 Plus? Where did  
14 the four-and-a-half million --

15 **A.** You have in your possession two transfer, each a  
16 transfer of \$2 million. You have it. And in the transfer  
17 slip, it says, Sent by her brother.

18 I don't know what else you want.

19 **Q.** Okay. So there are two transfer slips, --

20 **A.** You have it.

21 **Q.** -- and those slips --

22 **A.** Because I have a copy of it from you.

23 **Q.** And -- and the transfers are not from you, are  
24 they?

25 **A.** No, not from me.

**FATHI YUSUF -- DIRECT**

1           **Q.** They're from a bank in St. Martin, from her  
2 brother, is that correct?

3           **A.** Yeah.

4           **Q.** Okay.

5           **A.** Yeah. He's the one signed the slip, not me.

6           **Q.** Okay. How did you get the four-and-a-half million  
7 dollars in cash from your pocket to the brother?

8                           Did you hand it to him?

9           **A.** I said, never given to me. It was left with his  
10 son.

11          **Q.** Okay. So you never --

12          **A.** I don't live in St. Martin, sir.

13          **Q.** So you never actually touched the four-and-a-half  
14 million dollars?

15          **A.** No, I don't touch the money.

16          **Q.** Okay.

17          **A.** What I touch it for? For what?

18          **Q.** So the four-and-a-half million dollars in cash was  
19 left with the son.

20          **A.** Sir, all I know is we needed four-and-a-half  
21 million dollars, and I get it. Where they stored it, on the  
22 boat, underground, above ground, is none of my business.

23                       **MR. HOLT:** Okay. We got to stop to go off  
24 the record.

25                       **THE VIDEOGRAPHER:** Going off the record at

**FATHI YUSUF -- DIRECT**

1 2:55.

2 (Respite.)

3 **THE VIDEOGRAPHER:** Going back on record at

4 2:58.

5 **Q. (Mr. Holt)** Showing you -- unless you have  
6 something more that you want to add to that, I'm going to  
7 switch to the next subject.

8 (Deposition Exhibit No. 21 was  
9 marked for identification.)

10 (Deposition Exhibit No. 22 was  
11 marked for identification.)

12 (Deposition Exhibit No. 23 was  
13 marked for identification.)

14 (Deposition Exhibit No. 24 was  
15 marked for identification.)

16 (Deposition Exhibit No. 25 was  
17 marked for identification.)

18 **Q. (Mr. Holt)** Showing you Exhibits 21 through 25.

19 **MR. HOLT:** And Greg, I have two sets. Those  
20 are just a series of checks.

21 **Q. (Mr. Hodges)** Have you seen those checks before?

22 Have you seen those checks before?

23 **A.** Oh, these checks? Yes.

24 **Q.** And these checks are written to the law firm,

25 Mr. DiRuzzo's law firm?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yes.

2           **Q.**    And they are written out of the Plaza Extra  
3 account?

4           **A.**    Yes.

5           **Q.**    And do you think that maybe Mr. Hamed is entitled  
6 to reimbursement of those, since those weren't checks paid  
7 to him?

8           **A.**    No, this is by the way to represent United.  It's  
9 not to represent me in any way.  He was the lawyer to  
10 represent the criminal case, and Mohammad Hamed have  
11 50 percent of the net profit of the criminal -- of the  
12 Plaza Extra operation.

13          **Q.**    Okay.  So those checks were paid for crim -- for  
14 work done in the criminal case, not in the civil case?

15          **A.**    No, not in the civil case, no.

16          **Q.**    Okay.

17          **A.**    Not that I know of.

18          **Q.**    Okay.  So that would be a question, really, to ask  
19 someone else?

20          **A.**    I don't think it's from the -- from the -- the  
21 civil case.  Civil case, everybody pays his lawyer.

22          **Q.**    Okay.  So --

23          **A.**    I know that.

24          **Q.**    Okay.  So if, in fact, some of those checks for  
25 Mr. DiRuzzo were for the civil case, then you would have to

**FATHI YUSUF -- DIRECT**

1 reimburse?

2 **A.** No. Yeah. Okay.

3 **Q.** Okay.

4 **A.** Civil is civil. It's criminal case.

5 **Q.** Well, is there any reason why, if you're paying  
6 Mr. DiRuzzo in the criminal case, you haven't paid Pam  
7 Colon's bill in the criminal case?

8 **MR. HODGES:** Objection. Come on.

9 **A.** Oh, thank you for the question. Thank you very,  
10 very much for the question.

11 With respect to Attorney Colon, her client  
12 case dismissed was sometime in March of 2010. After March,  
13 just to the day I start to take over the billing, the  
14 receiving of paying the liabilities, this lady been billing  
15 us every single month. And I requested her a statement, I  
16 find this lady getting paid \$372,000 after her client case  
17 was dismissed. And seems to me, she was only discussing the  
18 man business, not our business, because as far as I know,  
19 her client was dismissed.

20 And the checks about it, I don't make a move  
21 until I find I get in consultant with the expert. Attorney  
22 Smock is my lawyer. He's well respected among the community  
23 and the lawyers in both island, for two reason. The man was  
24 a lawyer, then he became a judge, and then what make me to  
25 be sure that he's very, very highly respected, he been

**FATHI YUSUF -- DIRECT**

1 choosing by all the lawyers in the Virgin Islands to be a  
2 mediator.

3 So I went with my case to the gentleman. I  
4 say, Attorney Smock, look at this bill. I being billed by  
5 this lady \$372,000.

6 **MR. HODGES:** I'll object to his  
7 communications with --

8 **THE WITNESS:** No, you -- I'm sorry.

9 **MR. HODGES:** -- attorney --

10 **THE WITNESS:** Maybe I don't have to say that.

11 **MR. HODGES:** You don't.

12 **A.** Her billing was file maintenance. Most of her  
13 billing, for file maintenance. I went to that judge, to  
14 that lawyer, to that mediator, the man who's knowledge. I  
15 say, since he's a mediator, I'm sure you going through all  
16 the cases in the Virgin Islands. If not, the majority. Did  
17 you ever see billing for file management? He said, I never  
18 heard file management.

19 I asked Attorney Colon, did you manage a  
20 building for me, Attorney Colon? She said, This is secret  
21 between me and my client.

22 Well if this is secret between you and your  
23 client, let your client pay you.

24 **Q. (Mr. Holt)** Wasn't there agreement, up until  
25 September of 2012, however, that all of the attorneys' fees

**FATHI YUSUF -- DIRECT**

1 in the criminal case would be part of a joint defense  
2 agreement and would be paid out of United Corporation?

3 **A.** No. Joint agreement, but let me --

4 **Q.** Wasn't there --

5 **A.** -- elaborate to your question.

6 **Q.** Wasn't there agreement, up until  
7 September of 2012, that all of the attorneys' fees incurred  
8 in the criminal case would be -- would be paid out of the  
9 Plaza Extra --

10 **A.** Yeah. Yes, yes, but let me give my comment.

11 **Q.** Okay. So there was -- so there was that  
12 agreement?

13 **A.** Yeah, whatever it is.

14 **Q.** Okay. And her bill was -- was issued during that  
15 time frame?

16 **A.** Any time, sir, you don't live up to your  
17 commitment, don't expect the other side to respect their  
18 commitment.

19 **Q.** Okay. So then, would the same answer apply to  
20 Gordon Rhea? Why didn't you pay --

21 **A.** The same, Gordon Rhea. Okay. The same as  
22 Andreozzi. The same as Colon. If it's a joint agreement, I  
23 respect that. Agreement, me and this gentleman and this  
24 gentleman, we are joined against you. Right? That's a  
25 joint agreement. But not when he's going to be on his side

**FATHI YUSUF -- DIRECT**

1 against me. This joint agreement is void and null.

2 Attorney Gordon, with respect to him, when he  
3 came in the mediation, you well aware more than anybody  
4 else, I saw him for two minutes. Then why he's billing me  
5 for twelve hours? He was at -- with -- with Wally office.

6 Colon, I never discussed anything with her,  
7 never. She was in the same office. If you want me pay your  
8 bill, young lady, at least pay me respect and say, Hello,  
9 chat with me two minute, and go and do whatever you want  
10 with Wally. It's fine with me. But don't hide from me for  
11 all day, and yet you sending me a bill.

12 Mr. Andreozzi. When I hear the gentleman  
13 coming, I make sure I call up the man. I say,  
14 Mr. Andreozzi, I heard that there's a meeting tomorrow and  
15 you planning to come, and the reason I'm calling you, I  
16 appreciate it very much if you would postpone your trip or  
17 cancel it, and if there's no refund to your ticket, I'll be  
18 more than happy to pay for the ticket. He said, But Nizar  
19 told me to come. I say, Well, if Nizar told you to come,  
20 you're welcome. I can't tell him nothing else.

21 The man came, he charge me ten hours coming,  
22 ten hours going back, at the rate of \$425 an hour. That  
23 mean -- that man was hire at 275, be raised by Wally up to  
24 425 without my knowledge. He's hired as a tax lawyer for  
25 United Corporation, and when -- and he used work for Wally

**FATHI YUSUF -- DIRECT**

1 benefit or Wally brother, and he been increased by Wally.  
2 And when he come into that meeting, I did not see him at  
3 all.

4 It's fair that I pay that man bill? And one  
5 trip before that, my brother, my son, it happened to invite  
6 Mr. Andreozzi. Okay? The man send his bill. I'm going  
7 through his bill. I see, Meeting with Iman and so. I told  
8 my -- my brother, my son, what kind of meeting with Iman?  
9 He say, Daddy, we went dinner together. The man charge me  
10 \$1,325 to go dinner with, and they don't discuss no  
11 business. Let that gentleman -- let that gentleman face me.

12 Q. Okay. Were you -- were you --

13 A. I may respect you and invite you, yet you charge  
14 me?

15 Q. Okay.

16 A. Hey, boss, I, please, I -- I -- I'm a very strong  
17 believer, but believe in only one person. God. And beside  
18 God, is too many.

19 Q. Okay. Mr. Yusuf --

20 A. Too many doctors, too many lawyers, too many  
21 judges, too many you name it. I don't have to bend down to  
22 these people.

23 Q. Okay. I want to get it straight. Are you not  
24 paying Mr. Andreozzi's bill because of specific things in  
25 his bill, or because you don't want to pay him for anything

**FATHI YUSUF -- DIRECT**

1 in his bill?

2           **A.** Sir, when I find somebody as a professional, a  
3 lawyer, I hire him as a tax lawyer, and he introduce himself  
4 as a tax lawyer. And when I have a check to discover,  
5 \$70,000, University of Florida, you know, some institution  
6 in Florida. A school. While Willy in St. Thomas is in  
7 charge of the safe. From 1986 up to today, I'm a man never  
8 touch the money. Only with a check. Never received the  
9 hard cash, never know the combination of the safe. I  
10 through that hard drive, I find Universal Academy of  
11 Florida, bam, \$70,000. I say, What is this?

12                   All right. I asked Willy. He says, No. I  
13 press Willy. No answer. Hey, Wally keeps saying, our word  
14 against yours. I say, Okay. Then I say, Willy, if you  
15 don't -- nobody have access to the safe but you. No one can  
16 authorize this check but you.

17                   What happened? I threat him, I will put a  
18 lawyer on this, Willy. Come up with the truth. He say, Do  
19 whatever you want. He told his brother Wally, Wally give  
20 the case to Andreozzi, which he's not supposed to  
21 investigate. Look what Andreozzi come up with. Very  
22 respectable lawyer. He went and communicate, and he went to  
23 Florida and so, and he come back with a  
24 my-word-against-yours. Just the same way Wally want it.  
25 You know what he come up with?

**FATHI YUSUF -- DIRECT**

1           **Q.**    I know what he came up with.

2           **A.**    There is a lady retired, and she remembered there  
3 is somebody by name Yousuf Yusuf came in and delivered the  
4 check to us.

5                         First of all, where this lady knows Yousuf  
6 Yusuf? Who told her who's Yousuf Yusuf? Is it one of these  
7 three, Wally, Willy or Andreozzi himself? And I am strongly  
8 defending my son. Why? He have no access to the safe. He  
9 never been in St. Thomas up to that date, during the date of  
10 birth until September 4, 1994. That young man was seventeen  
11 years of age. No one knew him in St. Thomas. He never been  
12 in St. Thomas. There is no bank will ever accept a \$70,000  
13 from a minor. Especially they don't know him. And they put  
14 it to Yousuf Yusuf.

15                         And Wally sign an affidavit, admit that  
16 Yousuf Yusuf admit he delivered this check. How he could  
17 deliver the check, Wally? He never been in St. Thomas.  
18 He's of the age of seventeen. He have no access to cash.  
19 And the school where they get my -- he never been in Tampa,  
20 up to that date.

21                         Come on, man. What fair is fair.

22           **Q.**    Okay. So you think --

23           **A.**    This man making fun out of me. Fun.

24                         I will remind you someday with what I'm  
25 saying now.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Yeah.  So you think that Mr. Andreozzi went --  
2           went to a school in Florida and -- and -- and concocted a  
3           story that the \$70,000 check came from Yousuf, and you  
4           didn't like that, is that right?

5           **A.**    From Yousuf Yusuf.

6           **Q.**    Okay.  And so because -- because you think a  
7           lawyer actually went out and made up a story to report that  
8           back to you, that's why you're not paying him?

9           **A.**    What's that?

10          **Q.**    You're not paying him because --

11          **A.**    Because it's conflict of interest.  If you are --  
12          if you are defending United Corporation, why you sided?  Why  
13          you have to go and pick up Wally order?  This man is not a  
14          professional.  I'm sorry to say this, but he is not  
15          professional.

16                    I will not dirty my name for all the money in  
17          the world.  If I'm a lawyer, I have to respect the  
18          university that give me that degree.  I invite him for  
19          dinner, and he send me a bill for dinner.  Come on, man.  
20          Don't be too hungry.

21          **Q.**    How about the accountants, why didn't you pay him?

22          **A.**    You know, did you ever see somebody been invited  
23          and bill?

24          **Q.**    How come you didn't pay the accountants, Ron  
25          Soluri?

**FATHI YUSUF -- DIRECT**

1           **A.**    Oh, the accountant?

2           **Q.**    Yeah.

3           **A.**    I'll tell you the accountant.  I know you're not  
4 here to defend these people, but I tell you, when I do my  
5 decision, I do it within the law.  I am the one hire Soluri.  
6 Not Andreozzi.  Andreozzi was hired as employees of me.  
7 He's not a lawyer.  He came in as working for me.  I did not  
8 give him my record.  He went and say, when I wanted my  
9 record, they should be shame of themself by listening to  
10 Wally, and by listening to Attorney Holt.

11                         Attorney Holt have nothing to do with United.  
12 Wally, legally, have nothing to do with United.  
13 Mr. Andreozzi, you have United Corporation records.  None of  
14 these people have authority over United.  Why are you  
15 listening to them and holding the record?  I am the owner of  
16 the record.

17                         I tried to talk to him.  He says, Don't talk  
18 to me.  Go to Andreozzi.  I have no dealing with Andreozzi.  
19 I am not going to Andreozzi, and I'm not going to pay this  
20 bill, because they cause me to hire an accountant to  
21 follow up on the work.

22                         They break the agreement.  They are trying to  
23 hold me hostage.  And you, with respect to you, you trying,  
24 I'm already criminal.  You want to make me triple criminal.  
25 You want me to default.  I'm not going to default.  God is

**FATHI YUSUF -- DIRECT**

1 with -- with me. You play. You do what you want.

2 Q. Okay.

3 A. I have access to get my record, and thanks God, I  
4 did not forge document. The document is the true 100  
5 percent. Is accurate.

6 Q. What document are you talking about?

7 A. My record. It's accurate.

8 Q. Which one?

9 A. My income tax return is accurate.

10 MR. HARTMANN: There you go.

11 MR. HOLT: Okay.

12 A. Because this is the only record.

13 Q. (Mr. Holt) This is whose record? Solari's  
14 record?

15 A. I don't know if I have to answer all this, but you  
16 force me. You know why? Because I don't want to be being  
17 paid. I -- I -- I always, whenever I'm in business, I live  
18 on reputation. I have a grade A rating, A-1 rating. This  
19 man going around all over, say, You don't pay my lawyer, I  
20 don't pay your lawyer. I did not pay Andrezzi because he's  
21 your lawyer. I did not pay Colon because she's your brother  
22 lawyer, or Gordon. They break it with me. I pay them. But  
23 didn't I have the right to question their billing?

24 The lady were billing 23, and \$25,000 a  
25 month. I have nothing to do with her and her client, but

**FATHI YUSUF -- DIRECT**

1 the thing is, the bill was directed to me. And my son,  
2 because I say whatever Wally go wherever, go and sign with  
3 Wally. And my son, he's outside. He's not allowed to come  
4 here. He was taking my -- my -- my order. My son thought  
5 Colon is still representing us. He's not part of the game.  
6 And Colon get 372,000, we're not supposed to pay her?

7 **Q.** Okay.

8 **A.** And Colon -- Colon did not get much.

9 **Q.** All right. Coming back to the accountant.

10 **A.** Go ahead. I have an answer for any word you have.

11 **Q.** Why aren't you paying Ron Soluri and Howard, the  
12 Freed Maxick --

13 **A.** I respect these people, but they went off the way.  
14 They drive me in expenses. They listen to you.

15 **Q.** Didn't --

16 **A.** Let them look their money from you. They -- they  
17 hire by me. They was supposed to listen to me. I am the  
18 owner of the record. Not you. Not Wally.

19 **Q.** Okay.

20 **A.** Why they have to listen to you?

21 **Q.** Okay. Didn't you take the work that they did on  
22 your tax returns?

23 **A.** Who?

24 **Q.** Didn't you take the work of the accounting firm --

25 **A.** I don't have to answer that question.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Let me -- let me finish the question.  Didn't you  
2 take the work of Ron Solari's accounting firm, put it on  
3 your tax returns from 2002 to 2002, and file it with the  
4 IRB?

5                                Didn't you use their work?

6                                **MR. HODGES:**  Objection to form.

7           **A.**    The answer is, these people getting \$12 million.  
8 12 million.

9           **Q.**    **(Mr. Holt)**  Who's getting \$12 million?

10          **A.**    This man was keep telling me, they been discussing  
11 us \$5 million.  This lawyer was representing us, and this  
12 man was signing check.  He signed up to \$12 million.  He  
13 sign up to \$12 million.

14                                How many \$12 million in Christiansted?

15          **Q.**    Mr. Yusuf.  Didn't you strip --

16          **A.**    \$12 million, this man.

17          **Q.**    All right.

18          **A.**    He was telling me our bill will run to \$5 million.

19 I trust this man so much that --

20                                You laugh.  Enjoy it.  Enjoy it.  It's not  
21 your fault.  It's mine.

22                                I put my faith in the wrong person.

23          **Q.**    Mr. Yusuf, what are you talking about --

24          **A.**    I'm sorry --

25          **Q.**    What are you talking about on the \$12 million?

**FATHI YUSUF -- DIRECT**

1           **A.**    -- to that one.

2                           He paid the lawyer, Gordon Rhea and his  
3 group, \$12 million.

4           **Q.**    That's how much money was spent in the criminal  
5 case?

6           **A.**    Yeah.

7           **Q.**    \$12 million?

8           **A.**    Tell him.

9           **Q.**    Okay. So \$12 million was spent in defending the  
10 criminal case.

11          **A.**    Yeah.

12          **Q.**    Okay. And that's because the tax returns,  
13 according to the IRB, hadn't been properly filed.

14          **A.**    I am not here to discuss to you --

15          **Q.**    Okay.

16          **A.**    -- the criminal case, sir.

17          **Q.**    Now, coming back --

18          **A.**    Please. I mean, it's courtesy --

19          **Q.**    I'll withdraw it. I'll withdraw it.

20          **A.**    No, you know why I answer you? Because I want to  
21 clear my name. I don't want the bad reputation, Fathi Yusuf  
22 has not paid lawyer bill. I have damn good reason it's not  
23 been lawyer bill. Listen, my son is the president. I'm the  
24 secretary and treasurer. We both get dismissed. Wally  
25 Hamed get dismissed, Willy Hamed get dismissed. How come my

**FATHI YUSUF -- DIRECT**

1 bill does not exceed \$30,000 to my lawyer after the  
2 dismissal, and my son did not exceed \$30,000? Why Wally and  
3 Willy will have to exceed the hundreds of thousands? Why?

4 **Q.** Okay. I want to come back to the question I asked  
5 you in the beginning.

6 Didn't you take the accounting information  
7 that Ron Solari's accounting firm --

8 **A.** I'm not answering that.

9 **Q.** Wait, shhh, shhh, shhh.

10 **A.** Allow me to go to men's room, please.

11 **THE VIDEOGRAPHER:** Going off the record  
12 at 3:20.

13 (Short recess taken.)

14 **THE VIDEOGRAPHER:** Going back on record at  
15 3:22.

16 **Q.** (**Mr. Holt**) Mr. Yusuf, --

17 **A.** Yes, sir.

18 **Q.** -- come back to my question.

19 No matter what you think of Ron Soluri and  
20 his accounting, didn't you take the work product that they  
21 generated for 2002 to 2010 tax returns, take their name off,  
22 put your name on, and file them with the IRB?

23 **A.** I -- I don't feel I have to answer your question.  
24 I come for a civil case, Plaza Extra, between me and  
25 Mohammad Hamed. When you come up to represent Soluri's,

**FATHI YUSUF -- DIRECT**

1 I'll be more than happy to answer your question.

2 Q. Well, in this particular case, one of the  
3 questions we're trying to work -- figure out is what debts  
4 need to be paid out of the business.

5 A. That's none of your business.

6 Q. Okay.

7 A. Please. It's none of your --

8 Q. So you don't --

9 A. I respect you, and I will keep respect you, but  
10 I'll have to stop you when I feel that you interfering with  
11 something that you're not supposed to interfere.

12 Q. So you're not going to take the position the work  
13 they did --

14 A. When you hire them, I can answer your question,  
15 man. When they hire you. If they're not hire -- hiring  
16 you, what? We not in the business just to pay money. If I  
17 did not pay them, I save money. I save money, and Hamed  
18 money. It's not my money alone. And I have every reason to  
19 hold payment.

20 He reject to accept my call. He respect me,  
21 I do respect me. He say, Mr. Yusuf, please, I have a --  
22 what they call it, the accountant and lawyer, privilege?  
23 Agreement? I have --

24 **MR. MAHER YUSUF:** Attorney-client.

25 A. -- some kind of --

**FATHI YUSUF -- DIRECT**

1                   **THE WITNESS:** What they call it?

2                   **MR. MAHER YUSUF:** Attorney-client.

3           **A.**     Whatever.

4                   I can't answer your question. Call  
5 Andreozzi.

6                   Andreozzi, I don't have to call him. The man  
7 lied to me, and when a person lie to me, or -- or do  
8 something when he not supposed to do it as a gentleman, hey.

9           **Q.**     **(Mr. Holt)** All right.

10           **A.**     A human being to me is just like a glass. It's a  
11 glass that usable, and if it drop and break, it's done. And  
12 when somebody, I see he's not supposed to do, and he's --  
13 I'm thinking of him a lot higher than that, and he go that  
14 low, I leave him that low.

15           **Q.**     Okay.

16           **A.**     I have reason to put him up.

17           **Q.**     All right. I don't think I'm going to get that  
18 answer.

19           **A.**     We still friend, you know.

20           **Q.**     Who's that?

21           **A.**     Me and you.

22           **Q.**     Okay. Fair enough.

23           **A.**     I have nothing against you.

24

25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 26 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** All right. Yeah. All right. Showing  
4 you -- switching the subject. Showing you Exhibit No. 26,  
5 can you tell me what that is?

6 This is a check dated November 9 -- excuse  
7 me -- November 7, 2001 --

8 **A.** Uh-huh.

9 **Q.** -- to Fathi Yusuf, signed by Fathi Yusuf.

10 **A.** Yes, sir. Yes, sir. Yes, sir.

11 **Q.** Says, Personal.

12 You know what that check is?

13 **A.** Yes, sir. This -- excuse me. That's why I  
14 brought this.

15 **Q.** Why you brought what?

16 **A.** Anything, sir. We have three stores under one  
17 umbrella, United Corporation, but every store can have the  
18 most convenience practice of running his store any way he  
19 want it. The way I run St. Thomas, all disbursement must be  
20 entered in the computer on a daily basis, and the person in  
21 charge, before they can go home, they have to complete their  
22 job by leaving three copies of whatever in that computer.  
23 One copy come to me, one copy to go to my son, NejeH, and  
24 the third copy go to Waheed Hamed, who is the son of  
25 Mr. Mohammad Hamed.

**FATHI YUSUF -- DIRECT**

1                   So any check, no matter who signs it, it must  
2                   come to me every afternoon except Saturday and Sunday. So  
3                   if this check is signed by me, I am sure 1,000 percent,  
4                   without missing one, that Willy Hamed aware of it. So this  
5                   will go into the accounting system, and I'm sure maybe it's  
6                   in already the accounting system. That's not stolen.

7                   **Q.**    Okay. Do you know what that check's for?

8                   **A.**    Huh?

9                   **Q.**    Do you know what that check is for?

10                  **A.**    What it's for?

11                  **Q.**    Yeah.

12                  **A.**    I don't have to answer you that. That says,  
13                  Personal. Clear, Personal. You's a lawyer. It's personal,  
14                  and it's my personal. I already committed, I owe it, or  
15                  maybe it's already written. What do you want to tell me, --

16                  **Q.**    Okay. So I guess that would be --

17                  **A.**    -- who I give it?

18                  **Q.**    Okay. So if it says Personal, that's money you  
19                  took out for you.

20                  **A.**    Yeah, it's clear.

21                  **Q.**    And Mr. Hamed should get a equal amount.

22                  **A.**    He maybe get that.

23                  **Q.**    Okay. Understand, if you take a check out that's  
24                  personal to you, then Mr. Hamed is entitled to an equal  
25                  amount.

**FATHI YUSUF -- DIRECT**

1           **A.**    Yeah, if it's not in the system, he's entitled to  
2    it --

3           **Q.**    Okay.

4           **A.**    -- if it's not in the system.

5           **Q.**    Showing you exhibit --

6           **A.**    But if it's in the system, I don't know him.

7                                (Deposition Exhibit No. 27 was  
8                                marked for identification.)

9           **Q.**    Showing you Exhibit No. 28 -- 27.

10                               This is a check dated June 9th of 2002 for  
11    \$50,000.

12           **A.**    Sir, that's the same thing. One more thing. I'm  
13    glad you bring this one, too. Willy Hamed build house one  
14    or two years before me. He were drawing money and build  
15    that house, and complete that house, and he write in the  
16    ledger whatever he draw.

17           **Q.**    Right.

18           **A.**    After the man finish building his house, he start  
19    to build my house. Okay? During this period of time, we  
20    was under marshal order. And if you notice, there's a  
21    marshal initial here. And it says, House construction. The  
22    marshal seize me up, say, You can't finish your house. I  
23    say, What are you saying? I try -- I try three, four  
24    months. I say, Listen, Mister. You either give me release  
25    to finish my house, or otherwise I'll have to put a sign on

**FATHI YUSUF -- DIRECT**

1 the road, Marshal stopping me building my own house.

2 You're not be reasonable. Let me build my  
3 house. And then he says, he allowed me, and this is the  
4 marshal initial. Even if the marshal don't have his  
5 initial, this is my system (indicating).

6 **Q.** And you keep --

7 **A.** I'll bring you every accountant we ever hired in  
8 St. Thomas, they cannot go home without give us a report of  
9 all outstanding check daily.

10 **Q.** Okay. And what you're holding up is what? What  
11 is that document?

12 **A.** I ask my son to --

13 **MR. HODGES:** Just tell him what it is.

14 **A.** This is disbursement check and bank balance. I  
15 asked my son last night, around 11:00 o'clock, I say, Son,  
16 give -- send me the last fifteen pages you have. I need the  
17 last fifteen days.

18 Wait a minute, please.

19 He say, Daddy, we stop doing it the same way  
20 you was doing. I say, What you mean?

21 He say, We do -- I don't remember what he  
22 told me, he do it once a week or twice a week or twice  
23 every -- or once every two weeks. I even scream at him. I  
24 say, Why? The system since the store organize, daily? Why  
25 are you giving every two weeks or once a week? Isn't you

**FATHI YUSUF -- DIRECT**

1 giving room for people to get away with something?

2 He didn't answer my question. And I'm going  
3 to punish him by changing the system without I know.

4 Unfortunately, the other store does not have the system. Do  
5 not have that system. What they have, one checking account  
6 only for the two store. That's Wally setup. Even that I  
7 can't tell which store make more -- more money than the  
8 other.

9 Let me finish, please.

10 **Q. (Mr. Holt)** I know, I'm just trying to --

11 **A.** When I find these paper from the FBI, I start to  
12 tighten my rule. But how much can you tight? How much can  
13 you tight? If we bring a cat, and I wash it for one month  
14 day and night, it never stay clean. It stay a cat. The  
15 best thing, Bye bye. Mistake. I swallow it.

16 But thanks God, does give me the FBI, and  
17 thanks God, I discover it before I retire. Otherwise, this  
18 first six, month my children never listen to me. They want  
19 their cousin. I say, This is not your cousin. You being  
20 used. And now, I believe they are convinced.

21 **Q.** Okay. So coming back to my question, the document  
22 in front of you is what?

23 **A.** Sir, --

24 **Q.** What is that document?

25 **A.** -- take a look at it, please. This is report from

**FATHI YUSUF -- DIRECT**

1 the controller to the people run the office in St. Thomas of  
2 all outstanding check. All checks written. It give you the  
3 check number and to who it's written. So my name, it could  
4 be there. At least Willy is aware of it.

5 **Q.** And this is for the last fifteen days?

6 **A.** I tell them, Give me the newest fifteen days.  
7 Before I left, see, before I left, I make sure this printed  
8 daily basis. Only Saturday and Sunday, it will not be  
9 printed, because we don't have office personnel. They go  
10 home on the weekend. But after I left, it's being changed  
11 for some reason. I don't see no valid reason.

12 **Q.** Okay. So when I asked you some questions about  
13 some of the checks you had, --

14 **A.** Yes.

15 **Q.** -- you referred to that document. But the checks  
16 marked 26 and 27, they're not going to show up on that  
17 document because --

18 **A.** Sir, I'm telling you the policy.

19 **Q.** Okay.

20 **A.** The way we run business.

21 **Q.** All right.

22 **A.** All accountant we ever hired will tell you, I make  
23 sure before I go home, I deliver the bank balance, all check  
24 written, to three of these managers. That's mean these  
25 check being distributed.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Okay.

2           **A.**    And my partner's son is aware of it.

3           **Q.**    Okay.

4           **A.**    You can't, hey, I don't want no, in the world,  
5 anybody label me stealing.

6           **Q.**    Okay.

7           **A.**    I congratulate you if you catch me stealing.  
8 Because this way, hopefully, that I will stop if I'm  
9 stealing. But I am not that type of person. I work, I  
10 build the shopping center, between me and my brother, I did  
11 not steal one dollar. I run between me, between me and  
12 Mohammad Hamed, running the three stores, I did not steal  
13 one dollar.

14                                (Deposition Exhibit No. 28 was  
15                                marked for identification.)

16           **Q.**    **(Mr. Holt)** Okay. Showing you Exhibit No. 28.  
17                                Can you tell me what that is?

18           **A.**    That's the same, sir, with the marshal, with the  
19 marshal. I don't know about this money transfer.

20                                Oh, this is product to bring from Turkey.  
21 This is the Bank of Nova Scotia to buy -- to buy a bank  
22 draft to bring merchandise for the store from Turkey.

23           **Q.**    Okay. So that goes from the Plaza Extra account  
24 to your account, and then you bring --

25           **A.**    Sir, this is not to my account.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Okay.

2           **A.**    This went to Bank of Nova Scotia. We purchase a  
3 bank draft, or a New York draft, because our check is not  
4 organized in Istanbul. But the bank draft will have a lot  
5 more people to organize it.

6                               (Deposition Exhibit No. 30 was  
7                                marked for identification.)

8           **Q.**    **(Mr. Holt)** Okay. Look at Exhibit No. 30.

9           **A.**    And this is, sir, to bring inventory to Plaza  
10 Extra store.

11          **Q.**    Okay. Showing you Exhibit No. 30, can you tell me  
12 what that is?

13          **A.**    That's the same thing. I needed money for  
14 merchandise. I called Wally, and he send it. This Wally's  
15 signature. But that not for me. That is inventory, some of  
16 it for me, and some of it for the business. It's addressed  
17 to me, wire transfer. The one who signed the check, Wally  
18 Hamed.

19                               This one is signed by me to the Bank of Nova  
20 Scotia for inventory for the store.

21                               (Deposition Exhibit No. 31 was  
22                                marked for identification.)

23          **Q.**    **(Mr. Holt)** Showing you Exhibit No. 31, what does  
24 this come from?

25          **A.**    Uh-huh. Is this Skyline?

**FATHI YUSUF -- DIRECT**

1           **Q.**    Yes.  Oh.

2                           **MR. HODGES:**  Can you see it?  I -- I -- I --  
3  I'm not an interpreter.  I can't -- if you can't see it,  
4  don't worry about it.

5           **A.**    I honestly don't know.  But sir, it's been  
6  initialed by somebody.  It's been authorized by the marshal.

7           **Q.**    **(Mr. Holt)**  Okay.  What year was the marshal put  
8  in?

9           **A.**    Hello?

10          **Q.**    What year was the marshal put in?

11          **A.**    This period.

12                           **THE REPORTER:**  I'm sorry?  This --

13                           **THE WITNESS:**  This -- the period is  
14  October 3rd, 2002.

15          **Q.**    **(Mr. Holt)**  All right.  And so do you know what  
16  this check for \$50,000 was for?

17          **A.**    Excuse me, sir?

18          **Q.**    Do you know what this check for \$50,000 was for?

19          **A.**    I -- I honestly don't know.

20          **Q.**    Okay.

21          **A.**    But this is could be, I don't know, what is the  
22  word here?  And this, what is this word?

23          **Q.**    I think it says Skyline.

24          **A.**    What is that?

25          **Q.**    I think it says Skyline.

**FATHI YUSUF -- DIRECT**

1           **A.**    Oh, Skyline, that's where my house located.

2           **Q.**    Okay.  So you think that's for your house?

3           **A.**    Yeah.

4           **Q.**    Okay.

5           **A.**    If it says Skyline, it's for the house.

6           **Q.**    Okay.  Showing me -- I'm skipping some  
7 exhibits here, because you're clearing some things up.

8                                (Deposition Exhibit No. 34 was  
9                                marked for identification.)

10          **Q.**    Showing me (sic) Exhibit No. -- showing you  
11 Exhibit No. 34.

12          **A.**    Uh-huh.

13          **Q.**    You know what this document is?

14          **A.**    Yeah.  This is personal.

15          **Q.**    A check written to you, signed by you?

16          **A.**    Hello?

17          **Q.**    This is a check dated December 23rd, 2002, to you,  
18 of which and you signed the check, is that correct?  You  
19 wrote a check to yourself.

20          **A.**    I was thinking about something else.  12/23/02.

21          **Q.**    Yes.  You wrote a check --

22          **A.**    This is signed by me.  It says personal.  Somebody  
23 initial it here (indicating).

24                                Attorney Holt, --

25          **Q.**    Uh-huh.

**FATHI YUSUF -- DIRECT**

1           **A.**    -- I don't think we should play cherry picker  
2 here.

3           **Q.**    Cherry picker.  Okay.

4           **A.**    Cherry picker.

5                        Give me the full record, I will honor these  
6 checks.  But if you just bringing me my checks, I'm not  
7 going to honor it.

8           **Q.**    Okay.

9           **A.**    Because I see 99 percent of my record disappear.

10          **Q.**    Okay.  Showing you Exhibit --

11          **A.**    A lot of my register record disappear.  So who's  
12 capable of bringing this check should be able to bring the  
13 entire file.  He is responsible for the file.  If he don't  
14 bring the entire file, I will no way recognize this check.

15          **Q.**    All right.

16          **A.**    This check is in the custody of the Hamed family,  
17 whether in St. Thomas or St. Croix.

18          **Q.**    Okay.

19          **A.**    There's no cherry picker in here.

20                        (Deposition Exhibit No. 35 was  
21                        marked for identification.)

22                        **MR. HOLT:**  Can you show him Exhibit No. 35?  
23                        Do you have 35?

24                        **MR. HODGES:**  Yes, right here.

25          **Q.**    **(Mr. Holt)**  Thirty-five is a check to Nejeah Yusuf

**FATHI YUSUF -- DIRECT**

1 for 25,000.

2 **A.** Skyline.

3 **Q.** Okay. That means that's for your house?

4 **A.** Skyline is my house. It's also initialed.

5 (Deposition Exhibit No. 36 was  
6 marked for identification.)

7 **Q. (Mr. Holt)** Okay. All right. Showing you  
8 Exhibit No. 36, this also says Skyline Drive on it, dated  
9 July 14th of 2003.

10 **A.** Yeah.

11 **Q.** This --

12 **A.** Okay.

13 **Q.** This would be for your house?

14 **A.** If it says Skyline, it's my house. If it's  
15 personal, I went to the casino with it.

16 **Q.** Okay. Why is it addressed to NejeH Yusuf?

17 **A.** NejeH is my son.

18 **Q.** So he -- he would turn this check over to you?

19 **A.** Excuse me?

20 **Q.** He may have turned this check over to you?

21 **A.** What?

22 **MR. HODGES:** This check.

23 **A.** NejeH. Yeah, this.

24 He don't turn it to me. There is no  
25 difference between me and my son.

**FATHI YUSUF -- DIRECT**

1           **Q.**    **(Mr. Holt)** Okay. All right. And you think you  
2 might have spent this at the casino?

3           **A.**    But wait a minute. Wait a minute. This is Waleed  
4 Hamed's signature.

5           **Q.**    Okay. You said you might have spent it at the  
6 casino?

7           **A.**    I want to do whatever I want to do with my money.

8           **Q.**    Okay.

9           **A.**    That's why I working hard. As long as I can prove  
10 my money is legal, I'm free to do whatever I want with it.

11                               (Deposition Exhibit No. 38 was  
12                               marked for identification.)

13           **Q.**    **(Mr. Holt)** Okay. Showing you Exhibit No. 38.  
14 This one's dated July 30th of 2003 for 25,000 payable to  
15 Nejeh Yusuf.

16           **A.**    It's also signed by Willy Hamed.

17           **Q.**    Okay. And it says Skyline, so that would be for  
18 your house?

19           **A.**    Yeah.

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

21                               **THE WITNESS:** Yeah.

22                               **MR. HODGES:** I think we have two 38s, don't  
23 we? No.

24                               What was the last one?

25                               **THE WITNESS:** Whatever it is, they have to

**FATHI YUSUF -- DIRECT**

1 bring the entire file.

2 **Q. (Mr. Holt)** All right. Showing you --

3 **A.** They are responsible for the folders.

4 (Deposition Exhibit No. 39 was  
5 marked for identification.)

6 **Q. (Mr. Holt)** Showing you Exhibit No. 39.

7 **A.** Uh-huh.

8 **Q.** This is a check dated August 20th of 2003 to  
9 Nejeah --

10 **A.** Also signed by Willy Hamed.

11 **Q.** Okay.

12 **A.** Skyline.

13 (Deposition Exhibit No. 40 was  
14 marked for identification.)

15 **Q. (Mr. Holt)** All right. Showing you  
16 Exhibit No. 40, can you tell me what this is?

17 **A.** Signed by Willy Hamed. Signed by Willy Hamed.

18 **Q.** Okay. And when it says Skyline, that's for your  
19 house?

20 **A.** Yes, sir.

21 **Q.** Okay. And that's your house in St. Thomas,  
22 correct?

23 **A.** Hello?

24 **Q.** That's your house in St. Thomas, correct?

25 **A.** Yes, sir.

**FATHI YUSUF -- DIRECT**

1 Q. Okay.

2 (Deposition Exhibit No. 41 was  
3 marked for identification.)

4 Q. (Mr. Holt) Showing you Exhibit No. 41.

5 This is a check to Fathi Yusuf dated  
6 September 5, 2003, signed by Fathi Yusuf.

7 Do you know what this check is for?

8 A. What is this? I -- I don't know. It's not my  
9 handwriting.

10 Q. Is that your signature on it?

11 A. What is this? It's my signature, yes. But it's  
12 not my handwriting. I don't know. Restitution?

13 Q. You see on the bottom of the exhibit, the back of  
14 the check showing you endorsed it to your account? It's on  
15 the same --

16 MR. HARTMANN: On the front.

17 Q. (Mr. Holt) It's on the front. Just --

18 A. Yeah, whatever. Whatever account it went to. I  
19 mean, I signed it. My name is on it.

20 Q. Okay.

21 A. But I don't know what it's for.

22 Q. And you deposited it to your account?

23 A. I don't know where I went with it.

24 Q. Okay.

25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 42 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** Showing you Exhibit No. 42, this is a  
4 check to NejeH Yusuf that you signed on February 19th, 2004?

5 **A.** Whatever it is.

6 **MR. HODGES:** Right here.

7 **Q. (Mr. Holt)** Do you know what this check was for?

8 **A.** Says it's NejeH Yusuf, it's NejeH Yusuf. That's  
9 personal.

10 **Q.** Okay. Okay. So it went to him. All right.

11 (Deposition Exhibit No. 43 was  
12 marked for identification.)

13 **Q. (Mr. Holt)** Showing you Exhibit No. 43.

14 Can you tell me what those checks -- these  
15 two checks are? One's dated June 14th, 2004, and one's  
16 dated May 20th, 2004. They're both payroll to you signed by  
17 you. One of them says, Personal. One of them doesn't have  
18 an entry.

19 **A.** Yeah, but both of them have marshal's signature.  
20 Both of them.

21 **Q.** Okay. And do you know what they were used for?

22 **A.** Huh?

23 **Q.** Do you know what these funds were used for?

24 **A.** Used for? I don't know.  
25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 44 was  
2 marked for identification.)

3 **Q. (Mr. Holt)** Okay. Showing you Exhibit No. 44.

4 Can you tell me what this is?

5 **A.** It says, Personal, 908.40 and \$25,000. It have  
6 the marshal -- it have the marshal initial, and it's signed  
7 by Waheed Hamed.

8 (Deposition Exhibit No. 45 was  
9 marked for identification.)

10 **Q. (Mr. Holt)** Okay. Showing you Exhibit No. 45.

11 Can you tell me what this is?

12 **A.** Signed by me, \$14,000, and the check says,  
13 Personal. Check No. 15891.

14 **Q.** Do you know what it was used for?

15 **A.** (Witness shrugs shoulders.) No. If it's personal,  
16 it's personal.

17 (Deposition Exhibit No. 46 was  
18 marked for identification.)

19 **Q. (Mr. Holt)** Showing you Exhibit No. 46.

20 Can you tell me what that is?

21 **MR. HODGES:** I'm holding up so I can catch up  
22 with you guys. You're moving too fast.

23 **MR. HARTMANN:** You want to wait a second?

24 **THE WITNESS:** You're going to hold on to  
25 these checks?

**FATHI YUSUF -- DIRECT**

1                   **MR. HODGES:** Yes.

2                   **THE WITNESS:** I need a motion to the judge,  
3 order that record.

4                   **MR. HODGES:** Shhh. Shhh.

5                   **THE WITNESS:** Can't pick and choose, boss.

6                   **MR. HOLT:** Do you have -- oh, I'm sorry.  
7 Greg's still catching up. I apologize.

8                   **MR. HODGES:** Okay.

9                   **THE WITNESS:** We have some kind of record.  
10 We glad. We're lucky. Where they find this, they find the  
11 others.

12                   **MR. HOLT:** Does he have 46 in front of him?

13                   **MR. HODGES:** I assume, yes.

14                   **THE WITNESS:** What?

15                   **MR. HODGES:** Your -- your writing is  
16 difficult to follow, but that is 46.

17                   **Q. (Mr. Holt)** Okay. So we have two checks here to  
18 Fathi Yusuf, signed by Fathi Yusuf. Both say, Personal.

19                   **A.** It have initial, sir.

20                   **Q.** Huh?

21                   **A.** It have initial?

22                   **Q.** I see initials on one of them. You know, I don't  
23 know enough about the initialing, but --

24                   **A.** Well, I'm telling you, there's initial. It's not  
25 stolen. The most important is it's not stolen. And we have

**FATHI YUSUF -- DIRECT**

1 the system in St. Thomas. That's the system we have.

2 Q. Okay.

3 A. No way you can steal anything. I put that system.  
4 I trust Wally to do the same system here. It's not being  
5 done.

6 (Deposition Exhibit No. 47 was  
7 marked for identification.)

8 Q. **(Mr. Holt)** Showing you Exhibit No. 47.

9 You know what this is? We're almost done  
10 with these checks.

11 A. Welcome. It's nice chatting with you all the  
12 time.

13 Q. You know what these checks are?

14 A. What?

15 Q. Exhibit No. --

16 A. It's personal. I can't tell you my personal.

17 Q. Okay.

18 A. But it's personal.

19 (Deposition Exhibit No. 48 was  
20 marked for identification.)

21 Q. **(Mr. Holt)** All right. Looking at Exhibit No. 48,  
22 can you tell me what these checks are?

23 A. It's personal and personal. And it have initial.  
24  
25

**FATHI YUSUF -- DIRECT**

1 (Deposition Exhibit No. 49 was  
2 marked for identification.)

3 (Deposition Exhibit No. 50 was  
4 marked for identification.)

5 **Q. (Mr. Holt)** Showing you the last two, Exhibit 49  
6 and 50.

7 These are both checks to NejeH Yusuf. Do you  
8 know what they are?

9 **A.** Yeah.

10 **MR. HODGES:** Forty-nine?

11 **MR. HARTMANN:** Here you go.

12 **MR. HODGES:** Okay. Forty-eight. Oops,  
13 sorry.

14 Forty-nine?

15 Is there a question?

16 **MR. HOLT:** I think I asked him the last two  
17 exhibits.

18 **MR. HARTMANN:** He wanted 49 and 50.

19 **MR. HODGES:** Oh, you wanted both of them  
20 there?

21 **MR. HOLT:** Yeah, I just wanted to ask him  
22 what those two are, and then we'll be done with those.

23 **MR. HODGES:** These two checks right here.

24 **A.** This is signed by Waheed Hamed.

25 **MR. HODGES:** Which is "this"?

**FATHI YUSUF -- DIRECT**

1                   **THE WITNESS:** Have initial by a marshal.

2                   **MR. HODGES:** Which one are you talking about?

3                   **THE WITNESS:** Both of them.

4                   **MR. HODGES:** Okay.

5                   **THE WITNESS:** The 16062, October 21st, 2004,  
6 written to Fa -- to Nejeh Yusuf, 25,000, signed by Waheed  
7 Hamed, Personal, initial by the marshal.

8                                 Check No. 16084, dated November 3rd, 2004,  
9 name is Nejeh Yusuf, amount 25,000. It marked personal,  
10 signed by Waheed Hamed, initialed by the marshal.

11           **Q. (Mr. Holt)** Okay. Now, did you ever trade any  
12 brokerage accounts using money from Plaza Extra?

13           **A.** Yeah.

14           **Q.** You did?

15           **A.** Yes.

16           **Q.** Okay.

17           **A.** But wait a minute, the question is, I did it for  
18 whom?

19           **Q.** Who did you do it for?

20           **A.** For Plaza -- for United Corporation.

21           **Q.** Okay.

22           **A.** For the benefit of Plaza Extra.

23           **Q.** Okay. So you did have accounts where --

24           **A.** I do not have accounts, sir.

25           **Q.** Okay.

**FATHI YUSUF -- DIRECT**

1           **A.**    United Corporation is the one who own the account.

2           **Q.**    Okay.  And did you actually trade options as part  
3 of that?

4           **A.**    Yes.

5           **Q.**    And did you lose money trading options?

6           **A.**    The company lose money.  I didn't lose nothing.

7           **Q.**    Okay.  How much do you think the company lost?

8           **A.**    I don't know.

9           **Q.**    Millions?

10          **A.**    Millions.

11          **Q.**    Did there come a time that you were actually told  
12 to stop trading options on the United account?

13          **A.**    I think once, one time.

14          **Q.**    And did you -- did you agree to stop trading the  
15 options?

16          **A.**    Yes.

17          **Q.**    And did you, in fact, stop trading the options?

18          **A.**    No.

19          **Q.**    Why not?

20          **A.**    Because I was told by the father in the presence  
21 of Wally, and then later in about two, three weeks, one  
22 month, I was able to convince Wally to resume trading,  
23 hopefully that we will return back our loss.  And he said he  
24 have no problem.  But the question is, Attorney Holt, I  
25 hardly make any deposit to that account.  All deposit being

**FATHI YUSUF -- DIRECT**

1 made by Wally Hamed. That's mean, with his absolute  
2 approval. If I lose it, I'm sorry. That's bad luck.

3 **Q.** Okay. And, in fact, after you were asked by  
4 Mohammad Hamed to stop trading options, didn't you lose  
5 20 -- \$18 million in -- in --

6 **A.** Sir, whatever I lose, I did not make the deposit.  
7 His son is the one -- his son is the one make the deposit.  
8 His son is on the check to Merrill Lynch.

9 **Q.** So regardless of who made the deposit to Merrill  
10 Lynch, after Mohammad Hamed told you to stop trading, you  
11 lost 18 million trading options on the Plaza Extra account.

12 **A.** Sir, sir, --

13 **Q.** Isn't that correct?

14 **A.** -- when I bought property for about 25 million,  
15 and worth now over a hundred million, I did not consult with  
16 Mohammad Hamed. I'm willing to make a trade now. I'll give  
17 him back his money plus 10-percent profit. He give me back  
18 all the property I bought, and I don't need -- I mean, I'll  
19 give him 10-percent profit in his investment, and deduct it  
20 from the properties I bought.

21 **Q.** Okay.

22 **A.** There's a lot of property, you know. I bought  
23 2,000 -- two -- two -- how much? 578 acre at two-and-a-half  
24 million dollar, and now the same is worthing 25 million. I  
25 bought Mandela Circle for 2 million. I been offered by

**FATHI YUSUF -- DIRECT**

1 Walgreen, 10 million. Hey, wait a minute. I mean, if you  
2 want one for one, I will give him 10-percent profit. What  
3 else you want? But I'm not responsible, I am not playing  
4 big because I make him a fortune in the land. If I'm not  
5 getting any extra by buying him a dollar and turning it into  
6 ten dollar, then I should not be punished by losing money in  
7 the stock market, sir.

8 **Q.** Okay. Now --

9 **A.** Hey, hey. High risk. High reward, high risk.  
10 You want reward, you have to be facing the risk. If you  
11 don't want the reward, I guarantee you, there will be no  
12 risk. And the man choose to have reward and risk. I can't  
13 be responsible for the risk, and now all the reward is his.  
14 That's not fair.

15 **Q.** Okay. Now, having said all that, isn't it true,  
16 after -- after Mohammad Hamed told you to stop trading  
17 options, you lost \$18 million in a brokerage account of  
18 Plaza Extra funds?

19 **A.** I don't know. Maybe not. I don't know. I don't  
20 think we have \$18 million to lose.

21 **Q.** How much do you think --

22 **A.** Ask the one who make the deposit. His son, he  
23 have more confident in his son than me.

24 **Q.** Okay. If his son --

25 **A.** Ask his son.

**FATHI YUSUF -- DIRECT**

1           **Q.**    If his son deposited \$18 million, and you traded  
2           the options and the account went to zero, you would have  
3           lost the \$18 million, right?

4           **A.**    If I have it?

5           **Q.**    No, no, not that you have it. That you traded the  
6           options out of the Plaza Extra account from the deposit  
7           Wally made, and lost all that money.

8           **A.**    For Plaza Extra interest.

9           **Q.**    Okay. So you lost \$18 million of Plaza Extra's  
10          money trading options.

11          **A.**    Uh-huh. Yeah. Give me back my -- give me -- I'll  
12          give you, the property I bought, I'm willing to give you  
13          back all your money. Turn the property to me. There's no  
14          pick and choose here. Go to the judge, honorable judge,  
15          he's going to tell you the same thing. I been in charge.  
16          There's no guarantee I make money, I lose money.

17          **Q.**    Okay. Are you still invested in Mattress Pile?

18          **A.**    Hello?

19          **Q.**    Do you still have an investment in Mattress Pile?

20          **A.**    Yes. Yes, yes, yes, yes, yes. I have 33 stores  
21          in eight month, and I'm going to push it up to six, 700  
22          stores. And I'll be honest with you, if Wally was a  
23          gentleman that, with the same respect I used to have for  
24          him, he could have had the three stores. But now, I don't  
25          see how could I reward him after he did me what he did.

**FATHI YUSUF -- DIRECT**

1 It's no way I can reward him. I am not in position to  
2 reward anybody who really intentionally hurt me.

3 Listen, I was -- you can call it whatever you  
4 want to call it. Before, I was a young man. I used to  
5 drink. I gambled. I go here, I go there. But I'm now, I'm  
6 at the age of my grave. I don't care to be in the  
7 supermarket business. My religion doesn't allow me to sell  
8 liquor and beer and -- and -- and beer and cigarettes, but I  
9 have no choice but to close down. Since I can't deliver it  
10 to somebody who hurt me, or otherwise all my life is I  
11 working hard. Hopefully I will retired five years above his  
12 father retirement age. His father is 79. He retired in  
13 1996. Sir, he retired in 1996, and now is 2014. This is an  
14 18 years. Subtract the 18 from the age of Mr. Mohammad, 79,  
15 that's mean that gentleman retired at the age of 61.

16 I am 73 the 15th of April this year, and up  
17 to now, I am not be able to retire because of that man  
18 (indicating).

19 **Q.** Okay. So you're --

20 **A.** If he did not do what he did to me, I will already  
21 retired five or six years ago. But how can I retire and  
22 leave my son in the air? I can't leave a future in the hand  
23 of Wally and his brothers. I seen it. So he owes me a lot  
24 by punishing me. That's the -- that's the reward I'm  
25 getting. Helping him, and helping his family, the reward I

**FATHI YUSUF -- DIRECT**

1 get is I be punished looking for the job as age to  
2 seventy-three. Come on, man.

3 **MR. HOLT:** All right. The tape is off, so  
4 we're going to take a short break while we put a new tape  
5 in.

6 **THE VIDEOGRAPHER:** Going off the record at  
7 3:58.

8 (Short recess taken.)

9 **THE VIDEOGRAPHER:** Going back on record at  
10 4:07.

11 **Q. (Mr. Holt)** Mr. Yusuf, you mentioned properties in  
12 Jordan, and I take it that some of the Plaza Extra proceeds  
13 have been used to buy properties in Jordan, where you own  
14 50 percent, and Mr. Hamed owns 50 percent.

15 **A.** Yes, sir.

16 **Q.** Do you know how many properties?

17 **A.** I --

18 **Q.** Approximately.

19 **A.** Maybe 30.

20 **Q.** Okay.

21 **A.** Thirty-five properties.

22 **Q.** And then you made a statement this morning that  
23 there's actually some properties that Plaza Extra proceeds  
24 were used to buy that are in his name, as opposed to both of  
25 your names?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yes.

2           **Q.**    How many of those are there?

3           **A.**    I honestly don't know.

4           **Q.**    Do you know the identity of the properties? Like  
5 the -- if you -- I don't -- it's not a memory test, but if  
6 you had to give me the names of the properties, your lawyer,  
7 the names of the properties?

8           **A.**    He have it.

9           **Q.**    Excuse me?

10          **A.**    Mr. Mohammad Hamed have the deed. He have copy of  
11 the deed.

12          **Q.**    Okay. But do you know which ones they are?

13          **A.**    Yes, I -- I think I have the record, and, --

14          **Q.**    Okay.

15          **A.**    -- we'll know.

16                        When we transfer it, we give it to somebody  
17 trying to help us, but look like he missed three or four of  
18 them without giving me my half.

19          **Q.**    Okay. If you could just maybe give those deeds to  
20 your lawyer, that might help us clear up that issue.

21          **A.**    I don't know if you're going to interfere with  
22 whatever is in Jordan. A Jordan lawyer will -- will handle  
23 that.

24          **Q.**    Okay.

25          **A.**    We don't have any rule over that.

**FATHI YUSUF -- DIRECT**

1           **Q.**    Okay. All right. Can you tell me the bank  
2 accounts that -- that you now have anywhere in the world?

3           **A.**    Only one, in Nova Scotia, and no place in the  
4 world guarantee. With less than \$63,000 in it.

5           **Q.**    Okay. So you have no other bank accounts anywhere  
6 in the world.

7           **A.**    Nowhere in the world.

8           **Q.**    Any other accounts anywhere in the world that you  
9 control, even though your name isn't on it, like an account  
10 in your wife's name?

11          **A.**    Nothing. Neither my children or my wife or  
12 myself.

13          **Q.**    Okay. And what about in investment accounts with  
14 brokerage firms?

15          **A.**    Excuse me?

16          **Q.**    Do you have any investment accounts with brokerage  
17 firms?

18          **A.**    No.

19          **Q.**    And other than your -- your interest in United  
20 Corporation and Mattress Pile, do you have any other  
21 investments?

22          **A.**    Yes.

23          **Q.**    What are they?

24          **A.**    I bought property here after I decided I can't  
25 work with the Hamed family, unfortunate. I decided to go on

**FATHI YUSUF -- DIRECT**

1 my own, with giving them notice in September of 2010 that I  
2 don't wish to continue with you guys. And after that, I  
3 bought three property here. I think 127,000 for \$500,000  
4 with a contract in it, the owner can buy it back no later  
5 than the end of this year for a million and a half, which is  
6 fine. If he give me a million-dollar profit, he can have  
7 it.

8 A second one, I think it's one million seven,  
9 one million eight, about neighborhood of 90 acre that's also  
10 I bought. And 4 acre in case I have to relocate from Grove,  
11 I like to be in the area, Papa. I have secured already a  
12 piece of property there. As soon I'm out of Grove, I am  
13 moving into that -- that property with two floor.

14 **Q.** Okay.

15 **A.** And I have -- I honestly don't know exactly how  
16 much I bought in Jordan. I bought a strip, I don't know,  
17 maybe about 7 or 8 acre right along the highway.

18 **THE REPORTER:** Seven or 8 --

19 **THE WITNESS:** Acre, which is about 32 dullom.  
20 There they use different measurement.

21 **Q. (Mr. Holt)** Where did you -- when did you buy the  
22 land in Jordan?

23 **A.** After I sold Dorothisia.

24 **Q.** I'm sorry. After you sold what?

25 **MR. HODGES:** Dorothisia.

**FATHI YUSUF -- DIRECT**

1           **A.**    After I sold Dorothia. I have money from  
2   Dorothia, and some money from my tenant account, and I --  
3   that's where I invest the money.

4           **Q.**    **(Mr. Holt)** Do you have any property in Jordan,  
5   other than the one you just mentioned that's only in your  
6   name?

7           **A.**    No.

8           **Q.**    When your brother was -- was bought out of the  
9   shopping center, how much was he paid, Ahmad Yusuf? How  
10   much was he paid?

11          **A.**    I think it's two million eight.

12          **Q.**    Okay. And where did the cash come from to buy him  
13   out?

14          **A.**    That was already covered by December 31st, 1993.

15          **Q.**    Okay. So the funds came from the Plaza Extra  
16   account?

17          **A.**    And the tenant. And the tenant.

18          **Q.**    And the tenant.

19          **A.**    Tenant account. Tenant account. Because tenant,  
20   I have a -- beside the Plaza Extra, I have a -- I used to  
21   have a retainer of seven, 800,000 a year. In Hugo, the  
22   whole island was destroyed except that building. Was fully,  
23   fully occupied.

24          **Q.**    And where did the funds come from to pay off the  
25   two partners who wanted out, Ali and Hitham? Where did

**FATHI YUSUF -- DIRECT**

1 those funds come from?

2 **A.** From the -- the rent.

3 **Q.** When you say "rent," you're talking about the

4 United --

5 **A.** United.

6 **Q.** -- Shopping Center account?

7 **A.** Yes.

8 **Q.** And --

9 **A.** But you see, I add in the -- the -- the penalty  
10 and interest, which Mohammad Hamed agreed to. But anyhow,  
11 that been closed, and he admit it yesterday, that we even as  
12 December 31st, 1993.

13 **Q.** Okay. And the --

14 **A.** He's aware of it, Waleed Hamed aware of it, and I  
15 left the book on his desk.

16 **Q.** Okay. And the -- you mentioned today three  
17 accounts in St. Martin. There were three bank accounts in  
18 St. Martin?

19 **A.** Three accounts, and been instructed Wally should  
20 close them. He closed them with four checks. One hundred  
21 in my name; 100 in his name; 350, I don't remember in whose  
22 name; and 373.34.

23 **Q.** Okay.

24 **A.** I don't have an explanation where their money  
25 went.

**FATHI YUSUF -- DIRECT**

1 Q. Okay. And of the three accounts --

2 A. He purchased them.

3 Q. Okay. And of the three accounts in St. Maarten --

4 A. There's no longer three accounts in St. Martin.

5 Q. When there were three accounts in St. Martin, --

6 A. Yes, sir.

7 Q. -- I take it that the funds in those accounts were  
8 funds from the Plaza Extra Supermarket where 50 percent was  
9 yours and 50 percent was Hameds?

10 A. Yes.

11 Q. Have you ever filed for bankruptcy?

12 A. Yes.

13 Q. And were you declared bankrupt?

14 A. Yes.

15 Q. When was that?

16 A. God knows. If you have it there, you maybe have  
17 the record.

18 Q. I don't have any record.

19 A. Before the seventies, I believe.

20 Q. Was -- was it you or some company you owned that  
21 filed bankruptcy?

22 A. No, me personally.

23 Q. Okay.

24 A. Yeah.

25 Q. And that was here in the Virgin Islands?

**FATHI YUSUF -- DIRECT**

1           **A.**    Yes.

2                   **MR. HOLT:**  That's all the questions I have.

3                   **THE WITNESS:**  Excuse me, sir?

4                   **MR. HOLT:**  That is all the questions I have,  
5 unless you have something else that you would like to add.

6                   **THE WITNESS:**  No, I don't have.  You the  
7 lawyer, I'm the plaintiff or defendant, I don't know.

8                   **MR. HOLT:**  Okay.

9                   **THE WITNESS:**  But you're the lawyer, how  
10 could I ask you question?  I'm not here to ask you question.

11                   **MR. HOLT:**  Okay.

12                   **THE WITNESS:**  I'm here to answer your  
13 question.

14                   **MR. HOLT:**  So fair enough.  That ends my  
15 questioning.

16                   **THE WITNESS:**  Thank you, sir.  We're still  
17 friends, remember.

18                   **MR. HOLT:**  Of course.

19                   **THE WITNESS:**  But the other day in  
20 St. Thomas -- off record -- you look to tease me, and you  
21 couldn't tease me.

22                   **MR. MAHER YUSUF:**  We off the record?

23                   **THE VIDEOGRAPHER:**  Not yet.

24                   **MR. HODGES:**  No, no.

25                   **MR. MAHER YUSUF:**  Wait, wait.

**FATHI YUSUF -- DIRECT**

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

2                   Attorney Hartmann?

3                   **THE WITNESS:** No, no, this is only as a  
4 friend. Off record.

5                   **MR. MAHER YUSUF:** It's on the record.

6                   **MR. HARTMANN:** I have no questions.

7                   **MR. HODGES:** Attorney Hartmann.

8                   **THE WITNESS:** I don't like to be teased by no  
9 one.

10                  **MR. HODGES:** Mark, no questions?

11                  **THE VIDEOGRAPHER:** We're off the record at  
12 4:15.

13                  **MR. HODGES:** Oh, wait a minute.

14                                I would like to reserve the -- the right,  
15 under Rule 30, for the witness to -- to receive and review  
16 the transcript, please.

17                  **THE VIDEOGRAPHER:** Okay. We're off the  
18 record at 4:16.

19                                (Whereupon the deposition concluded  
20    at 4:16 p.m.)

21

22

23

24

25

**CERTIFICATE****C-E-R-T-I-F-I-C-A-T-E**

1  
2  
3 I, CHERYL L. HAASE, a Registered Professional Reporter  
4 and Notary Public No. NP-158-03 for the U.S. Virgin Islands,  
5 Christiansted, St. Croix, do hereby certify that the above  
6 and named witness, FATHI YUSUF, was first duly sworn to  
7 testify the truth; that said witness did thereupon testify  
8 as is set forth; that the answers of said witness to the  
9 oral interrogatories propounded by counsel were taken by me  
10 in Stenotype and thereafter reduced to typewriting under my  
11 personal direction and supervision.

12 I further certify that the facts stated in the caption  
13 hereto are true; and that all of the proceedings in the  
14 course of the hearing of said deposition are correctly and  
15 accurately set forth herein.

16 I further certify that I am not counsel, attorney or  
17 relative of either party, nor financially or otherwise  
18 interested in the event of this suit.

19 IN WITNESS WHEREOF, I have hereunto set my hand as such  
20 Certified Court Reporter on this the 3rd day of May, 2014,  
21 at Christiansted, St. Croix, United States Virgin Islands.

22 \_\_\_\_\_  
23 Cheryl L. Haase, RPR  
24 My Commission Expires 2/10/16  
25