

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, MUFEEED )  
HAMED, HISHAM HAMED, and PLESSSEN )  
ENTERPRISES, INC., )  
)  
Additional Counterclaim Defendants.)

**THE VIDEOTAPED 30 (b) (6) ORAL DEPOSITION OF UNITED CORPORATION through its representative, MAHER "MIKE" YUSUF,** was taken on the 3rd 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 10:07 a.m. and 2:42 p.m., pursuant to Notice and Federal Rules of Civil Procedure.

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**Also Present:**

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Hatim Yusuf, Interpreter  
Kim Japinga  
Waleed Hamed  
Hisham Hamed  
Mufeed Hamed  
Fathi Yusuf

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**30(B) (6) OF UNITED CORP. - MAHER "MIKE" YUSUF -- DIRECT**

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

7                   My name is Josiah Wynans, and I am the  
8 videographer for today's proceedings. Our court reporter is  
9 Cheryl Haase. Today's date is April 3rd, 2014. The  
10 deponent is United Corporation through Maher Yusuf. The  
11 time is 10:07.

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

15                   **MR. HARTMANN:** Carl Hartmann for the  
16 plaintiff.

17                   **MR. HODGES:** Greg Hodges for the defendants.

18                   **MS. CAMERON:** Glenda Cameron for the  
19 defendants.

20                   **THE VIDEOGRAPHER:** Please swear the witness.  
21  
22  
23  
24  
25

**30(B) (6) OF UNITED CORP. - MAHER "MIKE" YUSUF -- DIRECT**

1 **MAHER "MIKE" YUSUF,**

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

3 Testified on his oath as follows:

4 **DIRECT EXAMINATION**

5 **BY MR. HARTMANN:**

6 **Q.** Good morning, sir.

7 **A.** Good morning.

8 **Q.** My name is Carl Hartmann. I'm the attorney for  
9 the plaintiff in this case. I'll be taking your deposition  
10 today. If at any time you don't understand any question I  
11 asked, please ask me to stop and repeat it.

12 Will you do that?

13 **A.** Yes.

14 **Q.** Okay. And remember that because this is being  
15 taken by a court reporter, you have to answer yes or no, not  
16 uh-huh or yep or things like that. Okay?

17 **A.** (Witness nods head.)

18 **Q.** Okay. And do you appear today as a witness for  
19 the United Corporation, as their designated representative?

20 **A.** Yes.

21 **Q.** Okay. And could you state your full name?

22 **A.** Maher Fathi Yusuf.

23 **Q.** And could you spell that for the court reporter?

24 **A.** M-A-H-E-R; F-A-T-H-I; Y-U-S-U-F.

25

**30(B) (6) OF UNITED CORP. - MAHER "MIKE" YUSUF -- DIRECT**

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

3 **Q. (Mr. Hodges)** Okay. And did you receive a copy of  
4 the document that's been provided to you as  
5 Deposition Exhibit 1, the third amended notice of taking of  
6 a Rule 36 -- 30(b) (6) videotape deposition dated March 4th,  
7 2014?

8 **A.** Yes.

9 **Q.** Okay. And did you, in preparation for this  
10 deposition, have a chance to review the topics that are set  
11 forth, beginning on the fourth page of this, which is Bates  
12 numbered HAMD597317?

13 **A.** Yes, I read through it.

14 **Q.** Okay. And did you have an opportunity to discuss  
15 the -- the questions and the topics with other persons at  
16 the United Corporation to gain evidence for your testimony  
17 today, and are you prepared to discuss each of the topics  
18 set forth in Attachment A?

19 **A.** I spoke about it, yes, and I'm prepared to answer  
20 the questions.

21 **Q.** Okay. And by whom were you designated? How were  
22 you designated to testify for United Corporation?

23 **A.** I'm the president of the corporation.

24 **Q.** Okay. So you designated yourself?

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



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1           **Q.**    Were you designated by -- I'm sorry.  I withdraw  
2 the last question.

3                         Were you designated to testify by the board,  
4 or by the president of the corporation?

5                         How was it done?

6           **A.**    As the president of the corporation, this is what  
7 you call it, 30(b) (6).

8           **Q.**    Okay.  So you just made the decision, as the  
9 president of the corporation, is that correct?

10          **A.**    No, I am the president of the corporation.

11          **Q.**    Okay.  Thank you.

12                         If you'd turn to the questions, the topics  
13 listed at Page 4 of the deposition notice?

14          **A.**    Yes.

15          **Q.**    You said that you've had a chance -- you've had a  
16 chance to review the -- this topic, and this topic deals  
17 with a legal action brought by your corporation, does it  
18 not?

19          **A.**    Yes.

20          **Q.**    Okay.  And could you tell me just, in a sentence  
21 or two, what the lawsuit is about?

22                         **MR. HODGES:**  The lawsuit, what, in Topic  
23 No. 1?

24                         **MR. HARTMANN:**  Yes.

25                         **THE WITNESS:**  Uh-huh.

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1 (Deposition Exhibit No. 158 was  
2 marked for identification.)

3 **MR. HARTMANN:** While you're looking at that,  
4 I'm going to hand you Exhibit 158, which is the complaint in  
5 that case.

6 **MR. HODGES:** Is that Exhibit 2 of this  
7 deposition?

8 **MR. HARTMANN:** No, it's -- we're just going  
9 to use the --

10 **MR. HODGES:** Oh, okay.

11 **MR. HARTMANN:** -- prenumbered ones for  
12 anything that's not a unique.

13 **A.** United against Waleed Hamed.

14 **Q.** (Mr. Hartmann) Okay.

15 **A.** It --

16 **Q.** It's an action by United Corporation.

17 **A.** It's action by United Corporation, yes.

18 **Q.** And it's against Waleed Hamed?

19 **A.** Correct.

20 **Q.** Okay. And did you -- did you, as the president of  
21 United Corporation, authorize the filing of this action?

22 **A.** Yes.

23 **Q.** And was it filed on or about January 8th, 2013?

24 **A.** Yes.

25 **Q.** Now, referring to Exhibit 158, which you've been

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1 handed, would you please look with me at the paragraphs that  
2 are designated in Attachment A, the topics of deposition,  
3 which are Paragraphs 11 and 14?

4 Have you had a chance to review 11, sir?

5 **A.** Yes.

6 **Q.** Okay. And Paragraph 11, does it not, says,  
7 Sometime in 1986, Plaintiff United through its shareholders  
8 and then president, Fathi Yusuf, entered into an oral  
9 agreement whereby Plaintiff United and Defendant Hamed's  
10 father, Mohammad Hamed, agreed to operate a grocery store  
11 business.

12 Does it -- did I correctly read that?

13 **A.** That's correct, but --

14 **Q.** Is that a correct statement?

15 **A.** No.

16 **Q.** Okay. Could you explain to me why it isn't?

17 **A.** My father, Fathi Yusuf, was not the president.

18 **Q.** In 19 --

19 **A.** That's one.

20 **Q.** In 1986, he was not the president of United  
21 Corporation?

22 **A.** No.

23 **Q.** Okay. Who was?

24 **A.** I believe my uncle was.

25 **Q.** Okay. So -- so to the extent that that was

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1 averred before the Court, that is not accurate?

2 **A.** Correct.

3 **Q.** Okay. And it also says that, The party entering  
4 into the oral agreement with Mohammad Hamed was not Fat --  
5 was not Fathi Yusuf, but instead United Corporation, is that  
6 correct?

7 Is that a correct recitation of what it says?

8 **A.** Actually, it's Fathi Yusuf that's entered into an  
9 agreement with Mohammad Hamed.

10 **Q.** I understand that, but, sir, you see in 11, it  
11 says, Sometime in 1986, Plaintiff United, --

12 **A.** Uh-huh.

13 **Q.** -- through its shareholder and then president,  
14 entered into an oral agreement.

15 Is that a correct statement, that United  
16 entered into an agreement with Mr. --

17 **A.** Hamed?

18 **Q.** Hamed?

19 **A.** No, it's not United.

20 **Q.** Okay. So to the extent that that was averred  
21 before the Court, that is also not true, is that correct?

22 **A.** It's Fathi Yusuf that entered into an agreement  
23 with Mr. Hamed.

24 **Q.** I understand. My question is, to the extent that  
25 was averred before the Court, that's not true?

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1           **A.**    No.

2           **Q.**    I'm sorry?

3           **A.**    Yes.

4                         That's what you want?

5           **Q.**    Just say it's true or it's not true.

6           **A.**    Not true.

7           **Q.**    Okay. Thank you.

8                         And it says that, In entering into this  
9 agreement, United acted through its shareholder.

10                         In other words, it says that, in entering  
11 into this agreement, Fathi Yusuf acted for United in  
12 entering into the agreement.

13                         Would that be a correct statement?

14           **A.**    Yes.

15           **Q.**    So he entered into it, but just not for United.

16                         Is that what you're saying?

17           **A.**    Well, United is his -- is our company, Yusuf  
18 company, so it's an -- the company he uses to run the  
19 business.

20           **Q.**    Okay. And when you say it's his company and he  
21 uses it, is he a shareholder of United?

22           **A.**    He is a shareholder of United, yes.

23           **Q.**    Okay. And has he been a shareholder for United  
24 since its inception?

25           **A.**    Yes.

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1           **Q.**    Okay.  And approximately -- this, by the way,  
2           isn't a memory test.  If you want to stop at any time and  
3           either look at a document or consult with your counsel, you  
4           should feel free to do so.  Okay?

5           **A.**    Okay.

6           **Q.**    Do you remember approximately when the  
7           United Corporation was initially incorporated?

8           **A.**    Yes.  From 1979.

9           **Q.**    Okay.  And as the president of United Corporation,  
10          are you aware of the -- of the amount of stock owned by each  
11          person within United?

12          **A.**    To the best of my knowledge, yes.

13          **Q.**    Okay.  And so when you say Fathi Yusuf uses  
14          United, does that mean he and his wife are the majority  
15          shareholders in the corporation?

16          **A.**    Yes.

17          **Q.**    Okay.  And what percentage of the -- approximately  
18          what percentage of the stock of the corporation do they own?

19          **A.**    I believe it's 36 percent, --

20          **Q.**    Thirty-six?

21          **A.**    -- my mother, and 36 percent, my father.

22          **Q.**    Okay.  I'd ask you briefly to turn over to Page 5  
23          of the Notice of Deposition, which is Bates numbered  
24          HAMD597318, and look down at Topic No. 18.

25                            If you'd review that?

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1           **A.**    Yes.   (Witness reviewing document.)

2                            That's incorrect.   That's not right.

3           **Q.**    Okay.   I'll ask you a couple questions.   Right  
4 now, I'd just like you to review it.

5                            I'm asking you now to review Exhibit numbered  
6 111, 111, which has a Bates number in the lower left-hand  
7 corner, HAMD203010, and continues through to HAMD203047.

8           **A.**    Okay.

9           **Q.**    Do you see that document?

10          **A.**    Yes.

11          **Q.**    If you turn in that document to Page 11 of the  
12 document?   It's Bates numbered HAMD203020, are you on that  
13 page?

14          **A.**    Yes.

15          **Q.**    Okay.   And I'm going to read a -- a section  
16 briefly from the center paragraph beginning with the word  
17 "Even."

18                            If you'd follow along with me for a second?

19          **A.**    Sure.

20          **Q.**    Even if the amended complaint sufficiently alleges  
21 that a, quote, Hamed and Yusuf partnership, close quotes,  
22 exists, comma, the only relief Mohammad Hamed would be  
23 entitled to is a 50-percent share of Defendant Yusuf's  
24 7.5 percent ownership of Defendant United's outstanding  
25 socks -- stocks.

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1 Okay? Do you see that?

2 **A.** Uh-huh. Yes.

3 **Q.** Okay. Now, the document that we've been reading  
4 from is a memorandum of law submitted by -- by yourself and  
5 Fathi Yusuf, is it not?

6 **A.** I believe so, yes.

7 **Q.** Yes.

8 And it was filed on -- on November 5th, 2012,  
9 in Federal District Court?

10 **A.** Yeah. Yes.

11 **Q.** Okay. And so, if I understand the gist of this  
12 paragraph, it says that Mohammad Hamed cannot collect  
13 against Fathi Yusuf more than 7.5 percent of the ownership  
14 of this -- the United Corporation, because he only owns  
15 7.5 percent.

16 Is that a correct statement?

17 **A.** No, that's incorrect.

18 **Q.** So the statement made to the Federal District  
19 Court on 11/5/2012 was not correct, is that --

20 **A.** It's not correct. The percentage there is not  
21 right, and then when we -- when you talk about United,  
22 United have different entities. Okay? The -- the  
23 supermarkets is the agreement with my father and Mohammad.  
24 Not United.

25 **Q.** Can you explain what you mean by that?



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1           **A.**    The agreement with Mr. Hamed and Mr. Yusuf is with  
2 the supermarkets only.

3           **Q.**    Okay. And what is that agreement, as you  
4 understand it? As United understands it.

5                       Excuse me. When I say "you" in the context  
6 of this deposition, I'm examining you as United --

7           **A.**    United, correct.

8           **Q.**    -- Corporation.

9                       Thank you.

10          **A.**    All right.

11          **Q.**    What is United's understanding of that agreement?

12          **A.**    I think my father explained that to you yesterday.

13          **Q.**    I understand, but you're a different party. I --  
14 I just need United to tell me what it thinks the agreement  
15 was. Because the reason I'm asking, just to make it clear,  
16 is because earlier, United submitted a document that said it  
17 entered into the agreement, and you said that isn't correct.

18                       So I'm just trying to figure out what United  
19 really thinks is the agreement. That's all.

20          **A.**    The agreement to run the supermarkets, Mr. Hamed  
21 and Mr. Yusuf, to run the supermarket, and Mr. Hamed gets  
22 50-percent net profit after all expenses.

23          **Q.**    Okay. So if in -- do you know why  
24 United Corporation made the assertion that Mr. Yusuf only  
25 owned 7.5 percent?

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1           **A.**    That's a mistake.  That's a mistake from somebody  
2 overlooking.

3           **Q.**    I see.

4                         Is it also a mistake to suggest that -- that  
5 Mr. Hamed couldn't collect more than 7.5 percent?

6           **A.**    No, no, that's incorrect.

7           **Q.**    Okay.  Good.

8                         If you'd return to -- excuse me one second.

9                         I'm going to ask you a couple of more  
10 questions about what United understands to be the terms of  
11 that agreement.

12                                 (Deposition Exhibit No. 110 was  
13   marked for identification.)

14           **Q.**    **(Mr. Hartmann)**  I'm going to show you a document  
15 numbered Exhibit 110, which has in its lower left-hand  
16 corner the Bates No. HAMD590878 and continues to HAMD590896.

17                                 And do you recognize this as Plaintiff  
18 United Corporation's Answers to Defendants' Corrected First  
19 Set of Interrogatories, filed on or about October 9th, 2013?

20           **A.**    Yes.

21           **Q.**    Okay.  And I'd ask you to look more particularly  
22 at the Question and Answer No. 2, which is at Page  
23 HAMD590882, which is Page 5 of 19 of the actual document.

24                                 Could you just review that for a second?  I  
25 don't think you're on the right page.

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1           **A.**    Page 2.

2           **Q.**    No.

3                   **MR. HODGES:**  Page 5.

4                   **MR. HARTMANN:**  It's Page 5.  It's Question  
5   No. 2.

6                   I'm sorry.  My fault.

7                   **MR. HODGES:**  I would simply note for the  
8   record that this is not an item that is on your attachment  
9   to your 30(b)(6) notice, a topic.

10                  **MR. HARTMANN:**  Actually, one of the topics is  
11   all the answers to discovery.

12                  **MR. HODGES:**  Not in any case.  It, I believe  
13   it's focused on the case that's -- that we're here for  
14   today.

15                  **MR. HARTMANN:**  Okay.

16           **Q.**    **(Mr. Hartmann)**  Have you had a chance to review  
17   that?

18           **A.**    (Witness reviewing document.)

19                   Yeah.

20           **Q.**    You've had a chance to review it.  And the  
21   interrogatory question asks United to describe all  
22   agreements created by operation law regarding noncompetition  
23   or mandatory disclosure of business or financial interest in  
24   connection with Hamed's relationship to Fathi Yusuf,  
25   Plaza Extra Supermarkets, or United.

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1                   And I'd like to read the United response, and  
2                   you can tell me if I correctly read it into the record.

3                   Answer to Interrogatory No. 2: The only  
4                   business relationship Waheed Hamed had was to  
5                   United Corporation d/b/a Plaza Extra, comma, as an employee  
6                   at Plaza Extra. The -- the oral agreement with Mohammad  
7                   Hamed was, all efforts of his family and the Yusuf family  
8                   were devoted -- to be devoted to Plaza Extra. The  
9                   requirement of disclosure of business or financial interests  
10                  was required to ensure that all time and energy of the Yusuf  
11                  family and Hamed family, comma, were devoted to Plaza Extra.

12                  Now, is this United's understanding of the  
13                  agreement, the oral agreement, entered into between  
14                  Mr. Fathi Yusuf and Mr. Mohammad Hamed in 1986?

15                  **A.** As far as I know, yes.

16                  **Q.** And so, and to the best of your knowledge, did  
17                  both the Yusuf family and the Hamed family devote all  
18                  efforts to Plaza Extra?

19                  **A.** Yes.

20                  **Q.** Now, there's been some testimony about the opening  
21                  of the Plaza Extra store on St. Thomas, and I'd like to ask  
22                  United a few questions about who was assigned, when it was  
23                  being opened, to work there.

24                  First of all, were you in the Virgin Islands  
25                  at the time the St. Thomas store was opened?

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1           **A.**    Yes.

2           **Q.**    And approximately what year was that?

3           **A.**    Ninety-three.

4           **Q.**    And approximately how long did it take, from the  
5 time United -- let me withdraw that question.

6                               When did the St. Croix store burn down?

7           **A.**    Nineteen -- January 1992.

8           **Q.**    Okay. And how long was the time period between  
9 that and when the St. Thomas store opened?

10          **A.**    A year and nine months.

11          **Q.**    And from the time -- from the time Plaza Extra  
12 Supermarkets decided to open the St. Thomas store, how long  
13 did it take to physically prepare the building, get it  
14 ready, and to open?

15          **A.**    That's the St. Thomas store?

16          **Q.**    The St. Thomas store.

17          **A.**    St. Thomas store.

18          **Q.**    Yeah.

19          **A.**    I don't recall the -- the length of time.

20          **Q.**    Approximate. Was it six months?

21          **A.**    I don't --

22          **Q.**    Was it a week?

23          **A.**    I don't recall the time. I don't recall the time  
24 of when we were opening it.

25          **Q.**    Okay. Who -- who was assigned from the Plaza

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1 Extra Supermarkets to physically go to St. Thomas to prepare  
2 the store for opening?

3 **A.** My father, Waheed Hamed, and Waleed Hamed. And we  
4 had Abdul (phonetic) Idheileh, I think, Idheileh.

5 **Q.** Okay. And -- and during the time that that was  
6 happening, there was no St. Croix store opened, is that  
7 correct?

8 **A.** St. Croix store burnt down in '92.

9 **Q.** Okay. So while you were preparing the St. Thomas  
10 store, there was no St. Croix store to generate income, is  
11 that correct?

12 **A.** Correct.

13 **Q.** And the four, yourself, your father, Wally Hamed,  
14 and Mohammad Hamed, worked in preparing that store.

15 Were you paid by Plaza Extra?

16 **A.** Excuse me. Which store?

17 **Q.** The St. Thomas store?

18 **A.** I did not say Mohammad Hamed was in St. Thomas.

19 **Q.** Oh, I'm sorry. It was -- I'm sorry. Yourself,  
20 your father, Wally and who?

21 **A.** I came in a period of time, and I helped out and  
22 went back to St. Croix.

23 **Q.** Okay.

24 **A.** I -- I was not fully involved with it.

25 **Q.** So who was most fully involved with it?

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1           **A.**    Like I told you earlier, Mr. Yusuf, my father,  
2 Waleed Hamed, Waheed Waleed --

3                   **THE REPORTER:** I'm sorry, who was that?

4                   **MR. HARTMANN:** Muheed.

5                   **THE WITNESS:** Waheed, Waleed and Idheileh. I  
6 don't know his last name. I forgot.

7                   **MR. HARTMANN:** That's fine. And -- during  
8 that time, were -- were you, your father and the two Hameds  
9 being paid from Plaza Extra Supermarkets to do the -- the  
10 building or the preparation of that St. Thomas store?

11           **A.**    I don't recall. I don't recall the details of  
12 what, who was getting paid, who wasn't getting paid.

13           **Q.**    **(Mr. Hartmann)** Okay.

14           **A.**    My concentration was on the St. Croix store.

15           **Q.**    Okay. Well, does -- does United Corporation know  
16 whether it was paying any checks out during that time?

17           **A.**    I don't remember.

18           **Q.**    Okay. And -- and when did the St. Croix store  
19 reopen?

20           **A.**    April of '94, I believe, or May of '94. May of  
21 '94.

22           **Q.**    Okay. If you'd return with me to Attachment A,  
23 which is Exhibit 1, the topics for the deposition?

24                   Is -- you are -- are you there?

25           **A.**    Yes, Exhibit 1.

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1           **Q.**    Okay.  And if you'd look with me at Topic No. 3,  
2           Facts related to defendants' filing in this case, that there  
3           is no disagreement that Mr. Hamed is entitled to 50 percent  
4           of the profit of the operation of the Plaza Extra store?

5           **A.**    There's no disagreement that Hamed is -- is owed  
6           50 percent of the net profit, no.

7           **Q.**    Okay.  If you'd look with me at Topic No. 4?

8           **A.**    Uh-huh.

9           **Q.**    Did you have a chance, before you came to this  
10          deposition, to -- to review the -- this deposition, the  
11          deposition of Mr. Fathi Yusuf, in the case in Superior Court  
12          No. 156-1197?

13          **A.**    What case?

14                         (Deposition Exhibit No. 101 was  
15                         marked for identification.)

16          **Q.**    **(Mr. Hartmann)**  I'm handing you a document that's  
17          Exhibit 101.

18          **A.**    I've read it.

19          **Q.**    You have?  Okay.

20                         And -- and is this the Oral Deposition of  
21          Fathi Yusuf in a legal action in which he and  
22          United Corporation were defendants?

23          **A.**    That's what it says here.

24          **Q.**    Okay.  And was this a deposition taken on the 2nd  
25          day of February, 2000?



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1           **A.**    Whatever the date is here.  I -- I don't see the  
2    date.

3           **Q.**    Okay.  So you -- you have no dispute with the fact  
4    that this was taken?

5                         Let me ask you a question.  Were you  
6    physically present at this deposition?

7           **A.**    No, I wasn't.

8           **Q.**    Okay.  This is document HAMD201327 through  
9    HAMD201422, and you said you'd had a chance to read through  
10   this.

11                        Were there -- when you read through it, were  
12   there any -- did you find any false statements made by  
13   United or your father in this deposition?

14           **A.**    I --

15                        **MR. HODGES:**  Objection.  Objection as to  
16   whether this was the deposition of United.  There's no  
17   indication it was the deposition of United.

18           **Q.**    **(Mr. Hartmann)**  Okay.  Did you --

19           **A.**    I didn't -- I wasn't -- I didn't read it to judge  
20   this.  I did not read it to judge who was right and who was  
21   wrong.

22           **Q.**    Okay.

23           **A.**    It's a deposition.

24           **Q.**    Okay.  So let me ask you some questions about some  
25   of the statements there, then.

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1 Does United know how much capitalization  
2 Mr. Hamed put into the supermarkets? Into the Plaza Extra  
3 Supermarket operation?

4 **A.** I think the deposition speaks for itself. It's  
5 right here (indicating).

6 **Q.** I understand that. I'm not asking you to recite.  
7 I'm -- I'm just going to ask you some of the questions that  
8 I would like answered.

9 **A.** I -- I wasn't --

10 **Q.** You don't have to read --

11 **A.** -- I wasn't around for that agreement between  
12 Mr. Yusuf and Hamed.

13 **Q.** But you're -- you're not here as yourself today.  
14 I'm asking --

15 **A.** I'm here for United, correct.

16 **Q.** -- United.

17 Yes.

18 **A.** No, I don't know.

19 **Q.** Okay. So would you like some time to examine  
20 this?

21 **A.** No, not really.

22 **Q.** Okay. Does United Corporation know whether  
23 Mr. Hamed and Mr. Yusuf agreed to be liable for all of the  
24 receivables and all of the payables that arose out of the  
25 operations of the Plaza Extra Supermarkets?

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1           **A.**   Repeat that again?

2           **Q.**   Does United Corporation know whether the agreement  
3 between Mr. Hamed and Mr. Yusuf was that they would both be  
4 50-percent responsible for all of the payables and all the  
5 receivables from the partnership?

6           **A.**   Yes.

7           **Q.**   They would be?

8           **A.**   (Witness nods head.)

9           **Q.**   Okay. And does United Corporation know whether,  
10 for any loans that were taken out, either by Mr. Yusuf or by  
11 United, for the benefit of Plaza Extra Supermarkets, whether  
12 Mr. Hamed agreed to pay back 50 percent of those loans?

13          **A.**   Yeah, it was the agreement, any loans that are  
14 taken out to be paid back from the operation of the store.

15          **Q.**   Okay. And any loans that were taken out either by  
16 Mr. Fathi Yusuf or by United for the benefit of Plaza Extra,  
17 when they were paid back, how -- from what funds were they  
18 paid?

19          **A.**   From the operation of the stores.

20          **Q.**   Okay. Do you know if there was ever a time when  
21 either United or Mr. Fathi Yusuf ever put any money into  
22 Plaza Extra Supermarkets after the initial capitalization in  
23 1986 beyond what was generated as proceeds in the operation  
24 of Plaza Extra Supermarkets?

25          **A.**   I cannot recall. I don't.

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1           **Q.**    Do you -- do you personally, as the president of  
2           United Corporation, recall United ever putting additional  
3           capitalization into the Plaza Extra Supermarkets beyond the  
4           amounts that were generated either from net proceeds of the  
5           operations, or from insurance payments to -- to the Plaza  
6           Extra Supermarkets?

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

8           **Q.**    That's fine.

9                                When you said that you weren't present  
10          when -- you personally weren't present when your father and  
11          Mr. Fathi Yusuf entered into this agreement, do you know of  
12          any writing in the possession of United which memorializes  
13          that agreement?

14          **A.**    No.

15          **Q.**    Have you ever seen any writing which reflects the  
16          terms of that agreement?

17          **A.**    No.

18          **Q.**    Do you know of any persons, other than Mr. Fathi  
19          Yusuf and Mr. Mohammad Hamed, who were present when that  
20          agreement was made?

21          **A.**    I wasn't around. I was -- I was in school at that  
22          time, and after school, I would go and work in the -- the  
23          building or construction of putting up the store. I wasn't  
24          there. I was the work horse.

25          **Q.**    Okay. But when you went back and -- and looked

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1 through the papers and records of United, or just in the  
2 operations of United, have you ever heard tell of -- of a  
3 written document that reflects that agreement?

4 **A.** No. I've -- I've heard from Mr. Mohammad and I've  
5 heard from my father the agreement that they had, you know,  
6 off and on, in conversations and stuff like that. But  
7 otherwise, they -- they never spoke of any written  
8 agreement.

9 **Q.** Okay. Okay. If you'd return with me now to the  
10 the -- the topics in Attachment A to this deposition?

11 **MR. HODGES:** Carl, are you finished with your  
12 previous exhibits?

13 **MR. HARTMANN:** I am.

14 **MR. HODGES:** I'll clean these up.

15 **THE WITNESS:** So I can --

16 **MR. HODGES:** Yeah.

17 (Deposition Exhibit No. 102 was  
18 marked for identification.)

19 **Q. (Mr. Hartmann)** I'm going to hand you a document  
20 marked Exhibit 102. This is Topic No. 5 on the Attachment A  
21 topics for deposition.

22 And before coming to this deposition, did you  
23 have a chance to review this document?

24 **A.** No.

25 **Q.** Okay. Then I'd like to take a moment to review it

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1 with you, if we could.

2 If you would direct your attention -- first  
3 of all, this is, is it not, an affidavit of Fathi Yusuf  
4 given in Civil Action No. 156-197, --

5 **A.** Yes.

6 **Q.** -- uttered on or about 9/25/1999, with Bates  
7 No. HAMD277512 through HAMD277517?

8 Do you see that document?

9 **A.** Yes.

10 **Q.** Okay. And that is a case in which  
11 United Corporation and Fathi Yusuf were the defendants, is  
12 that correct?

13 **A.** Correct.

14 **Q.** And Fathi Yusuf gave a -- an affidavit, and the  
15 first line of it says, I, Fathi Yusuf, being first duly  
16 sworn, do depose and state as follows.

17 So you understand this to be an affidavit  
18 given under oath?

19 **A.** Yes.

20 **Q.** Okay. I'd just like to ask you -- I'm going to  
21 ask you about United's understanding about some of the  
22 statements Fathi Yusuf made in this document.

23 Paragraph 2 says, My brother-in-law, Mohammad  
24 Hamed, and I have been full partners in the Plaza Extra  
25 Supermarket since 1984, while we were obtaining financing

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1 and constructing the store, which finally opened in 1986.

2 Is that a correct -- true and correct  
3 statement, to the best of United's knowledge?

4 **A.** Correct.

5 **Q.** Okay. And then Paragraph No. 3 says, Mohammad  
6 Hamed and I decided to open a Plaza Extra store, and used  
7 our own capital, and later obtained financing to make  
8 sure -- make the store ready for opening.

9 Do you see that?

10 **A.** Uh-huh.

11 **Q.** And is that a true and correct statement,  
12 according to United's understanding?

13 **A.** That Mohammad Hamed and I decided to open a Plaza  
14 Extra store using our capital, and later obtained financials  
15 to make the store ready for --

16 Yes.

17 **Q.** Okay. And then the next one, Paragraph 4 says,  
18 Mohammad Hamed gave his eldest son, Waleed, aka Wally, power  
19 of attorney to manage his interest to the family.

20 Does United know if that is a true and  
21 accurate statement of fact?

22 **A.** Yes.

23 **Q.** Okay. And is it a true and accurate statement of  
24 fact?

25 **A.** I said yes.

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1 Q. Okay. I'm sorry. I asked the question badly.

2 It says, No. 5, We negotiated a lease for the  
3 St. Thomas store with Tutu Park, Ltd. and executed the  
4 agreement on May 30th, 1991.

5 Is that a true and correct statement?

6 A. When it says "We," --

7 Q. Yes.

8 A. -- I think my father is the only one that did it.

9 Q. Okay. And was it on or about May 30th of 1991?

10 A. I don't know the date.

11 Q. Okay. Do you know the "we" he was -- he was  
12 referring to?

13 A. Well, I guess when he says "we," it's in general  
14 for, you know, everybody. But he was the one who --

15 Q. Who signed it?

16 A. -- who signed it and did the agreement and sat  
17 down with them and did this, sign. That's how he does it.

18 Q. But the "everybody" would be the rest of Plaza  
19 Extra Supermarkets, is that correct?

20 A. (Witness shrugs shoulders.) Yeah, it's him. I  
21 don't know. I mean, he's --

22 Q. But the "we," I mean, you said it's for everybody.

23 A. The "we" is him. Yeah. I guess.

24 Q. Well, who would the "everybody" be?

25 A. The families.



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1           **Q.**    That would be the Yusuf and Hamed family, is that  
2 correct?

3           **A.**    I believe so, yeah.

4           **Q.**    Okay. Thank you.

5                         Now it says that, 7, Hamed did not want a  
6 third partner, but I convinced him that Ahmed could run the  
7 store and would protect all of our investments.

8                         First of all who is Ahmed or Ahmad,  
9 A-H-M-A-D. I'm sorry.

10          **A.**    Ahmed Idheileh?

11          **Q.**    Uh-huh.

12          **A.**    Earlier you showed me a deposition with a case  
13 with Ahmed Idheileh.

14          **Q.**    At the top of this document?

15          **A.**    Yes.

16          **Q.**    Is that the Ahmed?

17          **A.**    Yes.

18          **Q.**    The plaintiff in this case?

19                         Okay. And it says, Hamed did not want a  
20 third partner, but I convinced him that Ahmed could run the  
21 store and would protect all of our investments.

22                         Do you know if that -- does United know if  
23 that statement is a true statement?

24          **A.**    This is an affidavit from Fathi Yusuf. Basically  
25 what he put here is -- is correct.

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1           **Q.**    Okay.  And when you said that Hamed did not want a  
2           third partner, were you -- were you, as -- were you United's  
3           president at this time?

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

5           **Q.**    Maybe?

6           **A.**    Maybe, maybe not.

7           **Q.**    Okay.

8           **A.**    I'm not -- I don't recall when I was president.

9           **Q.**    Okay.  And --

10          **A.**    I believe I was, though.

11          **Q.**    Okay.  So would you have, as United's president,  
12          have been in on the discussion where Hamed told Fathi Yusuf  
13          that he did not want a third partner?

14          **A.**    No, I wouldn't.

15          **Q.**    Why would you not have?

16          **A.**    This is in '91, correct?

17          **Q.**    Right.

18          **A.**    In '91, if I'm not mistaken, in '91, we were in --  
19          I was in St. Croix.

20          **Q.**    But you said you went over to work on the  
21          St. Thomas store?

22          **A.**    Yes.

23          **Q.**    Okay.  But -- but you, as the president of  
24          United -- well, you said you couldn't remember whether you  
25          were or not, but you, yourself, were not involved in this.

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1 So this was just between Mohammad Hamed and Fathi Yusuf?

2 **A.** I don't think Mohammad Hamed was involved with  
3 this, any agreements with the St. Thomas store.

4 **Q.** Okay. So where it said, Hamed did not want a  
5 third partner, the question is, were you the person -- were  
6 you, yourself, involved in any of those discussions? Did  
7 you ever talk, were you there when your father and Moham --  
8 Fathi Yusuf and --

9 **A.** I don't remember. I don't think so. I don't  
10 remember.

11 **Q.** That's fine. Okay.

12 On Paragraph 11, which is Page 2 of the  
13 affidavit at Bates No. HAMD277513, do you see Paragraph 11?

14 **A.** Uh-huh.

15 **Q.** Do you see where it says, Under the joint  
16 agreement, United was to provide a key person to assist  
17 Mr. Idheileh in the operation of the store. United had  
18 final say in how things were run. United provided Willy  
19 Hamed as the key person?

20 **MR. HODGES:** You said financial say. It says  
21 final say.

22 **MR. HARTMANN:** Oh, I'm sorry. Let me read it  
23 again, more slowly.

24 **Q. (Mr. Hartmann)** Under the Joint Venture Agreement,  
25 United was to provide a key person to assist Mr. Idheileh --

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1 I-D-H-E-I-L-E-H -- in the operation of the store, and United  
2 had the final say on how things were run. United provided  
3 Willy Hamed as the key person.

4 Do you see that?

5 A. Yes.

6 Q. And do you know if Willy Hamed was supplied as the  
7 key person?

8 A. He was put over there to help Idheileh with  
9 running the store.

10 Q. As the key person?

11 A. I don't know if it's as the key person or  
12 whatever. I mean -- (witness shrugs shoulders).

13 Q. Okay.

14 A. As far as I know, the -- the key person that was  
15 there was Idheileh.

16 (Deposition Exhibit No. 103 was  
17 marked for identification.)

18 Q. (Mr. Hartmann) Okay. I'd ask you to look at the  
19 document I'm going to show you, which is Exhibit 103.

20 A. We're finished with this?

21 Q. Yes, we are.

22 Oh, no, let me ask you one last question.  
23 I'm sorry.

24 In Paragraph 4, you said it was a true and  
25 correct statement that Mohammad Hamed gave his eldest son,

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1 Wally, the power of attorney to manage his interest for the  
2 family.

3 What did that mean? What did United  
4 understand that to mean?

5 **A.** What I understand, that Wally's put for the  
6 interest of Mohammad Hamed to run the stores, and for the  
7 families and everything.

8 **Q.** Okay. And -- and did he fulfill Mohammad Hamed's  
9 duties in Plaza Extra, partnership duties, if Mohammad Hamed  
10 was not there?

11 **MR. HODGES:** Objection. This is not a part  
12 of the scope of the -- the deposition notice and attachment,  
13 or you're asking for him to speak on behalf of an entity  
14 that, the partnership, I guess, which he's not a -- a  
15 partner of.

16 **MR. HARTMANN:** If you'd like to go off the  
17 record and coach him, you can. I'm not prohibiting that.

18 Otherwise, that was a rolling objection.  
19 Would you like to -- to -- I have no problem with it.

20 **MR. HODGES:** I don't -- I don't need to go  
21 off the record.

22 **MR. HARTMANN:** Okay.

23 **MR. HODGES:** Do you want to go off the  
24 record?

25 **MR. HARTMANN:** Only if you want to coach him.

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1                   **MR. HODGES:** You want me to coach my -- my  
2 client?

3                   **MR. HARTMANN:** No. I -- I have said I don't  
4 care if you do or not, but I would prefer you not do it on  
5 the record.

6           **Q. (Mr. Hodges)** Okay. If you'll take a look now at  
7 Exhibit 103, Bates number is HAMD261991?

8                   **MR. HODGES:** I would -- is this part of the  
9 topic?

10                   **MR. HARTMANN:** Yes, it is.

11                   **MR. HODGES:** Where?

12                   **MR. HARTMANN:** No. 5.

13           **Q. (Mr. Hodges)** Mr. Yusuf, do you know if this  
14 Document 103 is an exhibit in -- in the case we're here  
15 today to discuss in -- in the action SX-12-CV-370?

16           **A.** I'm not sure.

17           **Q.** You're not sure?

18           **A.** It's so many documents.

19           **Q.** I'll represent to you that it is. It's a matter  
20 of record in this case.

21           **A.** If you say so.

22           **Q.** And is this Plaintiff's Second Set of  
23 Interrogatories to Defendants, to United Corporation, being  
24 answered by United Corporation on or about the 4th of  
25 October, 1999?

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1           **A.**    Yes.

2           **Q.**    And if you'd look at Interrogatory No. 2, which is  
3 on Page 4 of the document, Bates numbered HAMD261994, the  
4 question is asked, State herein the length of employment,  
5 comma, job description and duties, rate of pay and other  
6 emoluments -- that's spelled E-M-O-L-U-M-E-N-T-S -- of  
7 Mr. Mohammad Hamed.

8                           Do you see that?

9           **A.**    Yes.

10          **Q.**    And do you see the -- the response that  
11 United Corporation gave to this question, which is,  
12 Without -- starting at the third sentence -- Without waiving  
13 said objective -- objection, Mohammad Hamed is a partner in  
14 Plaza Extra Supermarkets, and has been since the mid-1980s.

15                           Do you see that sentence?

16          **A.**    Yes.

17          **Q.**    And is that a true and correct statement?

18          **A.**    Yes. He's a partner in the net profit.

19          **Q.**    Do you see the phrasing "net profit" anywhere?

20          **A.**    No, I don't.

21          **Q.**    Okay. So when United was asked to -- to give  
22 statements under oath in 19 -- October of 1999, and was  
23 asked exactly what -- whether Mr. Mohammad Hamed was an  
24 employee, it says, The length of employment or his job  
25 description or his duties, it responded, without any

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1 limitation, that Mohammad Hamed is a partner in the  
2 Plaza Extra Supermarket and has been since the mid-1980s,  
3 did it not?

4 **A.** Yes.

5 **Q.** And turn over to No. 3, which is at Page 5, Bates  
6 numbered HAMD261995.

7 And was United not asked, State herein the  
8 length of employment, the job description and duties, rate  
9 of pay and other emoluments -- emoluments, of Mr. Waleed  
10 Hamed.

11 Were they asked that question?

12 **A.** Yes.

13 **Q.** And did they respond in the second line of that,  
14 Waleed Hamed has been working for Plaza Extra on and off  
15 since 1986. At the time he worked in the St. Thomas Plaza  
16 Extra, during the period of plaintiffs' joint venture with  
17 United, which is the only relevant issue, he was a  
18 general -- he was a partner with general management duties.  
19 He received no salary.

20 Do you see that?

21 **A.** Yes.

22 **Q.** And how would Waleed Hamed be characterized as  
23 partner?

24 **A.** Waleed Hamed is not a partner.

25 **Q.** I understand. I understand that you've said that



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1 previously, but why would United state that he acted as a  
2 partner with general management duties, and received no  
3 salary?

4 **A.** Waleed is not a partner. He never was a partner.

5 **Q.** Did he fulfill his father's partnership duties  
6 only, not his own partnership duties?

7 **A.** He did not -- he was not a partner. He was  
8 working on behalf of his father, to tell him what goes on.  
9 He was a manager.

10 **Q.** Okay.

11 **A.** A general manager, or a partner, that's all I know  
12 Waleed Hamed to be.

13 **Q.** So this was an incorrect statement made?

14 **A.** It's got to be incorrect.

15 **Q.** Okay. And if you look at No. 4, it would be the  
16 same statement made in response to Interrogatory No. 4 at  
17 Page 6, HAMD261996.

18 That would also be an incorrect statement.

19 **A.** Correct. Waleed Hamed is not a partner. He's a  
20 general manager --

21 **Q.** Okay. Do you --

22 **A.** -- employed by United Corporation.

23 **Q.** Okay. Do you know if the last part of the  
24 sentence there, both in Interrogatories No. 3 and 4, where  
25 it says, He received no salary, was correct?

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1           **A.**    I don't recall if he did receive or he didn't  
2 receive.

3           **Q.**    Okay. Okay. If you'd look at Interrogatory No. 6  
4 on Page 8, Bates numbered HAMD261998, it inquires, does it  
5 not, that United please provide the names and addresses of  
6 any and all individuals who have entered into joint venture  
7 or partnership agreements with Defendant Yusuf?

8                            Did I state that interrogatory correctly?

9           **A.**    Yes.

10          **Q.**    Okay. And does it say that, beginning in the  
11 middle of the second line, without limiting or waiving said  
12 objection, with respect to Plaza Extra, the original  
13 partners were Khaled Ali, Issam Yusuf, Mohammad Hamed, and  
14 Defendant Yusuf.

15                            By the time Plaintiff Plaza Extra opened in  
16 1986, Mohammad Hamed and Defendant Yusuf were the only  
17 partners. These partners operated Plaza Extra under the  
18 corporate name of United Corp., and joined Ahmed Idheileh in  
19 a joint venture for the St. Thomas Plaza Extra in the 1992.

20                            Did I correctly read that?

21          **A.**    That's correct.

22          **Q.**    And is this a correct statement of the facts as  
23 United understands it?

24          **A.**    Yeah. Yes.

25          **Q.**    Okay.

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1           **A.**    But you see how it corrected itself. Waleed Hamed  
2 is not a partner. He --

3           **Q.**    Waleed only operated as his father's agent in the  
4 partnership, is that correct?

5           **A.**    Correct.

6           **Q.**    Okay. I understand that.

7                            The -- the point I wanted to inquire about a  
8 little bit is, do you know what happened to the two original  
9 partners that are listed here? It says they were gone by  
10 1986.

11          **A.**    I don't know the details of that.

12          **Q.**    Okay. And when it says, The partners operated  
13 Plaza Extra under the corporate name of United Corp., what  
14 does that mean?

15          **A.**    They had -- they didn't have any other way to do  
16 it. Mohammad didn't have any other way to do it but to  
17 enter -- to work underneath United. That was the agreement  
18 that Mr. Yusuf put in place.

19          **Q.**    Okay. So -- so United -- Plaza Extra Supermarkets  
20 was the partnership between your father and Mr. Hamed --  
21 Mr. Hamed, is that correct?

22          **A.**    Correct.

23          **Q.**    And that partnership was operated under the  
24 corporate name of United Corp.?

25          **A.**    It was operated under United, under United Corp.,

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1 yes.

2 Q. Okay. I'd ask you to return for a second to  
3 Exhibit 101 that we looked at earlier. That was the  
4 deposition of Fathi Yusuf, Bates No. HAMD201327. And I'd  
5 ask you to turn to Page 69 of that deposition, which is  
6 Bates No. HAMD201395.

7 And just let me know when you get there.

8 A. Page 69?

9 Q. Yes.

10 And I'd direct your attention to lines, if  
11 you would, a review first Lines 13 through 25?

12 A. Okay.

13 Q. Okay. Now, where it says at Line 13, you were  
14 asked by Attorney Adams, When it says United Corporation in  
15 this Joint Venture Agreement, in talking about Plaza Extra,  
16 talking about the supermarket on St. Thomas, who owned or  
17 who were the partners in United Corporation, Plaza Extra, at  
18 the time before you entered into the Joint Venture  
19 Agreement.

20 And the answer there is, It's always, since  
21 1984, Mohammad Hamed.

22 You see that?

23 A. Yes.

24 Q. And does that comport with United's understanding  
25 of the situation? Was Mohammad Hamed always a partner since

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1 1984?

2 **A.** In the supermarket operation.

3 **Q.** Okay. In Plaza Extra Supermarkets, correct? Not  
4 United Corporation.

5 **A.** Not United Corporation.

6 **Q.** Okay. And then he was asked, So when it says  
7 United Corporation, and then he answered before the question  
8 was fully out, It really meant me and Mr. Mohammad Hamed.

9 Do you see that?

10 **A.** Okay.

11 **Q.** And is that correct?

12 **A.** It's in the operation of the store. In the  
13 stores. They use United Corporation to flip back and forth.  
14 I mean, you guys been using United Corporation, Plaza Extra,  
15 flipping back and forth?

16 **Q.** Okay. Excuse me one second. He has to change the  
17 tape.

18 **MR. HARTMANN:** Can -- can we take three  
19 minutes or four minutes? I need to use the --

20 **MR. HODGES:** Uh-huh.

21 **MR. HARTMANN:** -- little attorneys' room.

22 **THE VIDEOGRAPHER:** Going off record at 11:07.

23 (Short recess taken.)

24 **THE VIDEOGRAPHER:** Going back on record at  
25 11:15.

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1           **Q. (Mr. Hodges)** Okay. I direct your attention once  
2 again to Deposition Exhibit 1, which is the Attachment A  
3 topics for deposition. And I'd ask you to review Topic  
4 No. 6, Methods and actions in the recordation and accounting  
5 of amounts taken by members of the Hamed and Yusuf families  
6 from Plaza Extra supermarket funds in 1986 to 2003.

7           **A.** How funds was taken out of Plaza Extra? That's  
8 basically what you want to know?

9           **Q.** Well, I'll ask you some questions about this  
10 topic.

11          **A.** Oh.

12          **Q.** Okay. Now, who's -- the Plaza Extra Supermarket  
13 bank accounts, how were they kept?

14          **A.** How they are what?

15          **Q.** How were they kept?

16          **A.** In bank accounts.

17          **Q.** Yeah.

18          **A.** In the bank.

19          **Q.** In whose name are those accounts?

20          **A.** United Corporation d/b/a Plaza Extra.

21          **Q.** Okay. And does United Corporation have some  
22 accounts that are open only to it that are its own accounts,  
23 separate from the supermarket account?

24          **A.** Who is -- repeat the question?

25          **Q.** Does United Corporation have separate accounts

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1 from the Plaza Extra accounts?

2 **A.** United Corporation have -- they're all -- all  
3 United Corporation.

4 **Q.** I understand. But you said the Plaza Extra  
5 accounts were labeled United Corporation d/b/a Plaza Extra.

6 **A.** Uh-huh.

7 **Q.** Are there some accounts that are just  
8 United Corporation?

9 **A.** No.

10 **Q.** The Plaz -- the tenant account is labeled  
11 United Corporation d/b/a Plaza Extra?

12 **A.** No.

13 **Q.** How is it labeled?

14 **A.** United Corporation Tenant Account.

15 **Q.** Okay. And were net proceeds, the net pro -- you  
16 testified that the net profits of United Plaza Extra --  
17 excuse me -- Plaza Extra Supermarkets were to be divided  
18 equally between Mr. Mohammad -- Mr. Mohammad Hamed and  
19 Mr. Fathi Yusuf.

20 Were those distributions ever paid out of  
21 those bank accounts?

22 **A.** No, we never paid distributions out of bank  
23 accounts.

24 **Q.** Okay. And in addition to the bank accounts, was  
25 cash also kept by the Plaza Extra Supermarkets?

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1           **A.**    We have cash in -- in the Plaza Extra to operate.

2           **Q.**    Okay.  And tell me how -- how cash is kept at  
3 Plaza Extra Supermarkets?

4           **A.**    It's kept in a safe.

5           **Q.**    Okay.  And where is the safe located?

6           **A.**    Upstairs in the office.

7           **Q.**    Is it -- and it's the East store?

8           **A.**    In each location.

9           **Q.**    In each location.  Okay.

10                         Now, does everybody have access to this cash?

11           **A.**    No.

12           **Q.**    Okay.  Who has access to the cash?

13           **A.**    In the St. Thomas store, I don't know who has  
14 access to the cash at this time.  In the East store, I -- I  
15 believe it's Mufeed and Yousuf Yusuf.  In the St. Thomas,  
16 I'm not -- I don't know.  In the West store, Hisham.

17           **Q.**    Just Hisham?

18           **A.**    Uh-huh.

19           **Q.**    Okay.  And historically, do you know the different  
20 people who have had control of the cash room and the safe  
21 at, say, the East store?  Do you have any idea, just -- and  
22 I know this is not meant to be a memory test, and if you  
23 want to go off the record and look at something, it's fine.  
24 I just want to know, generally, for periods of time, do you  
25 know who's been in charge of the safe?



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1           **A.**    In the East store, yes, --

2           **Q.**    Okay.

3           **A.**    -- I can probably tell you.  And the West store.

4           **Q.**    Okay.  Just tell me about East first.

5           **A.**    The East store, from since it open, or what year?

6           **Q.**    Yeah, just as far back as you remember.

7           **A.**    From since we opened, Waleed Hamed was in charge  
8 of the cash.

9           **Q.**    From '86 forward?

10          **A.**    From '86 until 1991, '92.

11          **Q.**    Okay.  And then who took over?

12          **A.**    Waheed Hamed took over in the East store.  I don't  
13 know what year.  It's in '91, maybe, '92; '91, '92.

14          **Q.**    Okay.  And then who took over after that?

15          **A.**    Ninety-two, the store burned down.

16          **Q.**    Okay.  And what happened to the cash in the safe  
17 in '92, when the store burned down?

18          **A.**    I don't recall what happened to the cash in the  
19 safe.  I don't recall.

20          **Q.**    And who was --

21          **A.**    I was not the one who was responsible for the  
22 cash.  I mean, I probably had some kind of access.  I don't  
23 know if it was -- because we have two safes, so I wasn't  
24 sure if I had access to that safe; that large safe.

25          **Q.**    Okay.  And after the store was rebuilt, who had

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1 control of the safes -- the safe room?

2 The safe is in its own room?

3 A. Yes.

4 Q. And does that room have an alarm system on it?

5 A. From '94 on, --

6 Q. Okay.

7 A. -- yes.

8 Q. And -- and who has the code for that alarm?

9 A. We all do. Some employees, office staff, and  
10 whoever works in that store between one of the Yusufs or one  
11 of the Hameds, or two and one, or whatever.

12 Q. Okay. And who has the combination to the safe?

13 A. Which safe?

14 Q. The one in the East. We're dealing with just the  
15 East store for the moment, in the year 1994?

16 A. In '94?

17 Q. Yeah.

18 A. I did.

19 Q. Okay. So how long did you have control of the  
20 cash?

21 A. I believe until '98, I -- until '98.

22 Q. Okay. So from '94 to '98, when you had control of  
23 the safe, who had the combination to the safe?

24 A. I did.

25 Q. Did anybody else?

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1           **A.**    At one time, I think, I don't remember what year  
2 Mufeed came, and he had some kind of access to the safe.

3           **Q.**    And who took it next after you?

4           **A.**    Mufeed.

5           **Q.**    Okay. And do you know approximately what years he  
6 did it?

7           **A.**    It had to have been from '98, because I went over  
8 to the West store to do construction.

9           **Q.**    Okay. And tell me what it means to be in control  
10 of -- of the safe. Can anybody else take cash out beside --  
11 let's take the period when you were solely in control of it.

12                    Could anybody else take cash out without you  
13 knowing it, or without telling you?

14           **A.**    No.

15           **Q.**    And -- and how did -- how did it work if someone  
16 wanted to get cash out? For instance, if -- if, let's say  
17 Mohammad Hamed could -- could take, as one of the partners,  
18 could take money out, and your father could take money out,  
19 is that correct?

20           **A.**    They cannot take money out without I'm giving them  
21 the money. I giving them the money.

22           **Q.**    Okay.

23           **A.**    If that's what you're referring to.

24           **Q.**    Yeah. Well, that's kind of, but let me rephrase  
25 it. They -- they couldn't go into the actual safe and take

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1 it, but they could both get money as -- as the partners,  
2 they could get money from you out of that room, right?

3 **A.** Yes.

4 **Q.** Okay. And -- and if your father came to you and  
5 said, I want to take \$10,000 out of the safe for me as the  
6 partner, what would -- what would -- what would you do about  
7 that? How -- I just want the process of how it worked.

8 **A.** I never had any feelings with my father at needing  
9 cash. He would just -- I don't remember. He was in  
10 St. Thomas from --

11 **Q.** Oh.

12 **A.** He was in St. Thomas. I don't -- I don't  
13 remember. But I -- I remember Mr. Mohammad asking me for  
14 cash.

15 **Q.** Okay.

16 **A.** But my father, I don't remember. I don't.

17 **Q.** Okay. Well, I'm just trying to use an example.  
18 We'll use Mr. Mohammad.

19 **A.** Sure.

20 **Q.** Mr. Mohammad, were you still in control in 2002,  
21 did you say? I'm just, I just want to --

22 **A.** 2002, where?

23 **Q.** In St. Thomas? Or, no, I'm sorry, in St. Croix?

24 No, you were gone to St. Thomas by then,  
25 right?

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1 I'm sorry. I'm having a fantasy experience.  
2 Just ignore it.

3 Withdraw the question.

4 While -- at some point while you were in  
5 the -- in control of the safe, Mr. Mohammad might come to  
6 you and say, I need \$10,000, is that correct?

7 **MR. HODGES:** Okay. Let's just make sure,  
8 you're talking about the safe in the Plaza Extra East store?

9 **MR. HARTMANN:** East store.

10 **MR. HODGES:** Okay.

11 **Q. (Mr. Hartmann)** During the period that you were in  
12 charge of it.

13 **A.** Yes, he would --

14 **Q.** He might come to you and say, I need \$10,000?

15 **A.** Yes.

16 **Q.** And what would you do? How -- just describe the  
17 physical process of what would then next happen?

18 **A.** From '94, I believe I used to keep a ledger, and  
19 that ledger is attached to the 2.7 million that you have  
20 there. A ledger, and I called it Mohammad Hamed. And any  
21 time he received money from me, I chat (phonetic) it down.

22 (Deposition Exhibit No. 144 was  
23 marked for identification.)

24 **Q. (Mr. Hartmann)** And when you say it was attached  
25 to that letter, I'm going to hand you Exhibit 144.

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1 Is that the letter you were talking about?

2 A. Yeah. Well, yes.

3 Q. This is -- this is a document, Exhibit 144, Bates  
4 numbered HAMD200103, dated August 15th, 2012.

5 And when -- when you sent this letter to --  
6 when this letter was sent to Mr. Mohammad Hamed, it says,  
7 does it not, that, This amount equals the proceeds you  
8 previously withdrew through your agent, Waleed Hamed.

9 Is what you're describing his withdrawing is  
10 withdrawing funds in this manner?

11 A. Right.

12 Q. I'm sorry?

13 A. Right, yes.

14 (Deposition Exhibit No. 146 was  
15 marked for identification.)

16 Q. (Mr. Hartmann) Okay. And -- and I'm going to now  
17 give you Document 146, and attached to this version of the  
18 letter, is there a set of different documents?

19 A. Who are you referring to, the 144 or the 146?

20 Q. Well, the 146 you were just handed.

21 A. Exhibit 146?

22 Q. Yes.

23 A. Okay. It's the same letter.

24 Q. It's the same letter, but does -- the second one  
25 has a series of attachments on it, --

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1           **A.**    Correct.

2           **Q.**    -- does it?

3                        Okay.  If you'll look at the first attached  
4 page, is -- is that the ledger you're describing?

5           **A.**    Yes.

6           **Q.**    Okay.  So do I understand you correctly that if --  
7 if someone came to you, you would write down the amount of  
8 money they would -- they obtained from you?

9           **A.**    Yes.

10          **Q.**    And where on that ledger does it show the  
11 withdrawals made by the Yusufs?

12          **A.**    I -- this is not here.

13          **Q.**    It's not there?

14          **A.**    No.

15          **Q.**    Do you have that?

16          **A.**    It was receipts that we -- some receipts that  
17 we -- we had.

18          **Q.**    Was this ledger that you've attached here, was  
19 that written contemporaneously with the withdrawals?  In  
20 other words, were you writing that ledger back in 19 -- the  
21 dates that -- that are shown there?

22          **A.**    Yes.

23          **Q.**    And did you write a Yusuf ledger?

24          **A.**    I don't recall writing a Yusuf letter -- ledger.  
25 I think I did receipts at that time also.

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1 Q. Okay.

2 A. But for Mohammad, I had a ledger, because Mohammad  
3 used to be in the warehouse, so I would give it to him or  
4 he'll stop by and I'll leave it with the girls to give it to  
5 him. And I just wrote it down and just told Wally that,  
6 Your father is coming for this and this and this and that.  
7 You know, I was working under Wally at that time.

8 Q. Okay. And when you were working under Wally at  
9 that time, would -- would Wally withdraw money?

10 A. Yes.

11 Q. Are -- are Wally's withdrawals listed on this  
12 list?

13 A. On the ledger?

14 Q. Yes.

15 A. I -- I'm not sure if any of these would -- would  
16 be Wally also, or just Mr. Mohammad, but let's go to the  
17 next page.

18 Q. Okay.

19 A. There's a subtotal here which Wally signed --

20 Q. Okay.

21 A. -- to acknowledge all these withdrawals.

22 Q. I get that, but what I'm trying to get at is what  
23 does it say at the top of that page?

24 A. Mohammad Hamed.

25 Q. Okay. So were those -- I'm just trying to get



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1 whether you recall whether those were just Mohammad Hamed's  
2 withdrawals, or whether they were also Wally's?

3 **A.** I don't remember if anything here was Wally's. I  
4 can't remember.

5 **Q.** Okay. You don't know.

6 **A.** I mean, Mr. Mohammad was pulling, you know, he was  
7 pulling some good money.

8 **Q.** Right. And if your father wanted to, you called  
9 it "pulling some good money"?

10 **A.** Yeah, he was pulling some good money, from the  
11 numbers you see here.

12 **Q.** I see. And was your father pulling some good  
13 money?

14 **A.** From where?

15 **Q.** From you.

16 **A.** He was not here. He was in St. Thomas.

17 **Q.** No, no. I'm just asking the question. Was he --  
18 first, let's start with, was he pulling it from you?

19 **A.** No.

20 **Q.** No.

21 Where was your father pulling it?

22 **A.** I'm not sure where he was pulling it from. I was  
23 not there where he was.

24 **Q.** Okay. He was in St. Thomas, right?

25 **A.** He was in St. Thomas. I'm in St. Croix.

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1 Q. Okay. So if money was coming out by your father  
2 in St. Thomas, you wouldn't have been the one keeping the  
3 records, right?

4 A. No.

5 Q. Who would have?

6 A. Waheed Hamed.

7 Q. Okay. All right. And -- and did you prepare this  
8 letter that we're looking at, the exhibit?

9 A. Yes, I did.

10 Q. And could you explain to me what exactly the --  
11 first of all, just generally, in your own terms, describe to  
12 me what this letter was for.

13 Why did you send this letter?

14 A. Because they -- they withdrew all this money from  
15 Plaza Extra operations, and I wanted to withdraw it to  
16 offset this.

17 Q. Okay. So let me -- let me jump back again. I --  
18 I kind of lost my track there for a second.

19 You said that for Mr. Mohammad Hamed, you  
20 wrote a ledger out.

21 A. Yes.

22 Q. But other people were taking money out, right?

23 A. I never said that.

24 Q. No, no, no. I'm asking you. Besides Mr. Mohammad  
25 Hamed, did -- did Wally draw money out, did you draw money

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1 out, that you disbursed yourself?

2 **A.** Yeah, yes, at some times, yes.

3 **Q.** Okay. And you didn't -- you didn't keep a ledger  
4 for those. You said you did it a different way.

5 **A.** I -- I did Mohammad own differently than --

6 **Q.** Okay.

7 **A.** -- if Wally was to pull, or I was to pull.

8 **Q.** Okay. If -- if you were to pull, then what would  
9 happen?

10 **A.** We would write a receipt.

11 **Q.** Okay. And what -- and what would a receipt look  
12 like?

13 **A.** It's a -- if you notice, if you go down some  
14 pages, you'll see some of the records, the papers.

15 **Q.** Okay. So let's --

16 **A.** That's the receipts.

17 **Q.** -- let's turn to -- let's turn to the page, the  
18 next page there, just the first receipt that appears, which  
19 says YUSF106103.

20 **A.** 106103.

21 **Q.** Down at the very bottom left?

22 **A.** No.

23 **MR. HODGES:** Can you use the -- the FY  
24 numbers at the bottom, the very bottom?

25 **Q. (Mr. Hodges)** Yeah. Just -- just look at any --

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1 any one that you think reflects a receipt, and just tell me  
2 what the -- that Bates number is at the bottom?

3 **A.** YUSUF --

4 **Q.** Right.

5 **A.** -- 106085.

6 **Q.** Okay. So now just tell me the normal course of  
7 the transaction.

8 **A.** Wally asked me for money, or he asked his brother  
9 for money.

10 **Q.** Okay.

11 **A.** And he took it in cash, and wrote a receipt.

12 **Q.** Okay. And if this one was -- what's the date  
13 on -- on this one?

14 **A.** It's not clear here. It's -- it's not clear.

15 **Q.** Okay.

16 **A.** It's not clear. I'm not going to guess.

17 **Q.** So -- so do you have any idea when that receipt is  
18 from?

19 **A.** It's -- this is not a clear copy. It looks like  
20 '99; 12/29/99.

21 **Q.** 12/29, that's a guess?

22 **A.** Yeah. It looks -- it looks --

23 **Q.** Okay. So let's -- let's concentrate on that.

24 Would that be -- 12/29/99, would that be a -- a date that  
25 you were there?

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1           **A.**    No.

2           **Q.**    Oh, you were gone by then?

3           **A.**    Yeah.  I was in --

4           **Q.**    Okay.

5           **A.**    -- in construction.

6           **Q.**    Okay.  So -- so for every time money was withdrawn  
7 from the safe, one of two things -- when you were in control  
8 of it, one or two things happened, is that correct?  Either  
9 you wrote a line in the ledger for Mohammad Hamed, or you  
10 filled out one of these receipts.

11          **A.**    Right.

12          **Q.**    What did -- was there a generic name for these  
13 receipts that everybody called them?

14          **A.**    Receipts.

15          **Q.**    Were they called chits ever?

16          **A.**    You guys came up with that word.

17          **Q.**    Oh, okay.

18          **A.**    I never heard that word before.

19          **Q.**    Okay.  So these were all receipts.

20          **A.**    Right.

21          **Q.**    Okay.  And -- and so for every transaction where  
22 cash was removed from any of the safes, --

23                        There were three safe rooms, one in each  
24 store, is that correct?

25          **A.**    Yes.

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1           **Q.**    -- there would have either been an entry in a  
2 ledger, or a receipt, is that correct?

3           **A.**    Entry in a ledger, or a receipt?

4                        Yes, yes.

5           **Q.**    Okay. And -- and so just let's take a year, for  
6 example, 1998. I know nothing about it. This is a  
7 hypothetical question. If in 1998 I went to all three  
8 stores and I added up all the ledger entries, and all the  
9 chit -- all the receipt entries, I could find out to the  
10 penny how much money the Hameds had withdrawn, and how much  
11 money the Yusufs had withdrawn, is that correct?

12          **A.**    That's, yeah, if we could find the records, yes.

13          **Q.**    Yes. And you say that like you are not sure you  
14 can find the records.

15          **A.**    Well, the FBI came in and took a lot of our  
16 records. It's still held by the District Court.

17          **Q.**    I see. But if you could get those all together  
18 and add them up, you could get a number, is that correct?

19          **A.**    Should be able to, yes.

20          **Q.**    Okay. And to the best of your knowledge, all of  
21 those receipts still exist today from 1986 on?

22          **A.**    No.

23          **Q.**    Okay. Why don't you tell me about that?

24          **A.**    About what?

25          **Q.**    Why -- why some of them don't exist?

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1           **A.**    Should I explain -- that would explain the 1.6  
2           that we have here on the letter.

3           **Q.**    I'll get there, I swear. I just want to -- right  
4           now, I just want to know, I asked you if I could go around  
5           and collect all these receipts, add them up and find out how  
6           much the Hameds took out, and how much the Yusufs. You said  
7           yes.

8                               And I said, So I should be able to do that  
9           from the -- from back till now, and you said, no, there's a  
10          problem. You said some might be in the possession of a  
11          third party.

12          **A.**    Right.

13          **Q.**    When I have those from the third party, will I  
14          then be able to get that number?

15          **A.**    To physically check every receipt by receipt?

16          **Q.**    Through all the --

17          **A.**    There's -- there's some receipt was destroyed by  
18          Waleed Hamed, and some receipts were destroyed by me.

19          **Q.**    Okay. Tell me about that.

20          **A.**    Sure. In 2000 -- that's, I'm -- to explain to  
21          you, that's where the 1.6, I'm going to explain.

22          **Q.**    I -- I understand that.

23          **A.**    Okay.

24          **Q.**    But right now, just tell me how --

25          **A.**    Because it comes -- it's going to drive to this.

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1 Q. Okay.

2 A. Okay?

3 Q. That's fine.

4 A. 2001, that's the -- the year that we had the raid.

5 Q. Okay. What -- approximately what date?

6 A. October 23rd of 2001.

7 Q. Okay.

8 A. Okay. Sometime I would say a month and a half to  
9 two months before that, Waleed got a call from Waheed saying  
10 that something is going on. Some kind of agency is coming  
11 to spot check us, look at us. I -- I don't know the details  
12 of that. So among us, at that time, it was me, Mufeed and  
13 Waleed in the Plaza Extra East, I was doing construction at  
14 that time -- or, no, the store in West was open at that  
15 time.

16 So I left my store, and I came to East to --  
17 to discuss what's -- what's going on. Nobody wanted to  
18 speak over the phone. We -- you know? We were trying to  
19 not say anything over the phone, because we didn't know what  
20 was going on. We just heard through the grapevine,  
21 something is happening. We didn't know.

22 So between among us, we decided to destroy  
23 some of the receipts, because they were all in cash. We  
24 pulled out a good bit of receipts from the safes in Plaza  
25 East. Mufeed was present with me. He had a whole, a heap



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1 of receipts for the Hameds only. It could be from either  
2 one of the Hameds, once it's the Hamed. And receipts from  
3 the Yusuf, which basically was just me, not, you know,  
4 nobody else.

5 Mufeed, I guess you call it, tallied, and,  
6 you know, put a tape on what they withdraw, and I put a  
7 tally, a tape, on what I withdraw. And I gave him my  
8 receipts to double-check my work, he gave me his receipt to  
9 double-check his work.

10 Once everything dropped to the penny, we were  
11 fine, I said, Listen. I'm destroying my receipts. You know  
12 what I owe you guys. I owe you guys 1.3 million, and at  
13 that time, they had pulled in receipts about 2.9 million.  
14 Wally wanted to take a look at it, and as far as I know,  
15 Wally got rid of the receipts. So 1.3 million from  
16 2.9 million, this is where you get the 1.6 million.

17 **Q.** In Exhibit --

18 **A.** In Exhibit 146.

19 **Q.** Okay. So let me just see if I'm clear. The two  
20 of you collected the receipts from everywhere?

21 **A.** No. You're -- I told you, from Plaza Extra East.

22 **Q.** Oh, just from Plaza Extra East?

23 **A.** I came from Plaza West.

24 **Q.** Okay.

25 **A.** I was open at that time.

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1           **Q.**    Okay.  And -- and do you know if the same thing  
2 was done at Plaza Extra West and at--

3           **A.**    Plaza Extra West, it was not done.

4           **Q.**    It was not done?

5           **A.**    No.  We had just recently opened a year, --

6           **Q.**    Okay.

7           **A.**    -- and I believe I do have some receipts in that  
8 safe --

9           **Q.**    Okay.

10          **A.**    -- up to this day.

11          **Q.**    Okay.

12          **A.**    Okay?

13          **Q.**    And how about St. Thomas?

14          **A.**    I don't -- St. Thomas didn't do anything.  Now,  
15 from reviewing the FBI records, they did not get rid of  
16 anything.

17          **Q.**    Okay.

18          **A.**    Okay?

19          **Q.**    Okay.  Have -- have you ever attempted -- so if  
20 I'm correct, any receipt that comes from East before the end  
21 of 2001 has -- has theoretically been destroyed, and even if  
22 it hasn't been destroyed, it was wiped out by the  
23 reconciliation?

24          **A.**    No.  No.  No.  The safe, that was -- that safe  
25 actually held everything to do with United Corporation,

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1 Plaza Extra, everything. Everything that's -- and  
2 sometimes, even some personal stuff that was kept in there  
3 for safekeeping from either the Hameds or the Yusuf. So, I  
4 mean, it's a safe with about five drawers, I mean about five  
5 shelves. The day-to-day receipts and this and that. I  
6 mean, like the ledger, I remember the ledger after looking  
7 at the FBI records, and I remembered the ledger, and I said,  
8 Wait. We didn't get those receipts. And it still have more  
9 receipts in that safe.

10 **Q.** Okay.

11 **A.** So it's not like I went and shelf by shelf by  
12 shelf by shelf and clean out the safe. Remember, it's three  
13 hands got into that safe, you know, after -- from -- from me  
14 to Mufeed, and then Yousuf, I think he's now in charge.  
15 Okay, so this --

16 **Q.** So -- so there might have been more receipts that  
17 weren't calculated into the 1.6?

18 **A.** Correct, because the ledger goes back -- the  
19 ledger goes back from 1994, I believe, here.

20 **Q.** Uh-huh.

21 **A.** Okay.

22 **Q.** So the ledger was or was not in the 1.6?

23 **A.** It was not in the 1.6.

24 **Q.** Okay. So what was in the 1.6? You don't know,  
25 because they're all destroyed?

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1           **A.**    The receipts. The receipts similar to the ones  
2 I'm showing you here.

3           **Q.**    I know, but the actual ones that you say added up  
4 to this 1.6, they're gone.

5           **A.**    Right.

6           **Q.**    Okay.

7           **A.**    To this figure, yes. Yes.

8           **Q.**    And you don't know, could some of those be mixed  
9 in with some of these?

10          **A.**    No.

11          **Q.**    How do you know that Wally destroyed all his?

12          **A.**    It was given to him, and he said they was  
13 destroyed.

14          **Q.**    Okay. But you don't know.

15          **A.**    I been taking his word for all these years.

16          **Q.**    Okay. Okay. I'm just trying to understand,  
17 really. And -- and so you added up, you took all these  
18 receipts, which -- which were just Plaza East receipts?

19          **A.**    Correct.

20          **Q.**    And you said in your letter that -- that  
21 additional withdrawals per the attached receipts was  
22 \$1,095,000, right?

23          **A.**    Uh-huh. Right. Right.

24          **Q.**    More or less?

25          **A.**    More or less.

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1 Q. And that's how you arrived at the amount of money  
2 that United withdrew from the account to balance the  
3 accounts, is that correct? Based on these receipts.

4 A. Yes.

5 Q. Okay.

6 A. Yes.

7 Q. Now, I think you heard yesterday in the deposition  
8 of your father that when we added up all the receipts that  
9 you provided us, we came out with \$334,363.75.

10 A. Correct.

11 Q. So, and your father said, If there's a discrepancy  
12 there, we'll work that out.

13 A. Correct.

14 Q. So we trust you guys on that?

15 A. Really?

16 Q. But when this -- when this math was done, you  
17 didn't go and get the receipts from St. Thomas, right?

18 A. No.

19 Q. So in St. Thomas, for instance, it could be the  
20 Yusufs owe Hameds \$10 million, for all you know.

21 A. (Witness indicating).

22 Q. Right?

23 A. Could be whatever it could be. I don't know.

24 Q. Yeah. Okay.

25 And in the West store, since those weren't

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1 collected when you did this letter, --

2 **A.** Correct.

3 **Q.** -- again, the Yusufs could -- take a different  
4 number -- the Yusufs could owe the -- the Hameds  
5 \$1,241,386.42, couldn't they?

6 **A.** Whatever.

7 **Q.** So that's a yes, right?

8 **A.** (Witness shrugs shoulders.) I can't speak for  
9 St. Thomas. I told you, I cannot speak for St. Thomas.

10 **Q.** Okay.

11 **A.** I'm speaking for Plaza East.

12 **Q.** Okay. So -- so at the time you wrote this letter  
13 and explained why you were taking 2.7 million out, and this  
14 was money that you were going to withdraw from the  
15 Plaza Extra Supermarkets' account, right?

16 **A.** Yes.

17 **Q.** And this was money that you asked Mr. Hamed  
18 through, by writing a letter to his agent, Wally, if you  
19 could take it out, right?

20 **A.** I wasn't asking Mr. Hamed if I could take it out.  
21 I was just letting him know, by the courtesy of letting him  
22 know, that I'm going to pull the money.

23 **Q.** Okay. And -- but he said no, right? Wally said  
24 no?

25 **A.** It doesn't matter what Wally says.

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1 Q. I get it. You don't --

2 A. I don't work for Wally.

3 Q. You don't have to make the political statement.

4 I'm just asking you whether --

5 A. I answered your -- I answered your question.

6 Q. -- he said no.

7 Did he say no?

8 A. He didn't say no.

9 Q. What did he say?

10 A. He say he write me a letter. I didn't even read  
11 the letter. I read the letter a couple days later.

12 Q. And what did the letter say?

13 A. I -- I guess you have it there, right.

14 Q. Do you recall?

15 A. I don't recall the letter. Something about  
16 Dorothea, and something like that. I don't know the letter  
17 word by word.

18 Q. Did he say, Yes, it's okay for you to take the  
19 \$2.7 million?

20 A. I believe he had disagreed that I took the  
21 \$2.7 million.

22 Q. Okay.

23 A. But it didn't matter --

24 Q. Okay.

25 A. -- if he disagreed or agreed.

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1 Q. I get it.

2 A. The only person, my superior, --

3 Q. Yeah?

4 A. -- is my father.

5 Q. Okay. And -- and so you sent this letter to him  
6 which added this 1,095,000 and some-odd dollars to the  
7 million six, which you said was the reconciliation that you  
8 had done earlier, the one that you described in 2001, right?

9 A. Yes.

10 Q. But this -- but this letter only is talking about  
11 a reconciliation of one of the three stores, right? This  
12 has nothing to do with Plaza Extra West, and what the  
13 imbalances might be there. It has nothing to do with what  
14 was happening at St. Thomas, or the imbalances there, right?

15 A. No. This is only Plaza Extra East.

16 Q. So, in fact, the day you wrote this letter, the --  
17 the Yusufs might have owed the Hameds \$5 million?

18 A. For all you know, right?

19 A. That's impossible.

20 (Deposition Exhibit No. 147 was  
21 marked for identification.)

22 Q. **(Mr. Hartmann)** So I'm going to show you  
23 Exhibit 147, which is Document HAMD200104, which is a letter  
24 dated Thursday, August 16th, 2012, to Fathi Yusuf from  
25 Waleed Hamed.



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1 And is this the letter that you were  
2 discussing that you had received?

3 A. Yes.

4 Q. And you didn't receive this until when, did you  
5 say? Oh, I'm sorry. You said you didn't read it until  
6 when?

7 A. I don't know what, if I got it a day or two days  
8 after, or three days after, I'm not sure. But I don't -- I  
9 don't -- I read it a couple days after, a day or so after I  
10 got it.

11 Q. After you got it?

12 A. Yeah.

13 Q. How -- when did you read it in relationship to  
14 when you took the money out of the bank?

15 A. I don't know a day. I told you a day after I got  
16 it. After I got this letter.

17 Q. When did you take the money out of the bank,  
18 let -- let me say that.

19 Do you recall?

20 A. I don't -- I don't recall that.

21 (Deposition Exhibit No. 149 was  
22 marked for identification.)

23 Q. **(Mr. Hartmann)** Okay. And I now am going to show  
24 you an Exhibit numbered 149, which is Bates numbered at the  
25 upper right-hand corner, HAMD200105, and is a letter

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1 addressed on United Corporation stationery to Mr. Mohammad  
2 Hamed on August 22nd, 2012 from Fathi Yusuf.

3 Did -- did Fathi Yusuf draw up this letter,  
4 or did you?

5 **A.** I don't recall if it was me, or me and him, or me  
6 alone. I -- I -- I don't -- I don't remember.

7 **Q.** Okay. But both of these letters were sent from  
8 Fathi Yusuf, right?

9 **A.** Yes.

10 **Q.** Okay. As a matter of fact, let's look at -- at  
11 144. That's the one with the math on it, or 146, whichever  
12 you want.

13 **A.** Okay.

14 **Q.** Yeah, it's the same one.

15 What does the signature on 144 or 146 say?  
16 Whose signature is that?

17 **A.** That's my signa --

18 **Q.** You recognize it?

19 **A.** -- my signature.

20 **Q.** Your signature.

21 But it says, For the Fathi Yusuf, right?

22 **A.** Right.

23 **Q.** Why would Fathi Yusuf -- you were the president,  
24 right, of United?

25 **A.** Yes.

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1           **Q.**    And -- and these were not adjustments for  
2 United Corporation, these were adjustments for Plaza Extra  
3 Supermarkets, is that correct?

4           **A.**    Yes.

5           **Q.**    Is that why Fathi Yusuf's name appears on all  
6 three of these, because these are partnership  
7 reconciliations?

8           **A.**    Yes.  It's for -- it's withdrawals from the store.

9           **Q.**    Okay.

10          **A.**    I mean, what's so hard in that?

11          **Q.**    Nothing.

12                    And is -- and is this third letter that I've  
13 given you, 149, this is the one that either you or you and  
14 your father worked on, and you said, did you not, That your  
15 response letter through your agent, Waleed Hamed, does not  
16 deny the validity of any of the amounts stated as owing and  
17 outstanding.

18                    Is that what you said, that his letter did  
19 not refute that?

20          **A.**    Yeah.

21          **Q.**    Okay.  Now, let's turn to his letter, 147, and if  
22 you'd review that briefly?

23          **A.**    (Witness reviewing document.)

24          **Q.**    Okay.  And in that letter, did Mr. Hamed say these  
25 figures have not been agreed to?

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1           **A.**    Yes, they have been agreed to.

2           **Q.**    No, no.  I'm just asking you whether he -- you  
3 read this letter at that time --

4           **A.**    Oh, yeah, yeah.  I read this letter.

5           **Q.**    And you understood him to be telling you, These  
6 figures have not been agreed to?

7           **A.**    I understand what he's saying, yeah.

8           **Q.**    Okay.  And did you also understand him to say that  
9 there were no attachments; that he received Exhibit 144, not  
10 Exhibit 146?

11          **A.**    Right.  He said there was no attachment.

12          **Q.**    Okay.

13          **A.**    But he did receive the attachment in an earlier  
14 date.  I don't think I need to produce that attachment with  
15 the letter I gave him.  And matter -- matter of fact, I did  
16 produce that, this package --

17          **Q.**    Uh-huh.

18          **A.**    -- in Mr. Holt's office at that time.

19          **Q.**    At some other time.

20          **A.**    With all the -- with all attorneys there, and  
21 Waleed agreed to it.

22          **Q.**    At some other time.

23          **A.**    All he said is, he agreed to the 1.6, and the  
24 receipts, all he had to do is add them up, and if we took  
25 them, it's fine.  It's correct.

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1 Q. Okay.

2 A. So I didn't need his approval.

3 Q. I'm -- I'm not suggesting you did. I'm just  
4 suggesting, asking you about what you read at the time  
5 that -- that he sent you this letter.

6 And you did understand him to say that, There  
7 are numerous other funds that have to be included in any  
8 such calculations before disbursements can be made. You  
9 understood that that was his objection, right?

10 A. Yeah, yeah, yeah.

11 Q. Okay.

12 A. But why he has an objection?

13 Q. I don't know.

14 A. You don't know.

15 Q. I just was looking at your letter where he said  
16 you don't dispute the validity of it.

17 A. Hmm.

18 Q. And your letter -- your earlier letter says that  
19 it came with attachments, but you said that there weren't  
20 any attachments with it.

21 A. Oh, maybe -- well, the attachments was given at an  
22 earlier date, yes.

23 Q. At some other time?

24 A. Couple weeks before.

25 Q. Oh, okay.

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1           **A.**     Just maybe a week -- actually, a week or ten days  
2 before that.

3           **Q.**     Okay. And if those attachments only add up to  
4 300,000, whatever the number I gave you was, that was just  
5 an error, right?

6           **A.**     That's your calculation, not my calculation.

7           **Q.**     No, I understand. If they do --

8           **A.**     They don't.

9           **Q.**     Okay.

10          **A.**     Because after I heard the testimony yesterday, --

11          **Q.**     Yes.

12          **A.**     -- I went back and recalculated this, and actually  
13 I shorted myself 400-something dollars, or 300-something,  
14 \$400.

15          **Q.**     Okay. You added the -- the ones that are attached  
16 here?

17          **A.**     Yes.

18          **Q.**     And they -- okay. In Document 146, you re-added  
19 those?

20          **A.**     Yes, I did.

21          **Q.**     Okay. Now, I want to hand you a document, 148.

22                   Now, when you received Document 147, okay?

23          **A.**     Yeah.

24          **Q.**     When you received 147, the one -- the earlier one  
25 we looked at, Waleed Hamed had said, There are numerous

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1 other funds that have to be included in any such  
2 calculations before any disbursements can be made.

3 Did you -- did you consider the possibility  
4 that since you had only done math on the East store, that  
5 the actual amount might be millions due to the Hameds, or  
6 did you not consider that?

7 **A.** I know there were -- there's -- it's not owed  
8 millions to the Hameds. If anybody owes anybody, the Hameds  
9 owe the Yusufs.

10 **Q.** But -- but did you understand that Wally -- Wally  
11 Hamed was saying to you, There are other sets of numbers out  
12 there -- the ones that deal with St. Thomas, the ones that  
13 deal with the West store -- that you're not including in  
14 these calculations?

15 **A.** I didn't include this in the calculation, but if  
16 Mr. Hamed was taking funds from the store and getting  
17 receipts, wasn't I supposed to get the funds in replace of  
18 that? Is it from the partnership?

19 I mean, what -- who's Wally to tell me that  
20 he disagrees, --

21 **Q.** Well, you sent him -- you sent him a set of --

22 **A.** -- when he already -- when he already took -- when  
23 he already took the funds?

24 **Q.** You sent him a set of calculations reflecting only  
25 the disbursements that you were claiming were owed to you,

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1 your family, and your family owed it in response, with  
2 regard to one store. You didn't include the calculations  
3 for two other stores. You didn't include, for instance, the  
4 Dorothea property, did you?

5 **A.** I have no dealings with the Dorothea property.

6 **Q.** At the -- at the time, you heard your father  
7 testify yesterday that he owed somewhere in the range of  
8 \$800,000 subject --

9 **A.** That would go to an accounting issue between the  
10 families. That has nothing to do with the \$2.7 million. I  
11 was in charge of the safe in East store, and I needed to  
12 clear the East store.

13 **Q.** I thought you were --

14 **A.** There was a one -- 2 million and -- \$2,000,900  
15 that was floating in the air that I only have Wally's words  
16 on it, word on it --

17 **Q.** Okay.

18 **A.** -- that I'm -- my father told me that he got from  
19 a Arab gathering that they was, while they was having the  
20 dispute, that Wally agreed to that figure.

21 **Q.** Okay. If you'd look back at Attachment A now in  
22 the Notice of Deposition, that was Exhibit 1, I'd like to  
23 move on now to Topic No. 8, the present financials of  
24 United.

25 **A.** Wait. Excuse me. Let's go back to here. You



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1 said we had a dispute of -- you didn't understand this. You  
2 said it was three hundred and something thousand dollars?

3 Q. Uh-huh.

4 A. Then the 1 million-something? Let's correct that.

5 Q. Well, you said -- you've already corrected it.  
6 You said that our calculation is wrong.

7 A. Your calculation is wrong, yes.

8 Q. That's what you've said.

9 A. Right.

10 Q. Yes.

11 A. But I want to explain to you where you guys are  
12 getting that 300-something and where I'm getting the  
13 1 million-something.

14 Q. It's fine, if you want to?

15 A. Yeah, I would love to.

16 Q. Okay.

17 A. I would love to, because this ledger actually ends  
18 in 1997.

19 Q. Uh-huh.

20 A. Wally's signature is right here (indicating) --

21 Q. Uh-huh.

22 A. -- up to 1/15/97, go back to '94. I believe '94,  
23 if you do the years back. I never put a year on it. And  
24 then from '97, that's where these receipts came in on.

25 Q. Uh-huh.

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1           **A.**    So calculate, I think it's the 624 with all the  
2 signatures that he has here initialed, and you'll get, I  
3 think, 800 and something. I don't have the tape. With the  
4 300 and something in receipts, that gives you the 1,000,095  
5 such and such, which I shorted myself after calculating it  
6 by 300 or \$400.

7           **Q.**    Okay.

8           **A.**    All right?

9           **Q.**    So -- so you -- you believe these add up to one  
10 number, and our calculation says something else. So we --  
11 we have a disagreement.

12          **A.**    Correct.

13          **Q.**    Okay. That's fine.

14          **A.**    And why he never confront me, after giving him  
15 this, and tell him I need -- I need to get the money out of  
16 this. I need to clear myself.

17          **Q.**    Okay. In Topic No. 8, it discusses the present  
18 financials of United, included but not limited to funds  
19 removed from the Plaza Extra Supermarket operating accounts  
20 by Fathi or Mike Yusuf, without agreement of Hamed, in 2012  
21 and 2013, such as the 2.7.

22                   And you recognize that as the 2.7 we just  
23 discussed, right?

24          **A.**    You want to talk about it again?

25          **Q.**    No, no.

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1           **A.**    I have no problem with talking about it.

2           **Q.**    No, no.  I just --

3           **A.**    Because I am so clear about that.

4           **Q.**    Okay.

5           **A.**    And I so clear about that I gave him so much money  
6 that I'm pulling this money.

7           **Q.**    Okay.  Okay.  Now, Topic No. 9 is, The present  
8 financials of Plaza Extra Supermarkets operating accounts by  
9 defendant without agreement of Hamed after April 15th, 2013?

10                   **MR. HODGES:**  It's Topic No. 8.

11                   **MR. HARTMANN:**  No. 9.

12                   **THE WITNESS:**  No. 9.

13                   **MR. HODGES:**  Okay.

14                   **MR. HARTMANN:**  Yeah, we've -- we've agreed  
15 that we discussed No. 8.

16                   **MR. HODGES:**  Okay.

17                   **MR. HARTMANN:**  Okay.

18                                   (Deposition Exhibit No. 2 was  
19                                   marked for identification.)

20           **Q.    (Mr. Hodges)**  Now, I'd like to hand you an exhibit  
21 that I'm going to mark Plaintiff's Exhibit 2.

22                                   Okay.  This is not Bates numbered.  It's a  
23 document entitled Defendants' Opposition to Plaintiff's  
24 Motion to Compel Defendants' Motion to Comply with the  
25 Preliminary Injunction, and I'd ask you if you recognize

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1 this document.

2 Do you -- do you recognize this as a document  
3 that you participated in the drafting of, and submitted to  
4 the court in this case?

5 **A.** I believe so. This is just one document of many.

6 **Q.** Okay. Did you, yourself, give an affidavit and  
7 a -- a declaration to support this document? If you want to  
8 look about halfway through the document, you'll see. I'm  
9 sorry it's not Bates numbered. You'll find the declaration.

10 **A.** Yes.

11 **Q.** Okay. Now, can you describe to me how the  
12 financials of United Corporation -- strike that.

13 Can you describe how the financials of  
14 Plaza Extra Supermarkets are kept by computer? Just very  
15 briefly. Just an overview.

16 **A.** In each store, we have accounts payable, accounts  
17 receivable, and we have a person that generates these  
18 things.

19 **Q.** Okay.

20 **A.** A person who reconciles.

21 **Q.** And -- and do you know the -- the -- the name of  
22 the accounting software that's used by the Plaza Extra?

23 **A.** I've -- I've learned that from you in the  
24 readings, it's Sage 50.

25 **Q.** Okay.

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1           **A.**    I thought it was Peachtree, but I guess we -- we  
2           upgraded.

3           **Q.**    I guess so.

4                         And -- and this the Peachtree -- the Sage 50  
5           system, it handles all accounts receivable, all accounts  
6           payable, all payroll, asset calculations, all that financial  
7           information?

8           **A.**    I believe so. I'm -- you know.

9           **Q.**    Okay.

10          **A.**    I have -- I believe so.

11          **Q.**    Okay.

12          **A.**    I'm not an expert in that.

13          **Q.**    Okay. And so if I wanted to, if I was ordering  
14          stuff and I wanted to know how much I paid a particular  
15          supplier last week, I would look it up in the -- in the Sage  
16          50 system, is that correct?

17          **A.**    No, I'll ask the girls to tell me that. I'll tell  
18          her the vendor --

19          **Q.**    I see.

20          **A.**    -- and the month, --

21          **Q.**    And --

22          **A.**    -- and she'll pull it up for me.

23          **Q.**    And you wouldn't know how to do that yourself,  
24          then?

25          **A.**    No, I don't.

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1 Q. Okay. You can't operate the Sage 50 system?

2 A. No.

3 Q. Are you -- are you capable of going in and looking  
4 up information in it?

5 A. No.

6 Q. So there would be no point in your having a  
7 password to it, would there?

8 A. No.

9 Q. And you don't have a password.

10 A. No, I don't.

11 Q. Okay. Who does?

12 A. John Gaffney, for one.

13 Q. Yeah.

14 A. Okay. He oversees everything.

15 Q. Okay.

16 A. In each store, each girl has their password to  
17 their work station and what they -- what is -- what's in  
18 their computers. I believe we have -- I know I can say for  
19 West, we have Sage 50 on the -- on the computers for the two  
20 girls.

21 Q. Uh-huh.

22 A. So I believe it's -- it's -- I don't know how, you  
23 know, it works, but it's Internet acts -- interacts with  
24 each other.

25 Q. Uh-huh.

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1           **A.** I don't know how Sage 50, I just learned what John  
2 tells me. I leave it up to him.

3           **Q.** Okay. And -- and does your father have a  
4 password?

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

6           **Q.** No? I'm sorry?

7           **A.** No.

8           **Q.** And none of the other managers have a password?

9           **A.** No.

10          **Q.** So nobody in management has a password?

11          **A.** Not that I know of, no.

12          **Q.** Okay. I'd ask you to turn to the third page of  
13 your affidavit, your declaration, I mean, says Page 3 of 3?

14          **A.** Yes.

15          **Q.** I'd ask you to look at Paragraph 10 with me. The  
16 Hameds have a true copy of all financial information United  
17 has. United is unwilling to provide Wally Hamed live,  
18 unrestricted access to the accounting system, given that  
19 there's no need for live, unrestricted access to perform his  
20 daily responsibilities, and such access would be greater  
21 than Hamed, or any Hamed manager, had in the past. Such  
22 access is simply unnecessary.

23                       Further, the fact that there are numerous  
24 lawsuits pending against Waleed Hamed, Mufeed Hamed, Waheed  
25 Hamed, Hisham Hamed, for accounting of funds belonging to

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1 United, provided additional concern for allowing  
2 unrestricted live access.

3                   You see that? Is that a correct statement?

4           **A.** Yes.

5           **Q.** And tell me again what's on this computer system.  
6 Are the financials of United Corporation on the computer  
7 system? Are the tenant accounts on that system?

8           **A.** I'm not sure. I'm not sure.

9           **Q.** You -- do you think that perhaps the tenant  
10 accounts are on the system?

11           **A.** I'm not sure.

12           **Q.** Oh.

13           **A.** I can't.

14           **Q.** You don't know?

15           **A.** I don't know. I never -- I never got on and --  
16 and checked. I don't know.

17           **Q.** So you --

18           **A.** I don't -- I don't -- I don't know. I don't know.

19           **Q.** You don't believe that knowing how to use the  
20 system is important to managing the store?

21           **A.** No. That's what you have comptrollers for.

22           **Q.** Okay. And did you testify in the preliminary  
23 injunction hearing in this case?

24           **A.** Yes.

25           **Q.** Okay. And did you testify that it was important



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1 for someone to know how to understand the Sage 50, what you  
2 called then the Peachtree system?

3 **A.** The person who's hired to do the job.

4 **Q.** So it wouldn't be important for either you or  
5 anybody else in management to know how to run the system?

6 **A.** No.

7 **Q.** Okay. So any testimony, prior testimony, would  
8 have been incorrect?

9 **MR. HODGES:** Objection.

10 **A.** I don't think that --

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

12 **MR. HODGES:** Are you going -- you want to  
13 show him his prior testimony --

14 **THE WITNESS:** Yeah.

15 **MR. HODGES:** -- to ask him if it's correct or  
16 not?

17 **Q.** (Mr. Hodges) No, I'm simply asking if he  
18 testified previously.

19 **A.** I didn't testify that.

20 **Q.** Okay.

21 **A.** I don't think I did testify to that.

22 **Q.** Now, has -- has Mohammad Hamed requested the  
23 passwords to this system?

24 **A.** Mohammad Hamed?

25 **Q.** Through his agent, Wally?

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1 No, has Mohammad Hamed requested through his  
2 counsel?

3 **A.** I believe so. Yeah. Yeah, yeah, you did. Yes.

4 **Q.** And did Wally Hamed request it?

5 **A.** I -- I -- I -- yes, I think so. I believe so.  
6 I'm not sure.

7 **Q.** Okay. And did Mr. Mohammad Hamed's lawyers  
8 request it?

9 **A.** Yeah. Yes.

10 **Q.** And were they told that they would be given  
11 passwords, do you know?

12 **A.** I don't recall we said we were going to give  
13 passwords. It was not necessary to give passwords.

14 **Q.** Because the -- because United is unwilling to  
15 provide them passwords, is that correct?

16 **A.** Unwilling to provide them passwords?

17 **Q.** Right.

18 **A.** It's unnecessary to have passwords.

19 **Q.** But the Court ordered that they be given equal  
20 access to the accounting system.

21 **MR. HODGES:** Objection as to what the Court  
22 ordered. You want to show him the order?

23 **THE WITNESS:** Can I answer that, please?

24 **MR. HODGES:** Sure.

25 **A.** They have equal access. They do have equal

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1 access.

2 Q. (Mr. Hodges) Could they -- could they tell people  
3 to not give you the passwords?

4 A. Yes.

5 Q. They could?

6 A. Yeah.

7 Q. How?

8 A. 'Cause I don't have the password. I never  
9 inquired -- inquired it. And I think --

10 Q. No, I want to know they --

11 A. -- if I don't have the password, I don't think  
12 they should have the password.

13 Q. I understand that, but you just said they could  
14 tell the girls at the store not to give you the passwords?

15 A. I don't know if the girls would give anybody the  
16 password. If they giving up their password for their  
17 computer, that mean they're giving up -- their right for  
18 anybody to go in there.

19 Q. Well, could they tell John Gaffney not to give you  
20 the password?

21 A. I believe they could tell anybody anything.

22 Q. Would John Gaffney, as an employee of Plaza Extra  
23 Supermarkets, have to -- to listen to them if they told him  
24 that?

25 A. He's been listening to them.

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1           **Q.**    Okay.  So if -- if they told Mr. Gaffney not to  
2 give you passwords, Mr. Gaffney would not have to give you  
3 the passwords?

4           **A.**    I believe he won't give me the password.  I can't  
5 talk to him.

6           **Q.**    Okay.  And who within United made the decision not  
7 to give the partner of Plaza Extra Supermarkets the  
8 passwords to the Plaza Extra Supermarkets' own accounting  
9 system?

10          **A.**    John Gaffney decided not to give it to anybody.

11          **Q.**    And does -- does John Gaffney take his orders from  
12 you or from the Hameds?

13          **A.**    From me.

14          **Q.**    From you?

15          **A.**    Yes.

16          **Q.**    And only from you?

17          **A.**    Well, in certain things.  Certain things, I guess  
18 because I brought him into the company.  But he -- if the  
19 Hameds wants anything from John, they -- they -- he's been  
20 providing them with whatever he needed -- whatever they  
21 needed.

22          **Q.**    But -- but can they -- can they tell him what to  
23 do?

24          **A.**    They been telling him what to do.

25          **Q.**    Do they have the authority to tell him what to do?

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1                   Could they say, John, give me the password?

2           **A.**    They could tell him whatever they want.

3           **Q.**    But would he have to do it?

4           **A.**    That's up to John.

5           **Q.**    You mean John has the authority to decide who to  
6 give the passwords to?

7                   Who gave him that authority?

8           **A.**    I -- you know --

9           **Q.**    He's -- John's not a partner, is he?

10          **A.**    No, he's not a partner, but he was hired to  
11 protect -- to protect the interests of United Corporation.

12          **Q.**    I understand that.

13          **A.**    I mean, he can't just give passwords to anybody.  
14 I mean --

15          **Q.**    If Mr. Mohammad is --

16          **A.**    Wait, wait, wait. Time out. Time out.

17                   **MR. HODGES:** Wait a minute. Let him answer  
18 his question.

19          **A.**    Time out. Okay?

20          **Q.**    **(Mr. Hartmann)** Okay.

21          **A.**    He came on to make sure we have proper accounting  
22 system, because we are indicted from a federal case, and  
23 he's making sure that nobody gets to those accounting work  
24 product that he's doing, or whatever he's doing. He cannot  
25 be giving out. We have an instance, we had a time that in

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1 St. Thomas, we had a controller, and we lost a computer.  
2 And because of one of the Hameds had access to that, or  
3 tried to have access to it, and that's why he's very  
4 particular of who he give his password to.

5 **Q. (Mr. Hodges)** Is Mohammad Hamed a partner in the  
6 partnership?

7 **MR. HODGES:** Objection. We've gone over that  
8 a million times, Carl.

9 **Q. (Mr. Hartmann)** Okay. Mr. Hamed is a partner in  
10 the partnership. Can he tell Mr. Gaffney to give him a  
11 password?

12 **A.** He can try.

13 **Q.** But if Mr. Gaff --

14 **A.** He can tell him whatever he wants. I mean,  
15 Mr. Mohammad is more than welcome to come to the store any  
16 time and say anything he wants.

17 **Q.** But he has directed Mr. Gaffney to give him a  
18 password, and he hasn't given him a password, has he? You  
19 just said that.

20 **A.** Mr. Mohammad?

21 **Q.** Yes.

22 **A.** I don't think Mr. Mohammad is speaking here.

23 **Q.** Mr. Mohammad and his attorney sent a letter to  
24 Mr. Gaffney, telling him to give them a password, didn't  
25 they?

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1           **A.**     If Mr. Mohammad doesn't come there and ask him  
2 himself, he's not going to give it. I mean, I don't have  
3 access to it.

4                   **MR. HARTMANN:** We have to break.

5                   **THE VIDEOGRAPHER:** Going back on record at  
6 12:23.

7                                   (Noon recess taken.)

8                   **THE VIDEOGRAPHER:** Going back on record at  
9 1:23.

10                                   (Deposition Exhibit No. 3 was  
11 marked for identification.)

12                                   (Deposition Exhibit No. 4 was  
13 marked for identification.)

14                                   (Deposition Exhibit No. 5 was  
15 marked for identification.)

16           **Q.     (Mr. Hartmann)** I'm going to give you, hand you  
17 Exhibits 3, 4 and 5, and ask you if you'd just take a look  
18 at them?

19                                   I believe these are examples of the kind of  
20 receipts we were talking about earlier. I just want to ask  
21 you a couple quick questions.

22           **A.**     Sure.

23           **Q.**     First of all, let's look at 3, which I believe is  
24 a receipt that has Bates No. HAMD594676. Okay? And it's  
25 dated 4/15/03, is it not?

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1           **A.**    Yes.

2           **Q.**    Okay.  Just tell me what this is, and what the  
3 transaction would have been regarding this document.

4           **A.**    I have no idea.

5           **Q.**    Was this one of the receipts that you were talking  
6 about?

7           **A.**    Yeah.

8           **Q.**    Just tell me what's going on here.

9           **A.**    I believe I pulled the money from the store for  
10 this.

11          **Q.**    And -- and which store would this have been, if  
12 this was in 4/15/03?

13          **A.**    I don't know.

14          **Q.**    Is there any way to tell whether this was pulled  
15 at Plaza Extra East or Plaza Extra West?

16          **A.**    This should be in Plaza Extra West.  This is in  
17 '03.  So --

18          **Q.**    Yeah.  Can you tell on the face of this, though?

19          **A.**    I just know from the date.

20          **Q.**    Okay.  So just tell me what happened, briefly.

21          **A.**    First of all, this is not my handwriting.

22          **Q.**    Okay.

23          **A.**    Okay?  I signed it for money that I took from the  
24 store.

25          **Q.**    Is that your signature?



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1           **A.**    That's what I just said.

2           **Q.**    It is your handwriting?

3           **A.**    I signed it.

4           **Q.**    Okay.  So just to go back over very quickly, on  
5    April 15th of 2003, you took from the cash room \$92,072, and  
6    whoever, someone other than you, distributed it.

7                                Do you know who that would have been?  Who  
8    was in charge of the --

9           **A.**    If it's '03, it has to be Hisham.

10          **Q.**    Okay.  And -- and to show that you in fact did  
11    take that money, you signed it.

12          **A.**    Yeah.

13          **Q.**    Okay.  And do you recall what this 92,000 was for?  
14    If you recall?

15          **A.**    I don't recall, no.

16          **Q.**    Okay.  If you'd now take a look at 4, and just do  
17    the same thing for me.  Just tell me what -- what's  
18    happening there.

19          **A.**    Oh, 4?  Yes.  What's wrong with 4?

20          **Q.**    Just -- just tell me what this is, the document  
21    is.  It's Bates No. HAMD594275?

22          **A.**    I took 750, and I signed for it, a receipt.

23          **Q.**    Okay.  And where it says account name, what does  
24    it say there?

25          **A.**    Says, track hoe.

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1 Q. What is, track hoe house?

2 A. It's a type of equipment.

3 Q. Oh, track hoe.

4 MS. JAPINGA: Oh.

5 Q. (Mr. Hartmann) Okay. And same thing for No. 5.  
6 Just explain. It's a document dated 1/28/12. It's Bates  
7 No. HAMD594283.

8 A. What is the Hameds trying to do with this? This  
9 is a fabrication or something?

10 Q. No, is this your signature?

11 A. That's my signature.

12 Q. Okay.

13 A. This is a receipt that I took from downstairs. I  
14 remember this. This has a fold in the middle, and it's  
15 supposed to be in the -- in a petty downstairs.

16 Q. In a what?

17 A. In a petty cash drawer downstairs in the small  
18 safe.

19 Q. Who -- who has control of the cash -- where, at  
20 the West store?

21 A. Yeah.

22 Q. And who has --

23 A. Which next to it has a check for, I don't know the  
24 amount of it, for 2,000, there's a check for 2,000 that he  
25 took, Hisham took, and some other -- another check or a

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1 receipt, I believe, in that same drawer.

2 Why is that not produced today?

3 Q. I'm just using these as -- as examples of types of  
4 receipts?

5 A. Correct.

6 Q. Okay. And this one is from 1/28/12, right?

7 A. Yeah.

8 Q. Okay. And now, is there anywhere -- the three  
9 that we've just looked at, Exhibits 3, 4 and 5, --

10 A. Uh-huh.

11 Q. -- is there anywhere that these are written down  
12 in any kind of ledger?

13 A. No.

14 Q. Okay. Are they still outstanding?

15 A. Yes.

16 Q. Has there been any reconciliation of them?

17 A. No.

18 Q. Okay. Do they appear in the -- the -- the letter  
19 that you sent to Mr. Hamed regarding the \$2.7 million?

20 A. No.

21 Q. So these would be monies that would be due from  
22 the Yusuf family to the Hamed family that were not included  
23 in the \$2.7 million letter, is that correct?

24 A. These are not included in that.

25 Q. Okay. So if tomorrow Mr. Hamed decided that,

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1 or -- or Wally, as his agent, decided that he didn't like  
2 the fact that you had drawn out \$95,000 from the West store,  
3 could he go out and write himself a check for \$95,000  
4 without your permission?

5 **A.** No.

6 **Q.** Why couldn't he do that?

7 **A.** We have a court order.

8 **Q.** Oh, well, okay. Well, that's a good answer.

9 Would you sign that document?

10 **A.** No.

11 **Q.** Why not?

12 **A.** We have a court order.

13 **Q.** Well, no, the doc -- the court order says you can  
14 both sign the document?

15 **A.** Right.

16 **Q.** Is he owed the money?

17 **A.** Who?

18 **Q.** Mr. Hamed.

19 **A.** Is he owed the money?

20 **Q.** Is he owed \$95,000 based on --

21 **A.** Yeah, but there's some accounting differences  
22 between both families that's still outstanding.

23 **Q.** But you -- you could withdraw 2.3 million when you  
24 thought you were right, right?

25 **A.** I told you, I went back to the East store because

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1 of certain type -- because of a certain occasion that some  
2 receipts was destroyed by the Hameds, and some receipts was  
3 destroyed by the Yusufs.

4 **Q.** But at the time --

5 **A.** Okay? I went back to the East store to clear that  
6 2.7 million. To clear the outstanding stuff.

7 **Q.** But you didn't clear --

8 **A.** I still have accounting -- I still have  
9 accounting, they still have receipts in the safe either in  
10 all three stores, and we have receipts in all three stores.

11 **Q.** Okay. Let's turn again to Exhibit 1, which is the  
12 deposition notice, and the subjects that we're reviewing.  
13 And if we could now go to No. 10, The means and transactions  
14 for the removal of funds from Plaza Extra Supermarkets, and  
15 subsequent purchase of real property presently held in  
16 corporations or other entities.

17 Okay. When -- yesterday, if I understood  
18 your father's testimony, I understood him to say that when  
19 the \$2.7 million was -- was -- that we discussed earlier  
20 today was removed by the Hameds --

21 And first of all, who -- who specifically  
22 removed the \$2.7 million?

23 **MR. HODGES:** Objection.

24 **Q.** (Mr. Hartmann) Who, actually, the transaction?

25 **MR. HODGES:** Objection. You said the 2.7

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1 were removed by the Hameds.

2 **MR. HARTMANN:** Oh, I'm sorry. I misspoke.  
3 Strike that question.

4 **Q. (Mr. Hartmann)** The 2.7 million removed by the  
5 Yusufs, who actually physically carried out that  
6 transaction?

7 **A.** I did.

8 **Q.** Okay. And I believe your father testified that --  
9 that the money is still in a United account.

10 **MR. HODGES:** I would object to your  
11 recollection. If -- if you can ask him if he recalls --

12 **Q. (Mr. Hodges)** Okay. Do you -- do you recall?  
13 Well, let's -- strike that question.

14 Where is the 2.7 million that was withdrawn?

15 **A.** I -- I -- I don't know. 2.7 was moved over to the  
16 account, the tenant account, and --

17 **Q.** Okay.

18 **A.** -- they went for -- 2.7 was not something that I  
19 used for any specific thing. It was just put in the  
20 account.

21 **Q.** Is it still in the account?

22 **A.** I haven't checked the account to see how much is  
23 in that account, to tell you if it's in there or not. I  
24 mean, that account is an active account. We collect rents.

25 **Q.** Did you testify at the preliminary injunction it

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1 was used to buy things, like a mattress company?

2 **A.** I testified, but I corrected myself, when I  
3 said -- when I said we used it for property and different  
4 things.

5 **Q.** Right.

6 **A.** And then I said I used it -- and then I corrected  
7 myself in that testimony saying that I, when it was property  
8 available, there's money in the account, I used it.

9 **Q.** And did you say that you bought other things like  
10 the mattress company, but that you never spent -- moved it  
11 out of the United States?

12 **A.** Never moved what out of the United States?

13 **Q.** That was your testimony, that you had -- that you  
14 had used it to buy things.

15 What sort of things?

16 Like the mattress company, but we never moved  
17 it out of the United States.

18 **A.** It's an operating account for the tenant.

19 **MR. HODGES:** Wait a minute. Objection. You  
20 were just recounting the various alleged portions of his  
21 testimony? Is that what the question --

22 **MR. HARTMANN:** I'm asking him if he recalls  
23 giving that testimony.

24 **MR. HODGES:** Well, that was like three  
25 different types of testimony. Which -- which one?

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1                   **MR. HARTMANN:** No, it was all-in-one  
2 response.

3                   **MR. HODGES:** Please repeat the question.

4                   **MR. HARTMANN:** Okay. Is that an objection?  
5 If so, what's the objection?

6                   **MR. HODGES:** Yeah. It was a compound  
7 question, how about that?

8                   **MR. HARTMANN:** Okay. That's good.

9                   **Q. (Mr. Hodges)** Do you recall giving testimony in  
10 your initial preliminary injunction testimony on the first  
11 day of the hearing in which you told the Court that the 2.7  
12 had been used to buy three pieces of property?

13                   **A.** I believe I remembered that, yes.

14                   **Q.** Okay. And when you were cross-examined on the  
15 second day of the preliminary injunction hearing, you were  
16 shown documents that proved that that wasn't true; that that  
17 initial testimony was not true, weren't you?

18                   **A.** I don't recall. I don't know.

19                   **Q.** You weren't shown deeds?

20                   **A.** Oh, I was shown deeds, yeah.

21                   **Q.** Yeah. And it turned out that the 2.7 was not used  
22 for that land. That the land had been bought before the 2.7  
23 was taken out, right?

24                   **A.** It was not bought for land. I don't know if it  
25 was bought for land or -- or bought for land. I'm not sure.



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1 I'm not sure. I think it was in the -- in the general fund.  
2 It didn't matter which, whether if I bought land, what  
3 money. The money belongs to United.

4 **Q.** But on the second day of testimony, isn't it true  
5 that you said that it wasn't used to buy land?

6 **A.** It wasn't used to buy land?

7 **Q.** It was not used to buy land.

8 **A.** I don't remember saying that.

9 **Q.** Do you remember saying that it was not only not  
10 used to buy land, but it was used to buy other things?

11 **MR. HODGES:** I would object.

12 Thank you.

13 **MR. HARTMANN:** I'm going to show you --  
14 you're welcome, Counsel. And feel free to interject  
15 whenever you wish in the examination.

16 **MR. HODGES:** Thank you.

17 **MR. HARTMANN:** Certainly.

18 (Deposition Exhibit No. 133 was  
19 marked for identification.)

20 **Q. (Mr. Hodges)** Okay. I'm going to show you  
21 Exhibit No. 133, and I direct your attention to Page 118 of  
22 that document.

23 The first page of the exhibit bears Bates  
24 No. HAMD261005. It continues through to HAMD261157, and  
25 Page 118 bears Bates No. HAMD261122.

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1                   You were asked the following question at  
2 Line 17:

3                   Okay. So you testified in front of this  
4 court last week that you used it to buy three pieces of  
5 property.

6                   Your answer was: Yes, I did.

7                   Did you testify to that? Did you testify,  
8 Yes, I did?

9                   **A.** Yes, I did.

10                  **Q.** Okay. Then you were asked the question:

11                   Would you agree now that that isn't true, is  
12 it? You couldn't use it to purchase these three pieces of  
13 property, could you?

14                   And you answered what? Did you answer, It  
15 was part of either one or two properties?

16                  **A.** Yes.

17                  **Q.** And then the question was, Well, you see one  
18 property that's dated in -- the last property is dated in  
19 December 17th of 2012, so you could have used it to purchase  
20 that property, correct? Is that correct?

21                   And you said, Yeah, I could have. Then you  
22 said, But that's the --

23                   Question: But that's the only property that  
24 you could have used those funds to purchase, isn't that  
25 true?

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1                   And what did you say to that? Did you say, I  
2 wasn't looking if it was the 2.7 to replace properties. I  
3 wasn't doing that. The property was available, I had the  
4 funds, and I paid for it?

5           **A.**    Correct.

6           **Q.**    Okay. And then you were asked:

7                   Okay. Let's get back to the question. What  
8 did you do with the 2.7 million that you removed, that was  
9 removed from the Plaza Extra Supermarket account into the  
10 United account? What was it used for?

11                   And did you respond: Some properties and  
12 whatever else?

13           **A.**    Right.

14           **Q.**    Okay. And you were asked: You haven't used it to  
15 purchase properties over -- you haven't used it to purchase  
16 properties overseas?

17                   And you said: Oh, no.

18                   Is that correct?

19           **A.**    That's correct.

20           **Q.**    Then you were asked: Have you used it to invest  
21 in other businesses, like the mattress business or things  
22 like that?

23                   And did you say: Yes, I did?

24           **A.**    Oh, yeah.

25                   That's what I said here.

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1           **Q.**    Okay.  And then you were asked:  And were those  
2 businesses in the name of United Corporation, and you said  
3 no.

4                        Did you testify to that, that they -- that  
5 the properties and the other things purchased were not in  
6 the name of United Corporation?

7           **A.**    I made a mistake here.

8                        **MR. HODGES:**  Objection.  Objection.  That's  
9 not what the question was.

10                      **MR. HARTMANN:**  Just jump right in, Counsel.

11                      **MR. HODGES:**  I can make an objection whenever  
12 I want to, Mr. Hartmann.

13                      **MR. HARTMANN:**  That's certainly, yeah.  Go  
14 ahead.  Make it.

15                      **MR. HODGES:**  Read the question correctly.

16           **Q.**    **(Mr. Hartmann)**  Okay.  You used it to invest in  
17 other businesses, like the mattress business or things like  
18 that?

19                                You said:  Yes, I did.

20                                And were those businesses in the name of  
21 United?

22                                And you said:  No.

23           **A.**    That's --

24           **Q.**    Is that correct?

25           **A.**    That's incorrect.

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1 Q. That is not correct? You didn't say that?

2 A. I said that, but I made a mistake.

3 Q. Wait. I thought the first time you testified to  
4 the Court on the first day, you said you bought three  
5 properties. I thought you told the Court the second time  
6 that that was a mistake, and that this was the truth?

7 A. Uh-huh.

8 Q. Now you're saying this isn't the truth, either?

9 A. Well, it's the difference between United, if the  
10 -- if it was bought in United's name or whatever, it's all  
11 in United's name.

12 Q. So this is correct, that what you bought -- I'm  
13 sorry. I'm confused. Explain it to me. The 2.7 is used to  
14 buy businesses. Is United -- does it say on the top of  
15 whatever those businesses are, like the mattress -- let's  
16 take the mattress business.

17 Is the mattress business owned -- is its  
18 stock owned by United Corporation?

19 MR. HODGES: Objection.

20 A. Yes.

21 MR. HODGES: Relevance.

22 Q. (Mr. Hodges) The stock of the mattress company  
23 says United Corporation on it?

24 A. Yes.

25 Q. Okay. And the land that was bought with it was

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1 bought in United's name?

2 **A.** Yes.

3 **Q.** Okay. So this testimony was not true?

4 **MR. HODGES:** Objection. That's exactly what  
5 it says.

6 **MR. HARTMANN:** No. It says, Were those  
7 businesses in the name of United Corporation? He said, No.

8 **Q. (Mr. Hartmann)** Now you're changing your answer,  
9 no, to yes?

10 **A.** Yes.

11 **Q.** So this wasn't true. What you told the Court the  
12 second time you told the story wasn't true.

13 **A.** Am I human or not? I can't make a mistake?

14 **Q.** I'm just asking for a yes or no.

15 **A.** And I just corrected myself.

16 **Q.** Okay. So when you told the Court that the  
17 2.7 million was used to buy three properties, that was an  
18 error on the first day under oath, right?

19 That was an error. That was wrong.

20 **A.** Listen, I corrected myself on the second day,  
21 saying that --

22 **Q.** You corrected --

23 **A.** I used -- the money was put in a general fund, in  
24 the tenant account. What I used the money for, I don't  
25 remember. I don't -- I don't -- I'm not -- I don't have the

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1 dates and where and when and how.

2 **Q.** Did -- did you invest -- now, on Page -- on the  
3 previous page, at Line 21, you said: Have you used it to  
4 invest in other businesses like the mattress business?

5 Did you use it to invest in other businesses  
6 like the mattress business, or is that untrue also?

7 **MR. HODGES:** Objection to argumentative.

8 **A.** What is my -- what is my answer?

9 **Q.** (**Mr. Hartmann**) Did you use it to invest in other  
10 businesses like the mattress business?

11 **A.** What difference does it make?

12 **Q.** Did you testify previously that, yes, you did use  
13 it to invest in other businesses like the mattress business?

14 **A.** I used the money to do whatever was necessary to  
15 do with it when I needed to.

16 **Q.** Okay.

17 **A.** If it's the 2.7, if it's 10 million, or if it's  
18 5 million, whatever it is.

19 **Q.** Okay.

20 **A.** It was out of the tenant account.

21 **Q.** Okay.

22 **A.** We're done with this?

23 **Q.** Yep.

24 **A.** Can you explain to me the 2.7 that Wally took  
25 before, what did he use the \$2.7 million for? He used it

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1 for his house. He used it for his cars. Mohammad used it  
2 for his house. He used it for his houses back home. And  
3 several other things, taken from the same operation money of  
4 the Plaza Extra.

5 What is the difference?

6 **Q.** If you'd look at Exhibit, once again,  
7 Exhibit No. 1, the -- the Schedule A, which is the topics.

8 I'd like to look now at --

9 **A.** And let me add something else to that, too. What  
10 about all of the money that Wally took out of the accounts,  
11 that's not accounted for?

12 **Q.** Okay. We talked about Topic No. 13, which is the  
13 capitalization of Plaza Extra Supermarkets.

14 I believe you told me that no money was put  
15 into the supermarkets after the initial capitalization in  
16 1986?

17 **A.** I can't answer that.

18 **Q.** Okay. And we talked about 14, which is loans.  
19 Okay. We talked about 15, additional?

20 **A.** We talked about 14?

21 **Q.** Yeah, we did.

22 **A.** What we did say about that?

23 **Q.** I asked -- I asked --

24 **A.** Loans obtained by United for the benefits of the  
25 Plaza Extra store.



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1           **Q.**    Yeah. I asked you earlier if any loans taken out  
2 for the benefit of the Plaza Extra stores, either United, by  
3 United, or by your father, --

4           **A.**    Uh-huh.

5           **Q.**    -- were ever paid back from any source other than  
6 from the -- from the net profits of Plaza Extra  
7 Supermarkets, and you said that they were all paid back from  
8 Plaza Extra Supermarkets. Okay?

9                               Is that correct?

10          **A.**    Correct, because United has the collateral to be  
11 able to get these loans.

12          **Q.**    Okay. Let's now look at No. 16, United's tax  
13 returns.

14                               Now, as the president of United Corporation  
15 and as its designated representative here, are you  
16 responsible for the filing of -- of tax returns with the  
17 Internal Revenue Bureau of the Virgin Islands?

18          **A.**    Yes.

19          **Q.**    Okay. And when those are done, do you -- do you  
20 review those documents before you -- you submit those to the  
21 IRB?

22          **A.**    I'm not an accountant -- an accountant to -- I'm  
23 not an accountant to respond to this.

24          **Q.**    No, I'm just asking if you, as the president of  
25 United, are the person who reviews the tax returns before

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1 they're submitted?

2 **A.** I -- I -- I look at them, but (indicating), and  
3 that's it.

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

6 **Q. (Mr. Hartmann)** I'm now handing you what is  
7 Exhibit 6.

8 Are these, in fact, the tax returns submitted  
9 by United Corporation to the Virgin Islands Internal Revenue  
10 Bureau on behalf of United Corporation for the years 2012 --  
11 excuse me -- 2002 through 2012?

12 **MR. HODGES:** Objection. I note that the  
13 package that I have in Exhibit 6 has a letter from Attorney  
14 Joel Holt to Attorney Joseph DiRuzzo and Nizar DeWood dated  
15 March 14. That certainly doesn't --

16 **MR. HOLT:** Just remove that.

17 **MS. JAPINGA:** Thank you.

18 **Q. (Mr. Hodges)** So is that -- are those the tax  
19 returns submitted from 2002 to 2012?

20 **THE REPORTER:** 2000 --

21 **MR. HARTMANN:** Two, to 2012.

22 **A.** Yes.

23 **Q. (Mr. Hartmann)** Okay. And the actual physical  
24 forms themselves, as they were completed out, where were  
25 these obtained from?

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1                   **MR. HODGES:** Objection. Attorney-client  
2 privilege.

3           **Q. (Mr. Hodges)** Did these not come from a CPA firm?

4           **A.** I can't answer that.

5                   **MR. HODGES:** Objection. Objection.  
6 Attorney-client privilege.

7                   **MR. HARTMANN:** You can direct him not to  
8 answer on the basis of privilege.

9                   **MR. HODGES:** I direct him not to answer.

10           **Q. (Mr. Hartmann)** So are you refusing to answer the  
11 question of where United Corporation got its tax returns?

12                   **MR. HODGES:** Yeah. Objection.

13                   **MR. HARTMANN:** Oh, okay.

14                   **MR. HODGES:** I'm instructing him not to  
15 answer that.

16                   **MR. HARTMANN:** Yeah, I was just asking the  
17 witness. You've instructed him.

18           **Q. (Mr. Hartmann)** You're objecting. You're not  
19 answering, right?

20           **A.** Object.

21           **Q.** Okay. And -- and without characterizing where you  
22 got them, can you tell me who prepared them?

23                   **MR. HODGES:** Objection. Attorney-client  
24 privilege. Work product. I'm instructing him not to  
25 answer.

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1                   **MR. HARTMANN:** Okay.

2           **Q. (Mr. Hartmann)** So you're refusing to answer?

3           **A.** I refuse to answer.

4           **Q.** Okay. And once you got them, did you as the  
5 president of United review them?

6           **A.** Answered that already. I answered that already,  
7 and my attorney answered you.

8           **Q.** You did review them all?

9           **A.** I looked them over.

10          **Q.** Okay. And does this reflect income from the Plaza  
11 Extra Supermarkets?

12          **A.** Yes.

13          **Q.** And could you point out to me where, in any of  
14 these documents, it reflects that Mr. Mohammad Hamed is  
15 entitled to one-half of the net profits of the Plaza Extra  
16 Supermarket income?

17          **A.** I can't answer that. It -- it speaks for itself  
18 there.

19          **Q.** Okay. Does it, in fact, show anywhere in here  
20 that one-half of the net profits belong to Mohammad Hamed?

21          **A.** I'm not an expert to -- on taxes.

22          **Q.** But do we agree that for the years 2002 to 2012,  
23 one-half of the net profits of Plaza Extra Supermarkets  
24 belongs to Mohammad Hamed?

25          **A.** What years?

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1 Q. 2002 to --

2 A. Two to 2003?

3 Q. -- 2012?

4 A. Are we only talking 2002 to 2003, or 2000 to 2010?

5 Q. 2002 to 2012.

6 A. I'm not an expert to go to. I'm not an  
7 accountant.

8 Q. No, I'm not asking that. I'm asking you, as the  
9 president of United Corporation, whether United Corporation  
10 owes Mr. Mohammad Hamed the net profits of Plaza Extra  
11 Supermarkets for the years 2002 to 2012?

12 MR. HODGES: Objection.

13 A. I still --

14 MR. HODGES: That's not the -- that's not the  
15 question you were putting to him a moment ago.

16 MR. HARTMANN: I'll ask it again.

17 Q. (Mr. Hartmann) As the president and  
18 representative of United Corporation, does  
19 United Corporation owe to Mr. Mohammad Hamed the net profits  
20 of the Plaza Extra Supermarkets for the years 2002 to 2012?

21 A. 2002 to 2012? We haven't arrived to a net profit  
22 yet. That's between my father and Mr. Mohammad Hamed. It's  
23 nothing to do with the taxes.

24 Q. (Mr. Hodges) What do you mean, it's nothing to do  
25 with the taxes?

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1           **A.**    I mean, I'm not an accountant to explain -- I'm  
2 not an accountant to explain accounting, accountant. I'm  
3 not an accountant.

4           **Q.**    No, but you're the president of -- who signed  
5 these documents?

6           **A.**    I signed them.

7           **Q.**    Okay. And in anywhere in here does it say that  
8 Mohammad Hamed is due one-half of the net profits to  
9 Plaza Extra Supermarkets?

10                   **MR. HODGES:** Objection. It's already been  
11 answered.

12           **Q.**    **(Mr. Hartmann)** You can answer.

13           **A.**    I answered already.

14           **Q.**    You can still --

15           **A.**    I'm not an expert to -- I'm not an accountant.

16           **Q.**    **(Mr. Hodges)** Okay. Why don't you take a look at  
17 the 2012 return.

18           **A.**    I do not want to talk about these taxes.

19           **Q.**    I know you don't.

20           **A.**    I'm not going to discuss these taxes.

21           **Q.**    But that's life in the big city.

22                    Would you please pull the 2012 document?

23           It's the last one. And if you need some time to read over

24           this, that's fine. We can go off the record for a few

25           minutes. But I want you to point out to me in this document

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1 where it says anything about a distribution to Mr. Mohammad  
2 Hamed of anything. Where he's mentioned anywhere in that  
3 document?

4 **A.** I go back to you, and I'm not an accountant. I'm  
5 not an expert.

6 **Q.** I'm not asking for an expert opinion. I'm asking  
7 you to show me anywhere in this document where it reflects  
8 that Mr. Mohammad Hamed is due one penny. That he's due a  
9 cent. Where it shows --

10 **A.** Well, United --

11 **Q.** Let me finish my question.

12 -- where it shows me that you aren't trying  
13 to steal his money.

14 **MR. HODGES:** Objection.

15 You don't need to answer that question.

16 **MR. HARTMANN:** Yes. Yes, he does.

17 **MR. HODGES:** No.

18 **MR. HARTMANN:** Yes, he does.

19 **MR. HODGES:** No, he doesn't. That is a  
20 clear --

21 **MR. HARTMANN:** Are you claiming privilege?

22 **MR. HODGES:** No. That -- you know --

23 **A.** You're accusing me now?

24 **Q. (Mr. Hodges)** I'm asking you one place in here it  
25 doesn't show that the Yusufs are claiming a hundred percent

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1 of all the profits of Plaza Extra Supermarkets.

2 **A.** Okay.

3 **Q.** Where it shows me that you aren't trying to steal  
4 Mr. Hamed's partnership money.

5 **A.** I'm not trying --

6 **Q.** You told --

7 **A.** -- I'm not trying to steal nothing from  
8 Mr. Mohammad.

9 **Q.** Well, you told the IRB --

10 **A.** Uh-huh.

11 **Q.** -- that all of the income from Plaza Extra  
12 Supermarkets, all of it, --

13 **A.** Okay.

14 **Q.** -- was income to the Yusufs, didn't you? Doesn't  
15 that -- isn't that what this 2012 tax return says?

16 **A.** Can you go back to 1986, 1987, 1988, 1989, 1990?  
17 What happened to all those years up to present?

18 **Q.** Sir, can you answer my question?

19 **A.** Can you answer my question?

20 **Q.** No, I don't have to answer you.

21 **A.** Okay. Well, I can't -- I am not -- I can't  
22 discuss this.

23 **Q.** You can't discuss this --

24 **A.** You're only -- you're only --

25 **Q.** -- or you won't discuss it?



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1           **A.**    -- you're only going from 1992 to 1990 -- I mean  
2           2002 to 2012.

3           **Q.**    Were you the president of United Corporation in  
4           1986?

5           **A.**    No, I wasn't.

6           **Q.**    Okay. Were you the president of the  
7           United Corporation in 2002?

8           **A.**    Yes.

9           **Q.**    2003?

10          **A.**    Yes.

11          **Q.**    2004?

12          **A.**    Yes. And 1989, 1990, I believe.

13          **Q.**    Sir, please answer my question.

14          **A.**    1992, 1994.

15                   **MR. HARTMANN:** Will you direct your client to  
16           answer the questions, please?

17          **A.**    What is -- what is the difference between those  
18           years and this year? This is how United is filing its taxes  
19           for twenty-eight years, and no different.

20          **Q.**    **(Mr. Hartmann)** Can you now answer the question?

21          **A.**    I just answered the question.

22          **Q.**    Isn't it true that for the years 2002 to 2012,  
23           United Corporation has sworn to the IRB that all of the  
24           income from the Plaza Extra Supermarkets belongs to the  
25           United Corporation, and belongs to the -- in fact, is passed

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1 through, since this is a Subchapter S after 2002, was in  
2 fact passed through to the individual members of the Yusuf  
3 family?

4 **A.** I -- I --

5 **MR. HODGES:** Objection. Objection. These  
6 tax returns speak for themselves. They were vetted by  
7 criminal counsel.

8 **MR. HARTMANN:** You can't say who they were  
9 vetted to. You -- you just asserted privilege as to where  
10 these came from. You cannot say that. And you're not  
11 supposed to be talking. If you want to -- wait. We'll go  
12 off the record. You can consult with your client, and we'll  
13 come back onto the record.

14 **MR. HODGES:** I don't want to go off of the  
15 record.

16 **MR. FATHI YUSUF:** Please go off of the  
17 record, please.

18 **MR. HARTMANN:** Okay. Will you -- will you  
19 stop interrupting then and allow me to continue my  
20 examination? If you want to make an objection, make the  
21 objection for the record, and we'll go on.

22 **MR. HODGES:** We'll take a break.

23 **MR. HARTMANN:** Okay.

24 **THE VIDEOGRAPHER:** Going off the record at  
25 1:57.

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1 (Short recess taken.)

2 **THE VIDEOGRAPHER:** Okay. Going back on  
3 record at 2:05.

4 **Q. (Mr. Hodges)** Okay. Several times during the  
5 deposition, we talked about -- I don't -- I don't want to go  
6 into any discussion of the criminal matter in this case. I  
7 just want to ask you, at what time, what date was the store  
8 raided by the federal government?

9 **A.** 2001.

10 **Q.** 2001.

11 And can you tell me, without going into  
12 anything about the criminal case itself, how operations at  
13 the store changed once the federal government was involved  
14 with regard to the handling of money?

15 **A.** The operation of the stores after the raid did not  
16 change.

17 **Q.** Well, for instance, could Mr. Hamed and Mr. Yusuf  
18 take out money any time they wanted to after the raid on the  
19 store?

20 **A.** With the approval of the -- I think in 2002 is  
21 when we had the Marshal Service, so the FBI there, and  
22 nobody could pull anything without the approval of the  
23 marshal.

24 **Q.** Okay. And why was it that you couldn't pull money  
25 without the approval of the marshal? Was there something in

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1 place that stopped you from removing profits, the net  
2 profits, of Plaza Extra from the stores?

3 **A.** No, it didn't stop us from -- it didn't stop us  
4 from doing the -- the normal things that we usually do,  
5 except the cash.

6 **Q.** Right. But the cash, the actual profits from the  
7 operation of the Plaza Extra stores, that -- that went  
8 somewhere else after that date, didn't it?

9 **A.** Repeat the question.

10 **Q.** Okay. After the -- you testified, I believe,  
11 that -- that a federal monitor was installed, is that  
12 correct?

13 **A.** Yeah. Yes.

14 **Q.** Okay. And the federal monitor that was installed,  
15 was he not, pursuant to a -- a restraining order that was  
16 issued by the Federal District Court?

17 **A.** The restraining order came in about, I think, late  
18 2003.

19 **Q.** Okay. And from the date of that restraining order  
20 forward, where were -- where were you forced to put the  
21 profits of the Plaza Extra Supermarkets?

22 **A.** Where they were always put before.

23 **Q.** Where -- where was that?

24 **A.** In the operating account of Plaza.

25 **Q.** They weren't put in a -- in a profits account?

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1           **A.**    No.

2           **Q.**    There was no account with over \$40 million in it?

3           **A.**    No.

4                         Let me help you out here.

5           **Q.**    Okay.

6           **A.**    What year are you talking about?

7           **Q.**    I'm talking about after the mar -- you said you  
8 couldn't take any cash out after the marshals came in.

9           **A.**    Right.

10          **Q.**    I'm just wondering where all the money was going?

11          **A.**    After the 2003?

12          **Q.**    Yeah, after?

13          **A.**    In the operating account.  Until a period of time,  
14 I think, in '97 -- in 2007 or 2008, --

15          **Q.**    Okay.

16          **A.**    -- we opened a security account.

17          **Q.**    Okay.  Just tell me about what went in there?

18          First of all, where was it?

19          **A.**    Banco Securities.

20          **Q.**    Banco Popular Securities?

21          **A.**    Yeah.

22          **Q.**    And what -- what branch, or who did you deal with  
23 in terms of this account?

24          **A.**    I don't remember who was it at that time.

25          **Q.**    Okay.  And -- and tell me how that worked.  What

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1 went into that account?

2 **A.** Plaza Extra profits went into that account.

3 **Q.** Okay. And is that account still in existence  
4 today?

5 **A.** Yes.

6 **Q.** Okay. And has money been drawn out of that  
7 account?

8 **A.** Money was drawn out to pay taxes.

9 **Q.** Okay. But -- but other than funds that were  
10 approved by the federal court, no monies have been drawn out  
11 of there?

12 **A.** No, not at all.

13 **Q.** Okay. Thank you.

14 **A.** Now, which accounts?

15 **Q.** The Banco Securities.

16 **A.** I have two Banco Security accounts.

17 **Q.** Okay. Does one -- did one have approximately  
18 \$44 million in it?

19 **A.** That's the one you want to know about?

20 **Q.** Yes.

21 **A.** Only that one.

22 **Q.** Is that where the profits are banked?

23 **A.** Yes.

24 **Q.** Is there another one that has the profits of  
25 the --

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1           **A.**    No.

2           **Q.**    Okay.

3           **A.**    Because I, you know, I have to be clear with  
4 you, --

5           **Q.**    No, no, that's --

6           **A.**    -- because you're using a lot of things against me  
7 here --

8           **Q.**    No.

9           **A.**    -- that don't make sense to me.

10          **Q.**    Okay.

11          **A.**    If I take \$2.7 million from an operating account  
12 and put it in a tenant account because it's owed to me, and  
13 many more millions owed to me, I have a right to that money  
14 to do whatever I want with it.

15          **Q.**    Okay. The \$2.7 million, just so you don't think  
16 I'm trying to change a six to a nine here, the 2.7 was in a  
17 Plaza Extra Supermarkets operating account. I'm not talking  
18 about that account. I'm talking about the account that held  
19 the Plaza Extra Supermarket net profits.

20                         That was at Banco Popular Securities, is that  
21 correct?

22          **A.**    Yes.

23          **Q.**    Okay. And you testified that aside from monies  
24 authorized by the federal court, no funds have been  
25 withdrawn for that account?

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1           **A.**    No funds have been taken out.

2           **Q.**    Okay.

3           **A.**    Only for the federal case.

4           **Q.**    Okay.  That was Topic No. 20.  I'm sorry.

5           **A.**    We're not even halfway.

6           **Q.**    I'm not going through all of them, believe me.

7                               Okay.  Is there a dispute about the rent that  
8 is due from Plaza Extra Supermarkets as the tenant to  
9 United Corporation as the landlord for the Plaza Extra East  
10 store?

11          **A.**    There's a dispute.  The Hameds refused to pay.

12          **Q.**    Okay.  When you say, "the Hameds refused to pay,"  
13 it's actually Plaza Extra Supermarkets that are refusing to  
14 pay, right?  That's the tenant.

15          **A.**    The Yusufs are not refusing.

16          **Q.**    Okay.

17          **A.**    The Hameds are.  You said Plaza Extra is  
18 partnership between Mohammad and Yusuf, right?

19          **Q.**    And since one of the partners is refusing to pay,  
20 the partnership isn't paying, is that correct?

21          **A.**    The partnership is not paying.

22          **Q.**    Okay.

23          **A.**    It's like everything else, he wants to --

24          **Q.**    Okay.  And -- and as part of the -- that dispute  
25 between Plaza Extra Supermarkets and United Corporation, is



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1 it correct that -- that Plaza Extra Supermarkets has been  
2 sent, and Mohammad Hamed, has been sent a series of letters  
3 by United Corporation requesting the payment of the rent for  
4 the Plaza Extra East store?

5 **A.** Yes.

6 **Q.** Okay. And who signs those letters?

7 **A.** The month-to-month rent? I mean the  
8 month-to-month --

9 **Q.** Yeah.

10 **A.** I do.

11 **Q.** And who drafts the letters?

12 **A.** I do.

13 **Q.** Okay. Let's talk about the -- the Topic No. 24,  
14 which has to do with the termination of the partnership.

15 From United's perspective, can you -- can you  
16 tell me, basically, what United understands to be going on  
17 with regard to the partnership in terms of its termination  
18 or dissolution, or whatever is happening?

19 **A.** That United wants to terminate its lease with the  
20 partnership.

21 **Q.** Okay. That's United's relationship with the  
22 partnership, but does -- does United understand that the  
23 partnership is -- is going through -- that notices of  
24 termination have been given, or that it's going through  
25 dissolution, or anything like that?

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1                   What does United understand about what is  
2 happening inside the partnership that is its tenant?

3           **A.**     That there's a lot of mistrust and a lot of monies  
4 taken from one partner to the next.

5           **Q.**     Okay. And is -- is United involved in that in any  
6 way? In other words, does United take a position about  
7 whether the partnership exists or it doesn't exist, or it's  
8 been terminated, or it hasn't been terminated?

9           **A.**     I mean, the United -- United is -- is an entity  
10 that rents to the partnership.

11          **Q.**     That's right.

12          **A.**     And it -- it -- United asked for its space back.  
13 Regardless of what -- what's going on, United wants the  
14 space back.

15          **Q.**     Okay. I understand that there's a landlord-tenant  
16 issue between United and the partnership. I'm simply asking  
17 you whether United, the corporation, takes any position  
18 whether the partnership exists or it doesn't. Let's just  
19 start with that.

20                   Does United believe the partnership presently  
21 exists or does not, or does it take no position?

22          **A.**     No, there is -- there is a business agreement  
23 between Mohammad and my father.

24          **Q.**     And is it --

25          **A.**     It does, we know that.

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1 Q. Okay. And is it still in place today?

2 A. It's still in place today.

3 Q. Okay.

4 A. It's been given notice to leave.

5 Q. But that's from United.

6 A. Uh-huh.

7 Q. Okay. So -- so as -- as part of that, the fact  
8 that there's a dispute going on inside of the partnership,  
9 at some point in the last year, as part of that dispute and  
10 United's involvement of it, did -- were the police called  
11 and asked to remove the Hameds from the store?

12 A. No.

13 Q. They weren't. Okay.

14 Were the police called to the store by either  
15 United -- well, by you or your father?

16 A. By my father.

17 Q. Okay. And in what capacity was he acting when he  
18 did that? Was he acting for United, or was he acting for  
19 the partnership?

20 A. He's acting for the partnership.

21 Q. Okay. So when he called --

22 A. And United.

23 Q. I'm sorry?

24 A. And United. The partnership and United.

25 Q. What was United -- why would United call the

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1 police?

2 **A.** She's on the United's payroll.

3 **Q.** Mafi -- the police were asked to remove Mafi  
4 Hamed, weren't they?

5 **A.** No.

6 **Q.** Weren't the police asked to remove two of the  
7 Hamed brothers, Wadda Charriez and myself?

8 **THE REPORTER:** Sorry. What was the third  
9 name?

10 **A.** No.

11 **MR. HARTMANN:** Wadda, W-A-D-D-A; Charriez,  
12 C-H-A-R-R-I-E-Z.

13 **Q. (Mr. Hartmann)** Were you there that day?

14 **A.** Yes.

15 **Q.** Did you hear what the police were asked to do?

16 **A.** Yes.

17 **Q.** Did your father say if the police didn't remove  
18 the four of us, he was going to close the store?

19 **A.** I don't know the exact -- exact words. There was  
20 a lot of talking between you guys, my father, and everybody  
21 else. The exact words, I don't know.

22 **Q.** Okay. So he called for --

23 **A.** I -- I heard Holt say that, though. Telling my  
24 father that I -- that he's putting guns to their heads and  
25 want to remove and close the store. He was telling my

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1 father that.

2 Q. Was Joel Holt there when the police arrived?

3 A. He was there at one point, but I don't know when  
4 the police were there.

5 Q. Quite a bit later, wasn't it?

6 A. I don't remember if -- yeah, he was there later,  
7 yes.

8 Q. So when the police were called, they were called  
9 by your father. And you said they were called -- your  
10 father, in his capacity as both an officer of United and  
11 also as partner in the partnership, is that correct?

12 A. Yes.

13 Q. Okay. Let's just deal for the moment with United.  
14 Why did United call the police and ask to  
15 have these four individuals removed?

16 A. I just told you, the police wasn't called for --  
17 to remove four people.

18 Q. Your father -- your father said to a police  
19 officer, I want these four people removed, or I will shut  
20 this store right now, didn't he?

21 A. I don't remember the exact word that he said. I  
22 know he called the police for Wadda Charriez.

23 Q. Okay.

24 A. Because he terminated her employment at Plaza  
25 Extra because of falsifying hours.

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1 Q. Okay. So it's -- so it's your testimony, as you  
2 sit here today, that you don't recall your father saying  
3 that he wanted Mafi Hamed removed from the premises, and  
4 arrested?

5 A. I'm not sure. I -- I'm not sure if I did hear  
6 that or not.

7 Q. Okay. And you don't remember your father saying  
8 he wanted me removed from the premises or arrested?

9 A. I'm not sure. I -- I know the reason that the  
10 police was called is to remove Wadda Charriez because she  
11 came into work and she was told she's terminated.

12 Q. And Wadda Charriez is whom?

13 A. Wadda Charriez.

14 Q. Who is she? What position does she hold?

15 A. What position? She is -- she called herself  
16 office manager. I mean, I -- in all the three stores, we  
17 don't have office managers, but somehow she called herself  
18 office manager.

19 What she does, she does payroll and some --  
20 and some accounting and day-to-day work for the store.

21 Q. Okay. And when you say "for the stores," you mean  
22 for Plaza Extra Supermarkets, is that correct?

23 A. Yes.

24 Q. And -- and now turning to your father's capacity  
25 for calling the police as a partner in the partnership, what

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1 was his purpose? Could he -- could he terminate Wadda  
2 Charriez without agreement of Mohammad Hamed?

3 **A.** Of course.

4 **Q.** And why is that?

5 **A.** Mohammad Hamed gives him -- he's the ultimate  
6 person over in charge of all three stores.

7 **Q.** And if Mohammad Hamed said, No, I don't want her  
8 fired, or his agent said that to you, that means nothing, is  
9 that correct?

10 **A.** That mean nothing.

11 **Q.** Because -- because -- because Mohammad Hamed is  
12 not a partner?

13 **A.** No, Mohammad Hamed give my father the full  
14 authority over everybody.

15 **Q.** Could the --

16 **A.** He runs the office.

17 **Q.** Could you --

18 **A.** He runs the three Plaza Extra stores. He manages  
19 the three Plaza Extra stores with us.

20 **Q.** Do you think that -- that he continued to give  
21 that authority to your father even after he filed a lawsuit  
22 claiming your father stoled \$2.7 million?

23 **A.** My father stoled \$2.7 million?

24 **Q.** Didn't he file a lawsuit that says that?

25 **A.** I think there's a ledger there that has Mohammad

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1 Hamed on there. Didn't Mohammad Hamed steal that?

2 **Q.** You mean Fathi Yusuf steal?

3 **A.** Mohammad Hamed. Didn't he -- did he steal two  
4 point -- did Mohammad and Waleed Hamed steal \$2.9 million?  
5 Or let me say \$4 million?

6 **Q.** I'm asking the following question: Your father  
7 and Mohammad Hamed were in a partnership together. Your  
8 father filed a lawsuit seeking to have him declared a  
9 partner, stating that the basis for the lawsuit was because  
10 your father had illegally and improperly removed  
11 \$2.7 million from the store accounts.

12 **A.** He did not illegally.

13 **Q.** He alleged that. I'm not saying he did it or  
14 you're admitting it. I'm just saying his partner filed a  
15 lawsuit against him saying he took \$2.7 million, right?

16 You know that there was a lawsuit filed?

17 **A.** Yes. Yes.

18 **Q.** Right.

19 Do you think that after he said that, your  
20 father still gave him the power to do anything he wanted?

21 **A.** His father testified here yesterday.

22 **MR. HODGES:** Objection. Wait a minute.

23 Objection. This is a -- a United deposition,  
24 am I -- am I right?

25 **MR. HARTMANN:** Yeah.



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1                   **MR. HODGES:** This is not United issues. It's  
2 none of the issues that are addressed in your -- your  
3 schedule. This is a partnership issue.

4                   **Q. (Mr. Hartmann)** Okay. You can answer.

5                   **A.** I'm going to answer that. I am going to answer  
6 that. \$2.7 million was showed to Mohammad Hamed. He didn't  
7 know anything about it, because his son refused to show him  
8 what -- what it's all about. What Fathi did, or Mr. Yusuf  
9 did, my father? Why is that? His agent is not carrying --  
10 carrying his duties to his father as a partner.

11                   **Q.** My question is, was it not clear to everybody that  
12 was involved in the -- in the partnership that after  
13 Mohammad Hamed filed a lawsuit seeking to be declared the  
14 partner, and stating as the basis for that \$2.7 million that  
15 had been taken, that he no longer acquiesced to Fathi Yusuf  
16 doing whatever he wanted?

17                                   Was that not clear to you?

18                   **A.** That was still clear that Mr. Yusuf was still in  
19 charge, and up to today, he's still in charge.

20                   **Q.** He is today, even after the entry of the TRO?

21                   **A.** Yes, he is.

22                   **Q.** Okay. Good.

23                                   Next question on the list. Twenty-nine, The  
24 running of the business operations in the office of the  
25 grocery store business, including but not limited to how and

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1 by whom accountants were hired; how and by whom tax  
2 preparation was done; how and by whom securing licenses and  
3 trade names was done.

4 Who -- who obtained the preparation of tax  
5 documents for the corporation? Who inside the corporation  
6 arranged for tax documents to be done?

7 **MR. HODGES:** Which -- objection. Over what  
8 period of time?

9 **Q. (Mr. Hartmann)** You can answer.

10 **A.** Which tax preparation?

11 **Q.** If it's -- if there are different people at  
12 different times, explain to me who it was. I'm only asking  
13 you who secured tax preparation for the firm, for  
14 Plaza Extra Supermarkets or United Corporation?

15 **A.** Tax preparation should be --

16 **MR. HODGES:** I don't -- could you ask the  
17 question again? He's -- please?

18 **MR. HARTMANN:** Yeah. Who -- yeah, certainly.

19 **Q. (Mr. Hartmann)** Who within United Corporation --  
20 United Corporation has had -- has had taxes prepared from  
21 1979 to present, right?

22 **A.** Uh-huh.

23 **Q.** Okay. And you've been the president of United  
24 Corporation from when to when?

25 **A.** I don't recall when.

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1 Q. From 1992 on?

2 A. I don't recall.

3 Q. Ninety-three on?

4 A. I don't know.

5 Q. Were you the president in '95?

6 A. I should have been, yeah.

7 Q. Okay. So let's take from '95 on. Who obtained  
8 the preparation of taxes for the -- for United Corporation  
9 in 1995?

10 A. I -- I know we had Pablo O'Neill was the  
11 accountant back then.

12 Q. Okay. And who -- who dealt with Pablo O'Neill?

13 MR. HODGES: I would object.

14 That wasn't his question. He's -- he's  
15 asking, who in United obtained the tax preparation?

16 MR. HARTMANN: That's true. I'm sorry. I  
17 did.

18 Q. (Mr. Hartmann) Who in United had the interaction  
19 with Pablo O'Neill?

20 A. Oh. My -- Mr. Yusuf.

21 Q. With regard to the tax --

22 A. My father.

23 Q. Fathi Yusuf?

24 A. Yes.

25 Q. And that was true in 1994?

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1           **A.**    That's all the years.

2           **Q.**    All the years.

3           **A.**    Yes.

4           **Q.**    Okay.  And did he obtain the tax preparation  
5 for -- for the individuals, as well?  In other words, did  
6 you prepare your own taxes, or was that done by Pablo  
7 O'Neill, as well?

8           **A.**    That was done with by whoever -- whoever  
9 accountant my father hired.

10          **Q.**    Okay.  And -- and were the taxes for those  
11 individuals such as yourself and the others, was that paid  
12 by Plaza Extra Supermarkets out of the operating -- the net  
13 profit operating accounts?

14          **A.**    That was the agreement that Mr. Hamed has with  
15 Mr. Yusuf.

16          **Q.**    Okay.  And so, and that's been for all the years,  
17 you testified?

18          **A.**    That's been for all the years to present.

19          **Q.**    Okay.  And -- and did Fathi Yusuf arrange for the  
20 preparation of the 2002 to 2012 tax forms?

21          **A.**    That was in the -- the time of the federal case.  
22 I'm not going to answer that.

23          **Q.**    Okay.  And -- and could you tell me the name of  
24 the CPA firm, without disclosing to me what they told you or  
25 what went back and forth between you, the name of the CPA,

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1 any CPA firm that worked for -- that worked with regard to  
2 the preparation of taxes from 2002 to 2012?

3 **MR. HODGES:** Objection.

4 **A.** I can't say anything.

5 **MR. HODGES:** Objection. Attorney-client/work  
6 product privilege.

7 **MR. HARTMANN:** Only asking -- only asking who  
8 they were.

9 **MR. HODGES:** Objection?

10 **A.** I'm not going to answer that.

11 **MR. HODGES:** Attorney-client/work product  
12 privilege. I'm instructing the witness not to answer.

13 **MR. HARTMANN:** Okay. Okay. We have to go  
14 off tape now.

15 **THE VIDEOGRAPHER:** Going off record at 2:30.

16 (Respite.)

17 **THE VIDEOGRAPHER:** Going back on record at  
18 2:32.

19 **Q. (Mr. Hartmann)** Mr. Yusuf, I asked you, you said  
20 previously that you're not an accountant and that there's --  
21 there's someone who was hired and is going to testify in  
22 this case, in fact, Mr. Gaffney, is that correct?

23 **A.** Yes.

24 **Q.** Okay. And approximately what date was Mr. Gaffney  
25 hired?

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1           **A.**   Sometime in late 2012.

2           **Q.**   Late 2012?

3           **A.**   I believe so, yeah.

4           **Q.**   Okay.  And Mr. Gaffney has supplied, at my  
5 request, copies of the computer-based accounting records for  
6 2012 and 2013, has he not?  From United?

7           **A.**   Repeat that again.

8           **Q.**   Mr. Gaffney has supplied to the plaintiff, --

9           **A.**   Uh-huh.

10          **Q.**   -- to me, computerized records for the Plaza Extra  
11 Supermarkets' accounting for 2012 and 2013, has he not?

12          **A.**   I believe, according to the agreement you had with  
13 him, that on a monthly basis, he gets --

14          **Q.**   Okay.  And -- and are you aware that we have, the  
15 plaintiff has also asked United Corporation to supply the --  
16 those same financial records for the years prior to 2012?

17          **A.**   No.

18          **Q.**   Okay.  Do you know where the accounting records --  
19 this is, by the way, Topics 35 and 36 -- do you know where  
20 the records are for the years before 2012?

21          **A.**   The records should be in one of the stores, I  
22 believe, in St. Thomas --

23          **Q.**   Okay.

24          **A.**   -- or St. Croix.  I'm not sure.

25          **Q.**   Can you, if they do exist somewhere, could you

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1 supply them to your counsel so they could be supplied to me?

2 **A.** I think my -- I think counsel has supplied  
3 everything to you guys that we have in our possession.

4 **Q.** Okay. If they have not been supplied, can you  
5 supply them to him so he can supply them to me?

6 **MR. HODGES:** I'm sorry, Counsel. I was  
7 distracted. What are the records you're looking for?

8 **MR. HARTMANN:** These are the -- these are  
9 the -- we've been supplied the 2012 and 2013 records which  
10 are reconstituted by John Gaffney on -- on computer. We've  
11 also asked for the -- the financial, those same accounting  
12 records, although they're probably -- well, I don't want to  
13 say that -- those same accounting records for the years  
14 before 2012.

15 **A.** Can I --

16 (Discussion held off the record.)

17 **MR. HODGES:** Okay. Go ahead.

18 **MR. HARTMANN:** Okay.

19 **MR. HODGES:** I'm sorry.

20 **Q.** (Mr. Hartmann) So if they have not yet been  
21 supplied, will you supply those records to your counsel for  
22 supplying to us?

23 **A.** We never practiced that in the -- in the past.

24 **MR. HODGES:** If -- if they're in our  
25 possession -- and you've asked for them?

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1 MR. HARTMANN: Yes.

2 MR. HODGES: Okay.

3 MR. HARTMANN: Okay. Thank you.

4 Q. (Mr. Hodges) Can you tell me what bank accounts  
5 United Corporation has at present?

6 A. No, I can't.

7 Q. Could you get that information and supply it to  
8 your counsel?

9 A. The information was -- it's listed, and I saw it  
10 several times in -- it's the same accounts that I see going  
11 back and forth in all these -- all these documents back and  
12 forth.

13 Q. For instance, in the complaint, there's a list of  
14 the accounts.

15 A. Yeah, that's the accounts.

16 Q. Okay.

17 A. The accounts, we never add or change any accounts.  
18 The same accounts for from since --

19 Q. Okay.

20 A. -- for a long time now.

21 Q. So -- so it's your testimony that -- that  
22 United Corporation neither has nor has opened nor has closed  
23 any accounts since you were the president?

24 A. I can't say since I was the president.

25 Q. Okay.



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1           **A.**    Since I was the president, we opened accounts and  
2 we closed accounts.

3           **Q.**    Okay.

4           **A.**    The Hameds are aware of it.

5           **Q.**    Okay.

6           **A.**    Of each account opened and closed.

7           **Q.**    Okay.  Have any -- have any bank accounts been  
8 opened or closed in the last three years --

9           **A.**    I don't believe so, no.

10          **Q.**    -- for United?

11          **A.**    I don't think so.

12          **Q.**    Okay.  Have any investment accounts been opened or  
13 closed for United in the last three years?

14          **A.**    I don't -- I don't -- I don't -- I can't -- no, I  
15 don't recall.  I don't think so.  Three years?  I don't --

16          **Q.**    Could you -- could you check that and inform your  
17 counsel?

18          **A.**    Yeah.  Yeah.

19          **Q.**    Okay.  Aside from the three parcels of property  
20 that were discussed at the preliminary injunction hearing  
21 that were purchased by United, has United purchased any  
22 other real property within the last three years?

23          **A.**    No, I don't think so.

24          **Q.**    If -- will you please check on that, and if there  
25 turn out to be any that you haven't recalled today, supply

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1 the identification of those to your counsel?

2 A. Sure.

3 Q. Thank you.

4 MR. HARTMANN: And, Counsel, will you supply  
5 that to us?

6 MR. HODGES: All right. I'm sorry. You'll  
7 have to tell me again.

8 MR. HARTMANN: He's going to supply you with  
9 any bank accounts, investment accounts, or real property.

10 A. Oh, real property? No.

11 Q. (Mr. Hartmann) Okay. Within the last --

12 A. You said property in general. I -- I was thinking  
13 if I bought -- I know I bought a pool for my kids, so I --

14 Q. Oh, no. I'm sorry.

15 A. -- wasn't sure if that's what you were looking  
16 for.

17 Q. Okay.

18 MR. HODGES: Investment accounts of -- of  
19 whom?

20 MR. HARTMANN: Of United.

21 MR. HODGES: Okay.

22 MR. HARTMANN: Bank accounts, investment  
23 accounts and real property.

24 A. Wait, when you say "property," tell me what it is?

25 MR. HARTMANN: Okay. Thank you.

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1           **A.**    No, there's nothing been opened, or real property  
2 or anything, no.

3           **Q.**    **(Mr. Hartmann)** Okay. And aside from the mattress  
4 company that you identified today as being owned by  
5 United Corporation, are there any other corporations or  
6 businesses in which United has acquired any interest within  
7 the last three years?

8           **A.**    No.

9           **Q.**    And do I take it that any interest that anybody  
10 might hold in Seaside are held outside of United?

11                           I just want to make sure.

12           **A.**    Are we here for United?

13           **Q.**    Yeah. I'm just asking whether United has any  
14 interest in it?

15           **A.**    I'm not going to comment on that.

16           **Q.**    You have to.

17           **A.**    You already asked me to -- to I give you a list,  
18 right?

19           **Q.**    Yeah.

20           **A.**    United has nothing to do with Seaside.

21           **Q.**    Okay. That's fine.

22                           And do you know of any withdrawal or use of  
23 funds of Plaza Extra Supermarkets that is not accurately and  
24 fully reflected in the financial statements that have been  
25 supplied to us by Mr. Gaffney for the years 2012 and 2013?

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1 Do you want a read-back?

2 A. Yeah, please.

3 Q. Okay.

4 A. I lost you because your head was facing off.

5 Q. Do you know of any financial transactions  
6 involving Plaza Extra funds that are not reflected in the  
7 financial statements provided to us for the years 2012 and  
8 2013 by Mr. Gaffney?

9 A. I can't answer that. I'm not an accountant.

10 Q. Do you know of any?

11 A. I don't.

12 Q. Okay. And the "you" here is United Corporation.  
13 You do not -- United knows of no -- I'll just ask it in a  
14 very simple way.

15 Does United Corporation know of any off-books  
16 transactions?

17 A. No.

18 Q. Involving Plaza Extra funds --

19 A. No.

20 Q. -- in the last three years?

21 A. No.

22 MR. HARTMANN: Okay. Okay. Plaintiff has no  
23 further questions of the witness.

24 THE WITNESS: Can I -- can I say some things?

25 (Discussion held off the record.)

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1                   **MR. HARTMANN:** Your -- your counsel can allow  
2 you to --

3                   **MR. HODGES:** No questions or comments.

4                   **MR. HARTMANN:** Okay.

5                   **THE VIDEOGRAPHER:** Going off record at 2:42.

6                   (Whereupon the deposition concluded

7   at 2:42 p.m.)

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**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, MAHER "MIKE" YUSUF, was first duly sworn  
7 to testify the truth; that said witness did thereupon  
8 testify as is set forth; that the answers of said witness to  
9 the oral interrogatories propounded by counsel were taken by  
10 me in Stenotype and thereafter reduced to typewriting under  
11 my 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 25th day of April,  
21 2014, at Christiansted, St. Croix, United States Virgin  
22 Islands.

23 \_\_\_\_\_  
24 Cheryl L. Haase, RPR  
25 My Commission Expires 2/10/16