

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

<b>MOHAMMAD HAMED</b> , by his authorized agent <b>WALEED HAMED</b> ,	)	CIVIL NO. SX-12-CV-370
	)	
Plaintiff/Counterclaim Defendant,	)	ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF
	)	
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	
	)	
Defendants/Counterclaimants,	)	
	)	
v.	)	
	)	
<b>WALEED HAMED, WAHEED HAMED, MUFEEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC.,</b>	)	
	)	
Additional Counterclaim Defendants.	)	
	)	

**REPLY TO OPPOSITION TO EMERGENCY MOTION TO FURTHER EXTEND THE  
DURATIONAL LIMIT OF THE DEPOSITION OF MOHAMMAD HAMED AND FOR  
SANCTIONS**

Defendants Fathi Yusuf (“Yusuf”) and United Corporation (“United”) (collectively, the “Defendants”) respectfully submit this Reply to the “Opposition to Emergency Motion to Re-depose Mohammed Hamed” (the “Opposition”) filed by Plaintiff Mohammed Hamed (“Hamed” or “Plaintiff”).

**A. Hamed Concedes Much Time Was Wasted On Translation Issues.**

The Opposition effectively concedes that the first half day of deposition on March 31, 2014 was a waste of time because of Hamed’s purported need for a translator. It also does not dispute that out of the six hours of actual deposition time on April 1, 2014, an extraordinary amount of time was consumed in the translation process. Despite these concessions, the Opposition argues that Defendants should still be precluded from continuing Hamed’s deposition

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

because their counsel wasted “countless hours on issues totally irrelevant to this case,” they “have covered . . . [the subjects] they needed,” indeed, claiming “it is inconceivable that there is anything else relevant to ask . . . Hamed about (particularly legal documents written in English that he would need time to decipher) **that cannot be obtained from other sources**, such as the deposition of Waleed Hamed,” that counsel for Defendants should be blamed for not having a translator on standby notwithstanding the fact that Hamed needed no translator to testify before this Court on January 25, 2013, and that counsel for Hamed’s “occasional” objections and instructions not to answer questions were all entirely appropriate. See Opposition at p. 2-4 (emphasis in original).

The deposition transcripts reveal that during the course of the April 1, 2014 deposition the objections made by Attorney Carl J. Hartmann, III (“Counsel”) were not just “occasional.” Rather, a count shows that Counsel objected 236 times. If every objection took just a minute of time, the objections alone consumed 3 hours and 56 minutes. Even if they consumed only half of that time, the objections wasted 2 hours. The sheer number of these objections demonstrates how pervasive and obstructive they were.

Further, the actual deposition transcripts clearly demonstrate that Counsel exploited an inexperienced translator and repeatedly used improper objections and instructions not to answer to disrupt the questioning of the deponent and waste time so that Defendants would be unable to effectively address the complex issues arising out of a business relationship that lasted more than a quarter of a century. While a few of Counsel’s objections might pass muster under liberal scrutiny, the Court need only flip through the transcript to see that Counsel’s name appears on practically every or every other page of the transcript interposing objection after needless objection. It is respectfully submitted that given the time consumed in dealing with the

translation process and Counsel's improper deposition conduct, this Court should allow Hamed's deposition to continue to completion and enter appropriate sanctions against Counsel, if only to prevent such egregious deposition conduct from occurring in the future.

Although the Opposition makes the extraordinary claim that counsel for Defendants' "condescending attitude prevailed throughout the deposition of this 79 year old simple man, finally bringing him to tears at one point," and claims that the repeated objections of Counsel were proper in order to "protect an elderly witness from being disrespected and harassed," Hamed does not provide this Court with a single citation to the record that would remotely support these claims. Rather, Hamed hopes this Court will ignore the record and accept his unsupported rhetoric.

**B. This Court Should Reject Hamed's Invitation To Require Defendants To Disclose Their Deposition Topics.**

In the Opposition, Hamed declares that Defendants have failed "to identify one single topic that they were unable to cover during this two-day deposition period." See Opposition at p. 1-2.<sup>1</sup> Hamed then goes on to claim that Defendants should have "covered what they needed. Should Defendants decide to identify some new areas they allegedly need to cover in their reply, Plaintiff requests permission to address each of those items." Id. at p. 2-3. Hamed is effectively baiting this Court to require Defendants to disclose their contemplated deposition topics in advance of the deposition. Unlike a deposition of an organization or entity, pursuant to Fed. R. Civ. P. 30(b)(6), which requires a party in its notice to "describe with reasonable particularity the matters for examination," no such requirement applies with respect to the deposition of an individual party, such as Hamed. Accordingly, Defendants should not be required to provide Hamed with a preview of the remaining topics they intend to examine him about at his continued

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<sup>1</sup> If the wasted half day of deposition on March 31, 2014 is counted, the deposition only lasted a day and a half.

deposition. As pointed out in the Supplement to Emergency Motion filed on April 24, 2014 (the “Supplement”), p. 6, Defendants were just beginning to examine Hamed about a bank account he maintained at Scotiabank, which is only one of many accounts Hamed maintained in the Virgin Islands and the Middle East, when the deposition abruptly ended. Moreover, now that Hamed and Yusuf both seek to have the partnership dissolved and wound up, the primary issues to be resolved are accounting issues as to each partner’s debits and credits with respect to the partnership ledger. The many millions of dollars in withdrawals made by Hamed and his family from 1986 to present is but one of the very important topics that has barely been touched upon in his deposition.

**C. Hamed Seeks to Divert This Court’s Attention From His Own Counsel’s Misbehavior With Baseless Claims That Defendants Are Seeking To Delay The Trial In This Case.**

Defendants have no desire to delay the ultimate resolution of this case. Indeed, in their motion filed on April 7, 2014, Defendants conceded the disputed partnership and sought the appointment of a master to supervise the winding up of the partnership in order to expedite such resolution. They do, however, want to obtain the necessary information to be able to effectively depose Hamed and his sons in preparation for trial. Incredibly, in response to Defendants’ Emergency Motion To Further Extend Durational Limit Of the Deposition Of Mohammed Hamed And For Sanctions (the “Emergency Motion”), Hamed felt compelled to drop a footnote claiming Defendants have attempted to mislead this Court to believe that documents seized in the criminal case (the “DOJ Documents”) were not freely available to the parties and that “last week the Justice Department told the parties to please pick up all documents (See **Exhibit 1**) even though no Plea had been finalized.” See Opposition at n. 1 (emphasis in original). First of all, Exhibit 1 to the Opposition contained no plea from the Justice Department for the parties to pick

up the DOJ Documents. Rather, that exhibit is simply an April 25, 2014 email from Joyce Bailey, the agreed upon custodian of the DOJ Documents, notifying the parties that the boxes from the FBI had been received. It is noteworthy that Hamed did not include the receipt attached to that email. Defendants attach (**Exhibit A**) the 13 page receipt that should have been included as a part of Exhibit 1 to the Opposition in order to give the Court some indication of the sheer volume of the DOJ Documents. The first date that the parties were allowed access to the documents was April 29, 2014. After spending almost 5 hours conducting only a preliminary review of these documents to determine what should be scanned for the parties in this case, to be more fully analyzed at a later date, the parties were unable to complete the process and have made arrangements to return and complete the preliminary inspection on May 6 and 7, 2014. During the preliminary inspection, the parties also learned that substantially more documents were still to be received from Puerto Rico and that the receipt of these additional documents was not anticipated until later in May. Moreover, the high speed scanner purchased to scan the documents will not be available until this week, at the earliest. Accordingly, given the huge volume of these documents and the parties' inability to use them until they are scanned and digested, Defendants anticipate the need to further extend the fact discovery in this case so that all parties can be in position to effectively use the information in the possession of Joyce Bailey before they conclude fact depositions in this case. Defendants currently believe that this can be done without any change in the trial date.

As reflected in the declaration of Joseph A. DiRuzzo, III, dated March 5, 2013, attached as Exhibit A to Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Further Extend Scheduling Order Deadlines, it was members of Hamed's family, namely, Waheed Hamed and Waleed Hamed, who held up the sentencing in the criminal case and dissemination

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

of the DOJ Documents because they failed to pay their respective outstanding personal tax liabilities, which was a condition precedent to the sentencing. See DiRuzzo Declaration at ¶ 6. Shortly after the DiRuzzo Declaration, Waheed and Waleed Hamed effectively confirmed that declaration by representing to the District Court that they had finally paid their income taxes pursuant to the terms of the Plea Agreement in the criminal matter. See Joint Status Report of Former Defendants Waheed and Waleed Hamed dated April 2, 2014 attached as **Exhibit B**. As Waheed and Waleed Hamed clearly represent in the Joint Status Report, “the matter may **now** proceed to sentencing and disposition of the remaining matter of dissemination to the various party defendants of all the case documents and materials held by the United States, defense counsel, and expert witnesses. . . . As the Court is aware, the subject documentation and materials are voluminous, and counsel and the expert witnesses require the Court’s guidance and direction in the appropriate manner of dissemination. Such guidance is of particular importance in light of the ongoing civil litigation between and among the various defendants.” See Exhibit B at ¶ 3-4 (emphasis supplied). Finally, Waheed and Waleed Hamed expressly acknowledged the “volume and complexity of the materials to be disseminated. . . .” *Id.* at ¶ 5.

Defendants are not the parties crying “wolf,” as claimed by Hamed. Rather, Hamed is the party seeking to rush the fact discovery period to conclusion before a huge cache of information can be effectively used in the deposition process. Accordingly, Defendants respectfully request this Court to favorably consider further extending the fact discovery period while maintaining the trial schedule as closely as possible.

**D. Defendants Did Not Waste Time On Irrelevant Matters.**

According to Hamed, the “clearest example” of Defendants pursuing irrelevant matters involves a donation Hamed and Yusuf agreed to provide for construction of a concrete “batch”

plant in Jordan. As Yusuf testified at his deposition, Waleed Hamed was supposed to have transferred \$1,000,000 to Hamed in Jordan for the purpose of acquisition and construction of the plant. Yusuf assumed it had been done. Years later, when Yusuf was in Jordan, he learned from the batch plant operators that they had received only \$662,000 instead of \$1,000,00 and that they were struggling economically due to the lack of a concrete pump. Yusuf asked Hamed about the amount of money he had received. Hamed first told him \$750,000, then later claimed he made a mistake and it was only \$700,000. Yusuf repeatedly asked Hamed and his son to provide the bank documents that would readily show exactly how much was sent and received, but this documentation was never forthcoming. Yusuf further testified that in order to provide additional monies needed for a concrete pump, he instructed one of Hamed's sons to send substantial additional funds, which Hamed denied he ever received at his deposition. Accordingly, the batch plant matter is clearly relevant to determine how much money was actually sent to Hamed for the plant compared to what the plant actually received. Contrary to Hamed's completely unsupported assertion, the batch plant has everything to do with this case and Yusuf made no concession at his deposition that the plant is irrelevant, as claimed in the Opposition at p. 3.

The very few questions asked about the criminal case hardly wasted any time and, in any event, were clearly relevant. In the criminal case, Hamed's sons were indicted along with United, Yusuf and his sons in connection with the business operations of the Plaza Extra supermarkets. Hamed sat safely on the sidelines while United pled guilty to one count and millions of dollars in taxes and penalties were paid. Even though over \$30,000,000 of "partnership" funds were frozen in the criminal case, Hamed never made a claim with respect to them until after the Plea Agreement was entered and the dust had settled in the criminal case. Now, Hamed proposes to pay himself \$15,000,000 from the funds currently frozen in the

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AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

criminal case. See Section 7 of Hamed's Plan For Winding Up Partnership attached as Exhibit 2 to his Response to Defendants' Motion To Appoint Master for Judicial Supervision Of Partnership Winding Up Or, In The Alternative, To Appoint Receiver To Wind Up Partnership. Accordingly, these questions are clearly relevant to the issues involved in this case.

Hamed next claims that "[e]xtensive questions were re-asked about how the partnership was formed and its existence, which Plaintiff had already testified about at the Preliminary Injunction hearing. These almost identical, repeated questions were irrelevant, as Defendants had already indicated that they planned to file a pleading the following week admitting to the existence of the partnership, which they did." See Opposition at p. 4. Since Hamed fails to provide any record citations, it is unclear what "extensive" questions he refers to. In any event, it is hardly surprising that Defendants might feel the need to replot some of the same ground covered at the preliminary injunction hearing since Hamed now claims that he did not understand the questions put to him in English at that hearing. See Exhibit B to Supplement at p. 76-7. Moreover, these questions were clearly germane to the partners' respective contributions to the partnership, particularly after Hamed retired in 1996 and returned to Jordan. At his deposition, Defendants simply asked the questions that elicited Hamed's concession that Yusuf was always in charge of everybody and responsible for hiring, firing, and determining the pay of everyone including Hamed's sons. Accordingly, but for the preliminary injunction entered in this case, Hamed's sons could all have been fired by Yusuf.<sup>2</sup>

Incredibly, Hamed argues that asking questions about his own amended complaint is a waste of time simply because he provided his son with a power of attorney. Indeed, Hamed wants this Court to require Defendants to depose Waleed Hamed, Hamed's attorney-in-fact,

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<sup>2</sup> Although Defendants will be separately opposing Hamed's most recent motion for reduction of bond, this testimony is also germane to the continuation of the existing bond.



before Defendants are allowed to conclude Hamed's deposition. This represents a brazen effort by Hamed to control Defendants' order of depositions. Moreover, it simply makes no sense that Defendants should be required to take the agent's deposition before concluding the deposition of the principal.

The Court should be interested to learn that Hamed testified that he did not understand the purpose of the powers of attorneys he executed, that these documents have never been read or translated for him, and that he simply signed them because Waleed Hamed told him to do so. See Exhibit B to Supplement at p. 144-7. Moreover, Hamed testified that he had never seen his amended complaint and it had never been translated for him. See Exhibit A to Supplement at p. 61-2.

Hamed claims counsel for Defendants was harassing him merely by asking whether he knew who was paying for his attorneys. See Opposition at p. 4. Simply because Hamed had no idea who was paying his attorneys does not demonstrate that the question is harassing. While it may be embarrassing not to know anything about your own complaint or how your attorneys are getting paid, Hamed has utterly failed to establish these topics are irrelevant.

**E. Counsel for Hamed's Deposition Conduct Was Deplorable And His Response Is To Dodge and Evade.**

Oddly, Hamed commences the defense of his Counsel's deposition conduct by claiming the Emergency Motion is grounded in "the fantastical 'Fathi Yusuf universe.'" See Opposition at p. 5. In order to set up this universe so it can be knocked down, Hamed focuses on a comment regarding his entitlement to relief made at page 11 of a 26 page Memorandum of Law filed on November 5, 2012. See Opposition at p. 5.<sup>3</sup> As Yusuf testified at his deposition, that comment was a mistake because Yusuf owns 36% of the shares of United, not 7.5% One must ask why

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<sup>3</sup> Hamed's suggestion that this comment represented a "major, early defense" truly is fantastical.

Hamed is even discussing “concessions”<sup>4</sup> made by *Yusuf* at his deposition, when the real issue is Counsel’s conduct in defending *Hamed’s* deposition. Clearly, one has nothing to do with the other and Hamed is simply seeking to divert the Court’s attention from his Counsel’s behavior.

Hamed again seeks to divert the Court’s attention from Counsel’s conduct by addressing another nonissue, namely, whether the Emergency Motion suggests “that the Plaintiff’s counsel ‘sandbagged’ Defendants about the need for an interpreter.” See Opposition at p. 5. Of course, Hamed does not and cannot point to any “sandbagging” claim set forth in the Emergency Motion or the Supplement. While it is true that counsel for Hamed did send an email three business days before the long scheduled deposition suggesting that a “translator be on stand-by,” see Opposition at Exhibit 3, Defendants did not see the need for a translator since Hamed testified without any translator at the hearing held before this Court on January 25, 2013. Certainly, Counsel never “made it clear that an interpreter would be needed.” Nor did counsel for Defendants ever agree to use his co-counsel or Waleed Hamed as a translator.

Without citing this Court to any transcripts, Hamed claims that his need for a translator became apparent when he was asked about “long English language legal documents,” i.e. his own complaint, or other “complex questions.” Defendants submit there is nothing complex about the question “What relief do you want the Court to give you?” See Exhibit A to the Supplement at p. 37.

Hamed concedes that “Attorney Hartmann *occasionally* did instruct the witness not to answer questions that were being answered before the objection was made, where the witness was being harassed or the witness was confused.” See Opposition at page 6. Of course, Hamed provides this Court with no record citations for these baseless claims or the claim that defense

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<sup>4</sup> In his Opposition at p. 5, n. 6, Hamed claims that “Yusuf concedes that other assets in United’s name (like the . . . Plaza Extra name . . . ) . . . are actually Partnership assets . . . .” Yusuf made no such concession.

counsel's comment that Hamed was speaking English meant that he could speak at least one language other than Arabic exhibited a "condescending attitude that prevailed throughout the deposition . . . ." Nor does Hamed bother to provide this Court with a record citation to support his claim that he was brought "to tears at one point." See Opposition at p. 7. A review of the video transcripts of Hamed's deposition reveals no such tears. On the contrary, the video will reflect that Hamed showed his emotions much more aggressively by repeatedly banging on the table in front of him.

When Hamed finally addresses the actual objections of his Counsel, the first objection he turns to at page 7 of the Opposition is one interposed allegedly because the deponent was being "cut off" by examining counsel. What Hamed conveniently fails to provide the Court, however, are the questions and answers preceding that objection, which clearly show that rather than examining counsel interrupting the deponent, the deponent interrupted examining counsel:

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

A. He is my partner.

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

A. He - - yeah, he --

**Mr. Hartmann:** Object. He gets to answer. Wait. He gets to answer. You asked him a question. Go ahead. Stop interrupting him.

Clearly, the record reflects that counsel for Defendants did not cut off Hamed and that the objection was unfounded.<sup>5</sup> Likewise, the claim that the interruptions got so bad that Attorney Holt had to get involved are not supported by Hamed's quotes from his deposition at page 7 of the Opposition. The exchange actually shows that Hamed had finished his answer before the

<sup>5</sup> Although this objection may have been baseless, it is not one of the offending objections identified in the Supplement, which sought to focus on some of the more egregious objections. It is noteworthy, however, that the first objection Hamed offers as an example of a proper objection is shown by the record to be improper.

examining attorney started his next question, which was improperly interrupted by Attorney Holt. While Counsel did interject that he objects to the repeated cutting off of the witness, Hamed has failed to cite this Court to any record evidence of such interruptions.<sup>6</sup>

Hamed next suggests that examining counsel should not have asked Hamed whether he had seen his own complaint because Hamed said he could not read English. See the three questions and two answers quoted at p. 8 of the Opposition.<sup>7</sup> Hamed then goes on to ask the rhetorical question “How could a witness tell if he had seen a legal pleading that he could not even read?” Even though Hamed may not be able to read English well, that does not necessarily foreclose the possibility that he could recognize having seen a document before, particularly one as significant as a complaint commencing an action against his brother-in-law and partner. Moreover, in the immediately following exchange, Hamed acknowledged that the first amended complaint had never been translated to him despite Counsel’s outrageous speaking objection and ultimate instruction not to answer set forth on p. 62-3 of the March 31, 2014 transcript. See Exhibit A to the Supplement, which includes those pages. For the convenience of the Court, the questions, answers, and objections are set forth below:

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

**Mr. Hartmann:** Object. Asked and answered.

**A.** No.

**Mr. Hartmann:** He said his son did.

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

**A.** No.

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<sup>6</sup> Hamed did not give a record citation to this exchange in the Opposition. It can be found at p. 42 of the March 31, 2014 transcript.

<sup>7</sup> This exchange can be found at p. 61 of the March 31, 2014 transcript.

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

**Mr. Hartmann:** Object. Mischaracterizes the prior testimony. He said it was read to him in Arabic.

**Mr. Hodges:** Counsel, will you stop testifying for your witness?

**Mr. Hartmann:** No. No, I won't.

**Mr. Hodges:** Make an objection --

**Mr. Hartmann:** I did.

**Mr. Hodges:** -- and nothing more.

**Mr. Hartmann:** I have.

**Mr. Hodges:** I am getting tired of that.

**Mr. Hartman:** Okay. Get tired if you want. You've asked him.

He answered it.

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

**Mr. Hartmann:** I object. Don't answer the question.

**Mr. Hodges:** And the basis of your instruction?

**Mr. Hartmann:** I am telling him not to answer.

**Mr. Hodges:** What's the basis?

**Mr. Hartmann:** That you've asked the question, he's answered that it was read to him in Arabic and that his son read it to him.

**Mr. Hodges:** He did not.

**Mr. Hartmann:** And now you just said to him - -

**Mr. Hodges:** He did not.

**Mr. Hartmann:** Do you want to go back a read-back? He absolutely did.

**Mr. Hodges:** No.

If you continue this kind of behavior, Counsel, we're going to have a - - a talk with the judge, if he was available, but it will be dealt with.

**Mr. Hartmann:** Okay.

Understandably, Hamed completely ignores this exchange in his Opposition, since it provides a paradigm of improper speaking objections designed to coach the witness as well as a baseless instruction not to answer a proper question.

At page 9-10 of the Opposition, Hamed quotes at length from an exchange that appears at p. 34-36 of the April 1, 2014 transcript. The only significant portion of the language quoted in the Opposition is the following:

**Q. (Mr. Hodges)** What do you not understand about the question, Who issued the check?

**Mr. Hartmann:** He may not know what the word "issued" means, for instance. Most laymen don't.

**Mr. Hodges:** Is that an - - an objection, or is that coaching?

**Mr. Hartmann:** No, we're having - we're having a dialogue here. Do you want to stop the dialogue and go back to your questions?

**Mr. Hodges:** No, I don't - - yeah, I don't want your -

**Mr. Hartmann:** Okay.

**Mr. Hodges:** -- your coaching to the witness.

**Mr. Hartmann:** I'm not coaching the witness, Greg. You made an objection, I am responding to your objection.

**Mr. Hodges:** All right.

**Q. (Mr. Hodges)** What is difficult, in your mind, Mr. Hamed, to understand about the question, Who is issued the check?

**Mr. Hartmann:** Object as to form.

**The Interpreter:** You want to me translate?

**Mr. Hartmann:** Argumentative.

**The Interpreter:** (Speaking in Arabic).

**Mr. Hartman:** In Arabic.

**The Interpreter:** We would make withdrawals from the checks that we have.

**A.** The check belong to Plaza, and the name for Plaza in it.<sup>8</sup>

Clearly, Counsel improperly responded to a question put directly to his client. Without even stating an objection, Counsel coached his witness by responding "he may not know what the word "issued" means, for instance. Most laymen don't." This was simply one of many times Counsel answered a question put to the deponent.

Hamed next jumps to page 66 of the April 1, 2014 transcript. Before addressing that page and the following pages, however, Defendants wish to address page 65, which is

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<sup>8</sup> This exchange can be found at p. 35-37 of the April 1, 2014 transcript and was included as part of Exhibit B to the Supplement.

conveniently ignored by Hamed. Page 65, also included in Exhibit B to the Supplement, sets forth the following exchange.

**Q: (Mr. Hodges)** And you never asked to see any correspondence about that \$2.7 million from your son?

**The Interpreter:** No.

**Mr. Hartmann:** At this point, I am going to object on the basis of privilege and direct the witness not to answer whether he was shown it by counsel, or discussed it at any length with counsel.

So far you've only asked about the son.

**Mr. Hodges:** Then what are you objecting about?

**Mr. Hartmann:** Because your earlier question was, had he ever seen it? Had anybody ever shown it to him?

**Mr. Hodges:** This is a good time to take a break on that improper injection.

**Mr. Hartmann:** I never want to stop on an improper objection.

Its 11:26.

Clearly, this was an improper speaking objection and instruction since there was no pending question at the time it was made. Moreover, the question clearly did not implicate any attorney client privilege.

The exchange quoted from p. 66 of the April 1, 2014 transcript set forth at the bottom of p. 10 of the Opposition is an improper objection because it sets forth no basis for objecting. The instruction not to answer is even more egregious since it is not tethered to any legitimate attorney-client privilege. While Hamed declares the objection to be "perfectly proper," he offers



no explanation whatsoever to establish the propriety of the objection and instruction. “Privilege, as opposed to relevance, is to be narrowly construed, with the burden of establishing it on the party asserting it.” Gow v. Chrysler Corp., 1987 U.S. Dist. LEXIS 10094, \*2 (E.D. Pa. June 30, 1987) (internal citations omitted). This instruction was eventually shown to be utterly baseless because Hamed testified the letter had never been translated to him and he was completely unfamiliar with it. See Exhibit B at p. 67-69.

On p.5 of the Supplement, Defendants invited this Court to review pages 64-84 of the April 1, 2014 transcript (Exhibit B) as typical examples of the improper objections and instructions made by Counsel. Defendants note that Hamed completely ignores all but one page (66) of this lengthy exchange. The obvious reason Hamed fails to address this highlighted exchange is simply because there is no justification for Counsel’s deplorable deposition conduct. Needless to say, Hamed also ignores the many other improper objections/instructions cited at the bottom of page 4 of the Supplement.

### CONCLUSION

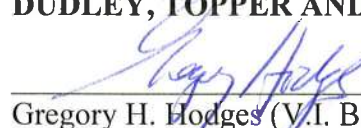
While Defendants had no obligation to identify any remaining topics for Hamed’s continued examination, they have done so to the extent appropriate to address Hamed’s unsupported claim that Defendants have covered “what they needed.” Despite repeatedly claiming that irrelevant and harassing questions were put to the deponent, Hamed has not identified a single one. To the extent Hamed seeks to justify Counsel’s outrageous deposition conduct as properly made to “protect an elderly witness from being disrespected and harassed,” his efforts fall completely flat when the Court looks at the actual record. In any event, “[a] lawyer may not instruct a witness not to answer repetitious, harassing or argumentative deposition questions . . . the remedy [ ] requires suspending the deposition and filing a motion.”

Brinko v. Rio Props., 278 F.R.D. 576, 580-1 (D. Nev. 2011). At the April 1, 2014 deposition alone, Counsel interposed 236 objections. By way of contrast, counsel for Yusuf made less than twenty objections at Yusuf's deposition on April 2, 2014. For all of the foregoing reasons and those set forth in the Emergency Motion and Supplement, Defendants respectfully request this Court to order Hamed to submit to an additional two days or 14 hours of deposition, to sanction Attorney Hartmann in a manner or amount considered appropriate by this Court to ensure that his improper deposition conduct is not repeated, and to provide such further relief as is just and proper.

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

Dated: May 7, 2014

By:

  
Gregory H. Hodges (V.I. Bar No. 174)  
1000 Frederiksberg Gade - P.O. Box 756  
St. Thomas, VI 00804  
Telephone: (340) 715-4405  
Telefax: (340) 715-4400  
E-mail: ghodges@dtflaw.com

and

Nizar A. DeWood, Esq. (V.I. Bar No. 1177)  
The DeWood Law Firm  
2006 Eastern Suburbs, Suite 6  
Christiansted, VI 00830  
Telephone: (340) 773-3444  
Telefax: (888) 398-8428  
Email: info@dewood-law.com

Attorneys for Fathi Yusuf and United Corporation

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of May 2014, I caused the foregoing **REPLY TO OPPOSITION TO EMERGENCY MOTION TO FURTHER EXTEND THE DURATIONAL LIMIT OF THE DEPOSITION OF MOHAMMAD HAMED AND FOR SANCTIONS** to be served upon the following via e-mail:

Joel H. Holt, Esq.  
**LAW OFFICES OF JOEL H. HOLT**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq.  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Mark W. Eckard, Esq.  
Eckard, P.C.  
P.O. Box 24849  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)

Jeffrey B.C. Moorhead, Esq.  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)

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**Nizar DeWood**

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**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

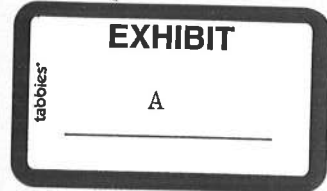
1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized



File # 415L-SJ-38281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wensel-Bailey

(Street Address) 10-1-19 Estate Peterborg

(City) St. Thomas, United States Virgin Islands (USVI)

Description of Item(s): The following items were acquired from Plaza Extra Supermarket, Tutu Park Shopping Center, St. Thomas, USVI Plaza Extra St. Croix, USVI stores?

ITEM # 1 (1B135 - box) Documents including Bank records, financial documents and miscellaneous records

ITEM # 2 (1B179 - box) vendor invoices, accounts payable and misc records

ITEM # 3 (1B175 - box 2 r/w) Payroll accounts, vendor invoices and misc records

ITEM # 4 (1B170 - box) financial records, vendor invoices and misc items

ITEM # 5 (1B169 - box) vendor invoices, brochures, bank records, financial documents and misc records

ITEM # 6 (1B163 - box) vendor invoices and misc records

ITEM # 7 (1B173 - box) vendor invoices, accounts payable and misc records

ITEM # 8 (1B180 - box) financial records, vendor invoices, Plaza Extra Accounting records and misc documents

ITEM # 9 (1B176 - r/w) Financial records

ITEM # 10 (1B154 - box) financial documents and misc records

ITEM # 11 (1B38 - 2 r/w) misc documents and financial records

ITEM # 12 (1B35 - box) Bank documents and misc records

Received By: Joyce Bailey  
(Signature)

Received From: [Signature]  
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-SJ-38281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
  - Returned To
  - Released To
  - Seized

(Name) Joyce Weibel-Baird  
 (Street Address) 10-1-19 Estate Peterburg  
 (City) ST. THOMAS, US VT

Description of Item(s): ITEM #12 continued; and MISC records  
ITEM #13 (1B79-box) financial records and  
MISC records  
ITEM #14 (1B21-box) Documents including Plaza  
Extra Accounting records and MISC records  
ITEM #15 (1B106-RW) Plaza Extra Accounting records  
ITEM #16 (1B102-box 3rd) Documents including <sup>MISC pp</sup>  
Plaza Extra Accounting records and  
MISC records.  
ITEM #17 (1B106-RW) Employee records and documents  
ITEM #18 (1B76-2RW) financial records and Plaza  
Extra Accounting documents  
ITEM #19 (1B22-box) MISC Documents incl. financial  
records and bank documents  
ITEM #20 (1B82-box) financial records and bank documents  
ITEM #21 (1B95-box) documents including vendor  
invoices, Plaza Extra Accounting records, bank  
records and MISC  
ITEM #22 (1B51-RW) MISC papers/documents and  
financial records

Received By: Joyce Weibel-Baird (Signature)  
 Received From: [Signature] (Signature)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415 L-SJ-38281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wansel-Bailey  
 (Street Address) 10-199 Estate Petersburg  
 (City) STIMMAS, USVI

- Description of Item(s):
- ITEM # 23 (1B83 - box) Bank records - financial
  - ITEM # 24 (1B33 - box) Bank documents & Plaza  
Extra Accounting Records
  - ITEM # 25 (1B87 - box) Financial records, bank  
documents and Plaza Extra Accounting records
  - ITEM # 26 (1B85 - box) Financial records and  
Bank records
  - ITEM # 27 (1B26 - box) Bank documents
  - ITEM # 28 (1B47 - box) Financial records (black +  
gray storage box returned in 2002), vendor  
invoices and miscellaneous documents
  - ITEM # 29 (1B72 - r/w) Financial records and  
Misc documents
  - ITEM # 30 (1B79) Financial records and Plaza  
Extra Accounting records
  - ITEM # 31 (1B46 r/w) Financial records and  
MISC DOCUMENTS
  - ITEM # 32 (1B71 r/w) vendor invoices and <sup>financial</sup> MISC RECORDS
  - ITEM # 33 (1B37 - box) Bank documents,  
Tax records and MISC DOCUMENTS

Received By: Joyce Wansel-Bailey Received From: [Signature]  
 (Signature) (Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L SJ-38201

On (date) April 24, 2014

item(s) listed below were:  
 Received From  
 Returned To  
 Released To  
 Seized

(Name) Joyce Wensel-Bailey  
(Street Address) 10-1-19 Estate Peterborg  
(City) St. Thomas, USVI

- Description of Item(s): ITEM # 34 (1B103 2rw) financial and misc documents
- ITEM # 35 (1B148-rw) misc documents, balance sheets, and Plaza Extra Accounting Records.
- ITEM # 36 (1B55-box rw) Plaza store sales reports, and Plaza Extra documents
- ITEM # 37 (1B48-box rw) financial records, bank records and misc documents.
- ITEM # 38 (1B25-box) bank documents, and Plaza Extra Accounting records
- ITEM # 39 (1B53-rw) misc financial papers
- ITEM # 40 (1B40-box) bank documents and misc documents/records
- ITEM # 41 (1B81-2rw) financial records, + Plaza Extra Accounting records.
- ITEM # 42 (1B63 rw) Employee records.
- ITEM # 43 (1B88-box) bank statements, and financial records
- ITEM # 44 (1B29-box rw) Pay stubs and bank records

Received By: Joyce Wensel-Bailey (Signature) Received From: [Signature] (Signature)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415 L-55-8281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wenzel-Bailey

(Street Address) 10-1-19 Estate pkwy

(City) St. Thomas, USVI

Description of Item(s): ITEM #45 (1B75 r/w) financial records

ITEM #46 (1B77-box) financial records and bank documents

ITEM #47 (1B100-box) Accounts payable and vendor invoices

ITEM #48 (1B101-2 box) misc documents, Plaza Extra Accounting records

ITEM #49 (1B58-box) accounts payable and vendor invoices

ITEM #50 (1B34 box) <sup>misc</sup> documents, pay stubs, time and attendance

ITEM #51 (1B97-2 r/w) misc documents, Plaza Extra Accounting Records

ITEM #52 (1B99-box) misc documents, receipts and Plaza Extra Accounting records

ITEM #53 (1B104-box) misc documents, financial records and Plaza Extra Accounting records

ITEM #54 (1B105-box<sup>2 r/w</sup>) misc documents and Plaza Extra Accounting records

ITEM #55 (1B84-box) Bank records financial records

Received By: Joyce Wenzel-Bailey  
(Signature)

Received From: [Signature]  
(Signature)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-SJ-38281

On (date) April 24, 2014

item(s) listed below were:  
 Received From  
 Returned To  
 Released To  
 Seized

(Name) Joyce Wenzel-Burley  
(Street Address) 107-19 Estate Petri Dory  
(City) ST. THOMAS, USVI

Description of Item(s): ITEM # 56 (1B39 - 2rw) MISC Documents

ITEM # 57 (1B57 - box) Accounts payable and vendor invoices

ITEM # 58 (1B27 - box) Bank documents, A.I. Plaza Extra Accounting Records

ITEM # 59 (1B89 - box) General Journal, ledger and Plaza Extra Accounting Records

ITEM # 60 (1B67 - rw) Employee records & misc documents

ITEM # 61 (1B108 - box) financial records and vendor invoices

ITEM # 62 (1B73 - rw) financial records

ITEM # 63 (1B96 - rw) MISC Documents

ITEM # 64 (1B86 - box rw) financial records and MISC Documents

ITEM # 65 (1B32 - box) Bank documents

ITEM # 66 (1B113 - box) Computer evidence including  
ITEM 14, ITEM 15, ITEM 17, ITEM 18,  
ITEM 31, ITEM 32, ITEM 37, ITEM 43,  
ITEM 45, ITEM 49, ITEM 55, ITEM 88A,  
ITEM 90, ITEM 176

Received By: Joyce Wenzel-Burley  
(Signature)

Received From: [Signature]  
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-55-38281

On (date) April 24, 2014

- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wenzel - Bandy  
 (Street Address) 10-1-19 Estate Parkway  
 (City) St. Thomas, USVI

Description of Item(s): ITEM # 67 (1B110-box) Various Documents including tax financial + misc records/tax sales receipts + receipts and misc items  
ITEM # 68 (1B24 RW) Misc Documents and financial documents  
ITEM # 69 (1B23 RW) Misc Documents including financial records  
ITEM # 70 (1B18-RW) Misc financial papers  
ITEM # 71 (1B111-2 RW) Misc Documents and cards misc papers/documents misc items  
ITEM # 72 (1B112 RW) Computer evidence including: ITEM 63, ITEM 65, ITEM 71, ITEM 72, ITEM 73, ITEM 74, ITEM 75, ITEM 87, ITEM 89, ITEM 153, ITEM 187, ITEM 189  
ITEM # 73 (1B116 RW) Misc Documents  
ITEM # 74 (1B41-RW) Seachange Documents  
ITEM # 75 (1B100-box) Misc Documents  
ITEM # 76 (1B147-box) Documents/Deposit slip  
ITEM # 77 (1B144-RW) Misc Documents  
ITEM # 78 (1B151-RW) Documents - Daily Balance sheets

Received By: Joyce Wenzel - Bandy Received From: [Signature]  
 (Signature) (Signature)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-55-38281

On (date) April 24<sup>th</sup>, 2014

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wensel - Bailey  
 (Street Address) 10-1-19 Estate Peterboro  
 (City) ST. THOMAS, VSVT

Description of Item(s): ITEM # 79 (1B150 - 2R) MISC DOCUMENTS,  
Deposit slips + financial records  
ITEM # 80 (1B 149 - Box) MISC DOCUMENTS and  
Balance sheets  
ITEM # 81 (1B146 - Box) - MISC DOCUMENTS  
ITEM # 82 (1B152 - Box) - MISC DOCUMENTS and  
Daily Reports  
ITEM # 83 (1B 117 - 2 RW) - Daily Balance Sheets  
ITEM # 84 (1B 118 - Box RW) Daily Balance Sheets  
ITEM # 85 (1B 185 - RW) Plaza Extra St Thomas  
business card + work receipt for  
Wanted Home (only item taken from <sup>ST. THOMAS</sup> store  
Wanted Home (residence) <sup>ST. THOMAS</sup> store  
ITEM # 86 (1B 94 - Box) Personal Financial Documents  
ITEM # 87 (1B 242 RW) MISC DOCUMENTS  
ITEM # 88 (1B 212 Box) Financial Documents  
ITEM # 89 (1B 192 - Box RW) Plaza Extra Accounting  
Records, MISC DOCUMENTS, MISC ITEMS  
Financial Record + bank records  
ITEM # 90 (1B 256 Box) MISC DOCUMENTS

Received By: Joyce Wensel Bailey (Signature) Received From: [Signature] (Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415 L-SJ-38281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
  - Returned To
  - Released To
  - Seized

(Name) Joyce Wenzel-Bailey  
 (Street Address) 10-1-19 - Estate Peterborg  
 (City) St. Thomas, USVI

Description of Item(s): ITEM # 91 (IB 237-Box) Misc Documents  
ITEM # 92 (IB 246-Box) Misc Documents  
ITEM # 93 (IB 195-RW) ITEM 51745 SUMMARY REPORTS  
ITEM # 94 (IB 201-Box) Financial Records  
ITEM # 95 (IB 243-Box) Misc Documents  
ITEM # 96 (IB 193-Box) Misc Documents  
ITEM # 97 (IB 198-Box) Financial Documents  
ITEM # 98 (IB 208-RW) Financial Documents  
ITEM # 99 (IB 247-Box) Misc Documents  
ITEM # 100 (IB 234-RW) Bank Records  
ITEM # 101 (IB 270-RW) Misc Documents  
\* MISC ITEMS  
ITEM # 102 (IB 365-RW) Misc Documents  
ITEM # 103 (IB 386-RW) Misc Records  
ITEM # 104 (IB 298-Box) Misc Documents  
ITEM # 105 (IB 359-RW) Box with Documents  
ITEM # 106 (IB 389-Box) Misc Records  
ITEM # 107 (IB 412-Box) Misc Receipts  
ITEM # 108 (IB 390-Box) Misc Records  
ITEM # 109 (IB 391-Box) Misc Records

Received By: Joyce Wenzel-Bailey (Signature) Received From: [Signature] (Signature)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-SJ-38281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wansel - Barkley  
 (Street Address) 10-1-19 - Estate Peter Dorg  
 (City) ST. MARYS, USVI

Description of Item(s): ITEM 109 (control video cassette)  
ITEM #110 (1B 303-RW) MISC DOCUMENTS  
ITEM #111 (1B 404-RW) ITEM 8 BOX MISC  
DOCUMENTS  
ITEM #112 (1B 405-2RW) ITEM 8 BOX MISC DOCUMENTS  
ITEM #113 (1B 395-2RW) MISC DOCUMENTS  
ITEM #114 (1B 396-2RW) MISC DOCUMENTS  
ITEM #115 (1B 397-2RW) MISC DOCUMENTS  
ITEM #116 (1B 398-RW) MISC DOCUMENTS  
ITEM #117 (1B 399-RW) MISC DOCUMENTS  
ITEM #118 (1B 400-2RW) MISC DOCUMENTS  
ITEM #119 (1B 401-2RW) MISC DOCUMENTS  
ITEM #120 (1B 402-2RW) MISC DOCUMENTS  
ITEM #121 (1B 403-RW) MISC DOCUMENTS  
ITEM #122 (1B 304-box) MISC DOCUMENTS  
ITEM #123 (1B 411-box) BOX OF RECEIPTS  
ITEM #124 (1B 364-box) MISC DOCUMENTS  
ITEM #125 (1B 308-RW) FINANCIAL RECORDS  
and MISC DOCUMENTS  
ITEM #126 (1B 308-RW) MISC DOCUMENTS

Received By: Joyce Wansel-Barkley (Signature)  
 Received From: [Signature] (Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-ST-38281

On (date) April 24, 2001

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wensel - Bailey  
 (Street Address) 10-1-19 Estate Petro Borg  
 (City) ST. THOMAS, USVI

- Description of Item(s):
- ITEM # 127 (1B312-box) MISC DOCUMENTS
  - ITEM # 128 (1B383-2RW) Plaza Extra DOCUMENTS  
and misc records
  - ITEM # 129 (1B370-box) RECEIPTS, VENDOR  
INDEXES and MISC. DOCUMENTS
  - ITEM # 130 (1B311-box) MISC DOCUMENTS
  - ITEM # 131 (1B302-LW) MISC DOCUMENTS
  - ITEM # 132 (1B319-box) MISC DOCUMENTS
  - ITEM # 133 (1B321-box) MISC DOCUMENTS
  - ITEM # 134 (1B387-box) MISC RECORDS AND  
MISC DOCUMENTS
  - ITEM # 135 (1B377-box, RW) MISC DOCUMENTS  
BANK RECORDS
  - ITEM # 136 (1B331-box) MISC DOCUMENTS  
FINANCIAL STATEMENTS
  - ITEM # 137 (1B406-box) LOGS - Plaza  
Extra Daily Balance Sheets

~~ITEM # 138 (1B322-box) MISC DOCUMENTS~~  
~~ITEM # 139 (1B323-box) MISC DOCUMENTS~~  
~~ITEM # 140 (1B324-box) MISC DOCUMENTS~~  
~~ITEM # 141 (1B325-box) MISC DOCUMENTS~~  
~~ITEM # 142 (1B326-box) MISC DOCUMENTS~~  
~~ITEM # 143 (1B327-box) MISC DOCUMENTS~~  
~~ITEM # 144 (1B328-box) MISC DOCUMENTS~~  
~~ITEM # 145 (1B329-box) MISC DOCUMENTS~~  
~~ITEM # 146 (1B330-box) MISC DOCUMENTS~~

Received By: [Signature] Received From: [Signature]  
 (Signature) (Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 415L-55-38281

On (date) April 24, 2014

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce - Wenzel - Bailey  
 (Street Address) 10-1-19 Estate Petersburg  
 (City) ST. MARYS, USVI

- Description of Item(s):
- ITEM # 138 (1B 337 - box) MISC DOCUMENTS, BANK RECORDS and misc ITEMS
  - ITEM # 139 (1B 381 - box) MISC RECORDS, PLATZ EXTRA ACCOUNTING RECORDS
  - ITEM # 140 (1B 384 - RW) MISC RECORDS
  - ITEM # 141 (1B 385 - RW) MISC RECORDS and PLATZ EXTRA ACCOUNTING DOCUMENTS
  - ITEM # 142 (1B 370 - box) MISC DOCUMENTS + VENDOR INVOICES
  - ITEM # 143 (1B 342 - RW) MISC DOCUMENTS and FINANCIAL RECORDS
  - ITEM # 144 (1B 371 - box) MISC DOCUMENTS and VENDOR INVOICES
  - ITEM # 145 (1B 343 - box) MISC DOCUMENTS and BANK RECORDS
  - ITEM # 146 (1B 376 - RW) MISC DOCUMENTS and PLATZ EXTRA ACCOUNTING RECORDS
  - ITEM # 147 (1B 408 - RW) RECEIPTS and MISC ITEMS
  - ITEM # 148 (1B 373 - box) MISC DOCUMENTS and BANK RECORDS

Received By: [Signature] Received From: [Signature]  
 (Signature) (Signature)



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 4154-JT-38281

On (date) April 24, 2001

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Joyce Wensel-Barlow  
 (Street Address) 10-1-19 Estate Peter Darg  
 (City) ST. THOMAS, USVI

- Description of Item(s):
- ITEM # 149 (IB 361-RW) Misc DOCUMENTS
  - ITEM # 150 (IB 367-RW) Deposit tickets, Bank +  
Financial statements & Misc Documents
  - ITEM # 151 (IB 372-RW) Misc Documents
  - ITEM # 152 (IB 351-box) Misc Documents - Bank
  - ITEM # 153 (IB 409-box) Receipts & Plaza  
Extra Accounting Records
  - ITEM # 154 (IB 353-box) Misc Documents
  - ITEM # 155 (IB 379-RW) - Misc Documents
  - ITEM # 156 (IB 364-2RW) - Misc Documents and  
Financial records.
  - ITEM # 157 (IB 393-box) Misc Documents,  
Plaza Extra Accounting Records
  - ITEM # 158 (IB-360-RW) Misc Documents and  
Financial records
  - ITEM # 159 (IB-438-RW) Misc Documents
  - ITEM # 160 (IB-422-box) Financial documents
  - ITEM # 161 (IB 423-box) Financial documents

Received By: [Signature] Received From: [Signature]  
 (Signature) (Signature)





sentencing and disposition of the remaining matter of dissemination to the various party defendants of all the case documents and materials held by the United States, defense counsel, and expert witnesses.

4. As the Court is aware, the subject documentation and materials are voluminous, and counsel and the expert witnesses require the Court's guidance and direction in the appropriate manner of dissemination. Such guidance is of particular importance in light of the ongoing civil litigation between and among the various defendants.
5. Given the volume and complexity of the materials to be disseminated, the parties request that the Court address, in its direction, payment of costs associated with such dissemination.
6. On the issue of payment, we remind the Court that, on October 9, 2013, defense counsel provided Magistrate Judge Barnard with copies of their unpaid invoices through September 19, 2012. The Court requested these invoices as it intended to issue an Order regarding payment of such invoices. The Order has not yet been issued.

**Dated:** April 2, 2014

Respectfully submitted,

/s/Randall P. Andreozzi

Randall P. Andreozzi, Esq.  
Attorney for Waleed Mohammed Hamed  
Andreozzi, Bluestein, Weber, Brown, LLP  
9145 Main St.  
Clarence, NY 14031  
rpa@andreozzibluestein.com  
(716) 565-1100  
(716) 565-1920 (Facsimile)

/s/Gordon C. Rhea

Gordon C. Rhea, Esq.  
Attorney for Waleed Mohammed Hamed

Richardson, Patrick, Westbrook & Brickman, LLC  
1037 Chuck Dawley Blvd., Bldg. A  
Mt. Pleasant, SC 29464  
grhea@rpwb.com  
(843) 727-6500  
(843) 216-6509 (Facsimile)

/s/Pamela L. Colon  
Pamela L. Colon, Esq.  
Attorney for Waheed Mohammed Hamed  
27 & 28 King Cross Street, 1<sup>st</sup> Floor  
Christiansted, St. Croix, USVI 00820  
pamelalcolon@msn.com  
(340)719-7100  
(340)719-7700 (Facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2014, a true and correct copy of the foregoing was filed on ECF and will be delivered upon the following:

Nelson Luis Jones  
U.S. Attorney's Office  
Ron De Lugo Federal Bldg.  
5500 Veterans Drive, Suite 260  
St. Thomas, VI 00802

Gordon Rhea  
Richardson, Patrick, Westbrook  
& Brickman, LLC  
1037 Chuck Dawley Boulevard, Suite 200  
Mount Pleasant, South Carolina 29464  
grhea@rpwb.com

Henry C. Smock, Esquire  
Suites B18-23 Palm Passage  
P.O. Box 1498  
St. Thomas, Virgin Islands 00804  
smock@islands.vi

John K. Dema, Esquire  
Law Offices of John K. Dema, P.C.  
1236 Strand Street, Suite 103  
St. Croix, VI 00820-5008  
jdema@lojkd.com

Derek M. Hodge, Esquire  
Mackay & Hodge  
P.O. Box 303678  
St. Thomas, VI 00804  
Derek@mackayhodge.com

Pamela Colon  
Law Offices of Pamela Colon, LLC  
27 & 28 King Cross Street, 1st Floor  
Christiansted, St. Croix, USVI 00820  
pamelalcolon@msn.com

Thomas Alkon, Esquire  
Alkon & Meaney  
2115 Queen Street  
Christiansted, Virgin Islands 00820

[kjavois@alkonlaw.com](mailto:kjavois@alkonlaw.com)

W.B. Cole  
Hunter, Cole & Bennett  
Pentheny Bldg., 3rd Fl.  
1138 King Street, Suite 301  
St. Croix, VI 00820  
[wbcollection@huntercolevi.com](mailto:wbcollection@huntercolevi.com)

Alphonso Andrews, Esquire  
U.S Attorney's Office  
Federal Building & U.S Courthouse  
5500 Veterans Drive, Suite 260  
St. Thomas VI 00802-64254  
[Alphonso.Andrews@usdoj.gov](mailto:Alphonso.Andrews@usdoj.gov)

Mark Daly  
US DOJ/Tax Division/N.Criminal Section  
PO Box 972  
Ben Franklin Station  
Washington, DC 20044  
[Mark.F.Daley@usdoj.gov](mailto:Mark.F.Daley@usdoj.gov)

Lori A. Hendrickson  
US DOJ/Tax Division/N.Criminal Section  
PO Box 972  
Ben Franklin Station  
Washington, DC 20044  
[Lori.A.Hendrickson@usdoj.gov](mailto:Lori.A.Hendrickson@usdoj.gov)

Joseph A. DiRuzzo  
Mitchell S. Fuerst  
Fuerst Ittleman, PL  
1001 Brickell Bay Drive  
32nd Floor  
Miami, FL 33131  
[jdiruzzo@fuerstlaw.com](mailto:jdiruzzo@fuerstlaw.com)  
[mfuerst@fuerstlaw.com](mailto:mfuerst@fuerstlaw.com)

Nizar A. DeWood  
The DeWood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
[dewoodlaw@me.com](mailto:dewoodlaw@me.com)

/s/Randall P. Andreozzi

Randall P. Andreozzi

Andreozzi, Bluestein, Weber, Brown LLP

9145 Main Street

Clarence, NY 14031

Phone: 716-565-1100

Fax: 716-565-1920

rpa@andreozzibluestein.com