

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

<b>MOHAMMAD HAMED, by his</b> ) authorized agent <b>WALEED HAMED,</b> ) ) Plaintiff/Counterclaim Defendant, ) ) vs. ) ) <b>FATHI YUSUF and UNITED CORPORATION,</b> ) ) Defendants/Counterclaimants, ) ) vs. ) ) <b>WALEED HAMED, WAHEED HAMED,</b> ) <b>MUFEED HAMED, HISHAM HAMED, and</b> ) <b>PLESSEN ENTERPRISES,</b> ) ) Additional Counterclaim Defendants. ) ) _____ )	)	14 MAY 15 P 3:21 CIVIL NO. SX-12-CV-370 ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF  JURY TRIAL DEMANDED
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**MOTION FOR TELEPHONE CONFERENCE WITH THE COURT**

Defendant/counterclaimants Fathi Yusuf (“Yusuf”) and United Corporation (“United”), through their undersigned attorneys, respectfully submit this Motion for Telephone Conference With the Court (the “Motion”) and, in support, state as follows:

**I. Pending Motions And Discovery Issues Require the Court’s Immediate Attention**

On April 17, 2014, the parties submitted their Joint Stipulation To Further Extend Scheduling Deadlines (“Joint Stipulation”). See, Joint Stipulation. Therein, the parties requested a telephonic conference with the Court to resolve outstanding issues; to wit:

Finally, the parties request a telephonic discovery conference during the first week of May to address all outstanding discovery motions so that these issues can be resolved well before the fact depositions are to be completed, which is June 6, 2014, under the proposed Third Amended Scheduling Order being submitted with this Stipulation.

See, Joint Stipulation, p. 2. On April 22, 2014, the Court entered the Third Amended Scheduling Order but the parties have not yet had the telephonic conference.

**A. Pending Motions**

At present the following motions are pending<sup>1</sup>, the first three of which need resolution in advance of the upcoming depositions:

1. Defendants' Emergency Motion to Further Extend the Durational Limit of the deposition of Mohammad Hamed and for Sanctions.
  - A. Motion – Filed April 8, 2014
  - B. Supplement - Filed April 24, 2014
  - C. Opposition – Filed April 28, 2014
  - D. Reply – Filed May 7, 2014
  
2. Defendants' Emergency Motion to Enjoin 4/30/14 Special Meeting of Board of Directors of Counterclaim Defendant Plessen Enterprises, Inc.
  - A. Motion – Filed April 30, 2014
  - B. Response - Filed April 30, 2014
  - C. Reply – Not Yet Due (Due Monday, May 19)
  
3. Defendants' Emergency Motion to Further Extend Scheduling Order Deadlines As A Result of New Information
  - A. Motion - Filed May 7, 2014
  - B. Opposition – Not Yet Due
  
4. Defendants' Motion to Appoint Master for Judicial Supervision of Partnership Winding Up Or, In the Alternative, To Appoint Receiver to Wind Up Partnership
  - A. Motion – Filed April 7, 2014
  - B. Opposition – Filed April 30, 2014
  - C. Reply – Not Yet Due

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<sup>1</sup> This list is not exhaustive as certain motions remain pending as to the bond property posted as well as intervention.

**5. Plaintiff's Motion for A Reduction of PI Bond**

- A. Motion – Filed April 22, 2014
- B. Opposition – Filed May 9, 2014
- C. Reply – Filed May 15, 2014

**6. Waleed's Motion to Dismiss First Amended Complaint as to Waleed Hamed**

- A. Motion – Filed February 21, 2014
- B. Opposition – Filed April 7, 2014
- C. Joint Reply – Filed April 22, 2014

**7. Mufeed and Hisham's Motion to Dismiss First Amended Counterclaim as to Mufeed and Hisham Hamed**

- A. Motion – Filed February 21, 2014
- B. Opposition – Filed April 7, 2014
- C. Joint Reply – Filed April 22, 2014

**8. Waheed's Motion to Dismiss First Amended Counterclaim as to Waheed**

- A. Motion – Filed February 18, 2014
- B. Opposition – Filed April 7, 2014
- C. Joint Reply – Filed April 22, 2014

**9. Plaintiff's Motion to Dismiss Plessen Enterprises, Inc.**

- A. Motion – Filed March 3, 2014
- B. Opposition – Filed April 14, 2014
- C. Reply – Filed May 1, 2014

**10. Plaintiff's Renewed Motion for Partial Summary Judgment as to the Existence of a Partnership**

- A. Motion – Filed May 8, 2014
- B. Opposition – Not yet due (Due May 26)

**11. Plaintiff's Motion for Partial Summary Judgment Re the Statute of Limitations Defense Barring Defendants' Claims Prior to September 16, 2006.**

- A. Motion – Filed May 13, 2014
- B. Opposition – Not Yet Due (Due May 30)

**B. Status of the depositions.**

At present, the depositions of Hisham Hamed, Mufeed Hamed, Waheed Hamed and Waleed Hamed all have been noticed for June 3 and 4, 2014 to comply with the deadlines set forth in the Third Amended Scheduling Order. However, these depositions should not proceed at this time because, as set forth in Defendants' Emergency Motion To Further Extend Scheduling Order Deadlines As a Result of New Information, after entry of the Third Amended Scheduling Order, hundreds of boxes of documents were made available by the Department of Justice. A preliminary review of the documents has occurred simply to determine what needs to be scanned for dissemination to the parties. These documents will then need to be analyzed and absorbed by the parties. Such additional information is needed to effectively depose the parties. This issue needs to be addressed in advance of the currently scheduled depositions, which were scheduled to adhere to the deadlines set forth in the Third Amended Scheduling Order. Hence, a ruling as to the discovery schedule is needed as new and relevant information not previously available now needs to be reviewed and analyzed before the depositions proceed.

In addition, Yusuf seeks to continue the deposition of Mohammed Hamed. Hence, Yusuf's Emergency Motion to Further Extend the Durational Limit of the Deposition of Mohammad Hamed and for Sanctions, likewise, needs to be addressed prior to the scheduling of Mohammad Hamed's follow up deposition that currently must be done before June 6, 2014 under the Third Amended Scheduling Order.

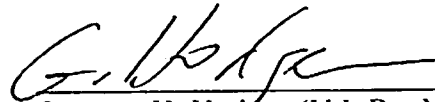
Further, certain actions have been taken by Mohammad Hamed and Waleed Hamed with regard to Plessen Enterprises, Inc., one of the parties to this case and an entity jointly owned by the Hamed and Yusuf families, which actions are in direct violation of the preliminary injunction as set forth in greater detail in Defendants' Emergency Motion to Enjoin 4/30/14 Special Meeting of Board of Directors of Counterclaim Defendant Plessen Enterprises, Inc., for which immediate action is required by this Court so as to insure that further harm does not occur.

Hence, Defendants respectfully request a telephonic conference, at the Court's earliest convenience, so as to receive direction regarding these pending issues.

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: May 15, 2014

By:



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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 16<sup>th</sup> day of May, 2014, I caused the foregoing Motion for Telephonic Conference With the Court to be served upon the following via e-mail:

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authorized agent **WALEED HAMED**, )

Plaintiff/Counterclaim Defendant, )

vs. )

**FATHI YUSUF and UNITED CORPORATION**, )

Defendants/Counterclaimants, )

vs. )

**WALEED HAMED, WAHEED HAMED,** )  
**MUFEEED HAMED, HISHAM HAMED, and** )  
**PLESSEN ENTERPRISES,** )

Additional Counterclaim Defendants. )

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**JURY TRIAL DEMANDED**

**ORDER**

**ORDER**

Before the Court is Defendant's Motion for Telephonic Conference With the Court; for good cause shown it is hereby,

**ORDERED** that the Motion is **GRANTED**.

**ORDERED** that this matter shall be scheduled for TELEPHONIC CONFERENCE

hearing on the \_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_ a.m./p.m.

**ORDERED** that copies of this Order be served upon the parties of record.

**ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**HON. DOUGLAS BRADY**  
**SUPERIOR COURT JUDGE**

**ATTEST**

**ESTRELLA H. GEORGE**  
**ACTING CLERK OF THE COURT**

BY: \_\_\_\_\_  
Deputy Clerk

14 MAY 15 P3:21

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ST. JOHN'S

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