

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

14 MAY 20 14:09

MOHAMMAD HAMED, by his)
authorized agent **WALEED HAMED**,)
)
Plaintiff/Counterclaim Defendant,)
)
vs.)
)
FATHI YUSUF and UNITED CORPORATION,)
)
Defendants/Counterclaimants,)
)
vs.)
)
WALEED HAMED, WAHEED HAMED,)
MUFEED 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

MOTION TO AMEND AND CLARIFY FOURTH AMENDED SCHEDULING ORDER

Defendants/counterclaimants Fathi Yusuf (“Yusuf”) and United Corporation (“United”) (collectively, the “Defendants”), through their undersigned attorneys, respectfully submit this Motion to Amend and Clarify Forth Amended Scheduling Order and, in support, state as follows:

I. The “Proposed” Fourth Amended Scheduling Order Was Inadvertently Omitted.

On May 7, 2014, Defendants filed their Emergency Motion to Further Extend Scheduling Order Deadlines (“Motion to Extend”) and referenced a “proposed” Fourth Amended Scheduling Order. See, Motion to Extend, p. 6. On May 15, 2014, this Court granted Defendants’ Motion to Extend having found there to have been good cause shown for the extension of the deadlines. See, May 15, 2014 Order. However, the Court indicated that while reference was made to a “proposed” Fourth Amended Scheduling Order, none was included. See, May 15, 2014 Order, p.

1. Defendants respectfully submit that the “proposed” Fourth Amended Scheduling Order,

attached as **Exhibit A**, was inadvertently omitted from the submission made to the Court. However, copies of it, together with the Motion to Extend and other exhibits were properly served upon opposing counsel, none of whom objected to the changed dates set forth in the proposed Fourth Amended Scheduling Order by the time of this Court's May 15, 2014 Order.

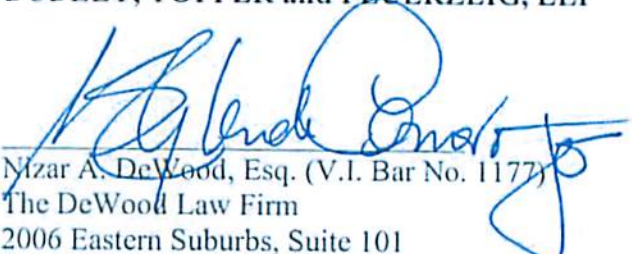
The deadlines set forth in Defendants' "proposed" Fourth Amended Scheduling Order maintain the December 1, 2014 trial date but extend the fact discovery period approximately a month longer to so as to allow the maximum time possible for the parties to absorb the huge volume new information recently made available by the Department of Justice.

Consequently, Defendants respectfully request that the Court, having already found good cause exists for the extension of the deadlines, vacate the Fourth Amended Scheduling Order issued on May 15, 2014, and substitute the "proposed" Fifth Amended Scheduling Order, which effectively incorporates the dates set forth in the proposed Fourth Amended Scheduling Order that was inadvertently omitted from Defendants' Motion to Extend¹. Defendants apologize for the inconvenience and submit a proposed Fifth Amended Scheduling Order for this Court's consideration.

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: May 20, 2014

By:


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¹ The deadlines which change include the following sections: 1) Fact Discovery, 2) Plaintiff's Expert Reports, 3) Mediation, 4) Defendants' Expert Reports, 6) Expert Depositions, and, 7) Motions. Otherwise, the dates established by the Court for the Status Conference and Final Pre-Trial Conference remain as set by the Court in its May 15, 2014 Fourth Amended Scheduling Order as does the trial date.

and

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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2014, I caused the foregoing Motion to Amend and Clarify Fourth Amended Scheduling Order to be served upon the following via e-mail:

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C. Joseph

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

14 MAY 20 A 4 :08

MOHAMMAD HAMED, by his
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, INC.,

Counterclaim Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE RELIEF
AND DECLARATORY
RELIEF

JURY TRIAL DEMANDED

FOURTH AMENDED SCHEDULING ORDER

THIS MATTER is before the Court on the Defendants' Emergency Motion To Further Extend Scheduling Order Deadlines. The premises having been considered, it is hereby

ORDERED that the discovery schedule and case deadlines are amended as follows:

1. FACTUAL DISCOVERY

All fact discovery, including depositions, shall be completed by August 8, 2014.

2. PLAINTIFF'S EXPERT REPORTS

Plaintiff's expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by August 18, 2014.

3. MEDIATION.

Mediation shall be completed no later than September 8, 2014.

4. DEFENDANTS' EXPERT REPORTS

Defendants' expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by September 30, 2014.

5. STATUS CONFERENCE

A Status Conference shall be held on _____, October ____, 2014 at 2:30 p.m., in Courtroom No. 211.

6. EXPERT DEPOSITIONS

Depositions of experts shall be completed by October 31, 2014.

7. MOTIONS

All dispositive motions shall be filed by November 7, 2014.

8. FINAL PRETRIAL CONFERENCE

A Final Pretrial Conference will be held on Monday, November 24, 2014 at 9:00 a.m., in Courtroom No. 211.

9. JURY SELECTION AND TRIAL

Jury Selection and Trial shall take place on Monday, December 1, 2014 at 9:00 a.m., in Courtroom No. 211. Finally, it is

ORDERED that all dates set forth in this Court's April 22, 2014, Third Amended Scheduling Order are **VACATED**.

Dated: May . , 2014

DOUGLAS A. BRADY, JUDGE

A TTEST:
ESTRELLA GEORGE
Acting Clerk of the Court

By: _____
Court Clerk Supervisor

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

14 MAY 20 A4 :08

MOHAMMAD HAMED, by his
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, INC.,

Counterclaim Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE RELIEF
AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

FIFTH AMENDED SCHEDULING ORDER

THIS MATTER is before the Court on the Defendants' Emergency Motion To Further Extend Scheduling Order Deadlines. The premises having been considered, it is hereby

ORDERED that the discovery schedule and case deadlines are amended as follows:

1. FACTUAL DISCOVERY

All fact discovery, including depositions, shall be completed by August 8, 2014.

2. PLAINTIFF'S EXPERT REPORTS

Plaintiff's expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by August 18, 2014.

3. MEDIATION.

Mediation shall be completed no later than September 8, 2014.

4. DEFENDANTS' EXPERT REPORTS

Defendants' expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by September 30, 2014.

5. STATUS CONFERENCE

A Status Conference shall be held on Thursday, October 9, 2014 at 10:00 a.m., in Courtroom No. 211.

6. EXPERT DEPOSITIONS

Depositions of experts shall be completed by October 31, 2014.

7. MOTIONS

All dispositive motions shall be filed by November 7, 2014.

8. FINAL PRETRIAL CONFERENCE

A Final Pretrial Conference will be held on Wednesday, November 26, 2014 at 3:30 p.m., in Courtroom No. 211.

9. JURY SELECTION AND TRIAL

Jury Selection and Trial shall take place on Monday, December 1, 2014 at 9:00 a.m., in Courtroom No. 211. Finally, it is

ORDERED that all dates set forth in this Court's May 15, 2014, Fourth Amended Scheduling Order are **VACATED**.

Dated: May , 2014

DOUGLAS A. BRADY, JUDGE

A TTEST:
ESTRELLA GEORGE
Acting Clerk of the Court

By: _____
Court Clerk Supervisor