

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

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

**PLAINTIFF’S REPLY TO DEFENDANTS’ OPPOSITION TO
MOTION TO RECONSIDER SCHEDULING DEADLINES**

Prior to the submission of Defendants’ Motion to Amend the Scheduling Order, the parties had been discussing the issue of extending the time *for depositions* to see if it could be resolved. Defendants’ purported need for the Fourth Amended Scheduling Order and the discussions surrounding its submission all evolved around (1) the anticipated release of more documents from the FBI and (2) the need to delay depositions until they had been reviewed. At no time did the need for broad additional fact discovery ever arise, as otherwise fact discovery was complete under the current scheduling order.

Indeed, it was the allegation that these “new” files were being released which the Court relied upon in granting the relief sought without waiting for Plaintiff’s reply to the

motion, even though the time to respond had not yet expired. That motion contained nothing about re-opening all fact discovery and no proposed order with such a provision was submitted to the Court.

Thus, once this Court entered the Fourth Scheduling Order, counsel for the Hameds certainly did not expect or in any way agree to a whole new set of written discovery addressing issues far beyond the “new” FBI files, for which discovery was already closed.

In short, Plaintiff has no objection to the Fourth Amended Scheduling Order to the extent it was designed to allow a review of the “new” FBI files with an extension of time to take depositions. However, Plaintiff strongly objects to re-opening closed fact discovery beyond this area, which the Court took into consideration before approving the Fourth Amended Scheduling Order.

Three additional comments are in order:

- Plaintiff does not object to the new dates submitted by Defendants in the proposed Fifth Scheduling Order, so long as it is clarified that this new scheduling order limits fact discovery as set forth above.
- Regarding Expert Witnesses, each party should be required to produce the expert reports on the issue on which they have the affirmative burden of proof at the same time—e.g., Defendants’ experts on their counterclaim damages (which is their burden of proof) should be disclosed at the same time as Plaintiff’s experts on his damages, with rebuttal expert reports, if any, submitted by each party 30 days after the initial expert reports are due.
- It should be noted that the fully briefed, pending motion for partial summary judgment on the statute of limitations should moot much of the remaining discovery,

Dated: June 23, 2014



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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2014, I served a copy of the foregoing by email, as agreed by the parties, on:

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