

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

**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, INC.**, )  
 )  
 *Counterclaim Defendants.* )  
 \_\_\_\_\_ )

**CIVIL NO. SX-12-CV-370**

**ACTION FOR DAMAGES  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF**

**JURY TRIAL DEMANDED**

**COUNTERCLAIM DEFENDANT WAHEED ("WILLIE") HAMED'S  
RESPONSES TO DEFENDANTS'  
REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Waheed Hamed (referred to as "Counterclaim Defendant") hereby responds to Counterclaimants' Rule 34 Request for Production of Documents of May 23, 2014.

**General Objections:**

1. First, Willie Hamed is a defendant in a case pending in St. Thomas before Judge Dunston where Defendant-Counterclaimant United Corporation is the Plaintiff. Much of the discovery here has been asked there and responded to. That case includes the same claims as here in part, has progressed through full discovery and to motions for partial summary judgment. An order has already been entered

there by judge Dunston in which all pre-2006 discovery into issues that could have been known through allegations in the Third Indictment in the criminal case has been blocked. Thus, this is simply another attempt to improperly re-open that discovery and re-ask the same questions and all requests are therefore objected to. Moreover Defendants have tried to obtain a stipulation there that would except this case from the effects of that one -- but were unsuccessful in altering the offered stipulation to accomplish exactly what is attempted here.

2. Moreover, pending before that Court is a motion that would block any objections under the discovery rule exception to the statute of limitations defendant for pre-2006 claims and would dismiss the remaining claims there -- which would bar the same claims here as having been determined. Hamed therefore objects to such questions here.

3. Defendants have stipulated here that no discovery will be taken where the answer will implicate money laundering or other criminal acts raised in the below referenced criminal al matter. The parties are, in discovery or trial:

Not to be asked any questions in deposition or at trial with regard to the criminal case or the acts by them or others with regards to tax evasion, money laundering or related matters.

Defendants have taken advantage of that stipulation in the depositions of United, Fathi Yusuf and John Gaffney. Thus, all questions which would elicit such financial information up to the date of the Third Indictment are objected to.

**Responses:**

*1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, **you and Hamed** have or had at any bank or financial institution anywhere in the world from 1986 through the present, including but not limited to:*

- a. Chase Account No. 721-047688
- b. Scotia Bank Account No. 34622
- c. Banco Popular 17886-5
- d. Raymond James & Assoc. Account No. 6084
- e. Raymond James & Assoc. Account No. 1124
- f. Raymond James & Assoc. Account No. 0982
- g. Raymond James & Assoc. Account No. 6098
- h. Amex Gold Card (Waheed) 3782-925489-33001
- t. Amex Gold Card (Firyal) 3782-925489-33001

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded.

*2. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts in the name of any of your children, wife, parents, brothers, and any other third parties at any bank or financial institution anywhere in the world **in which you or Hamed have or had any legal or equitable interest** from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded.

*3. Please produce all documents provided to your and Hamed's accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may exist in the criminal case files that have been equally available to you since 2003.

*4. Please produce all Tax Returns filed on your behalf from 1986 to present.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Counterclaim Defendant objects to the production of such documents on the basis of harassment -- as all transactions at Plaza Extra Supermarkets after 2006 were done under the supervision of the Court. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*5. If you contend there were any errors made in any of your Tax Returns filed after 1986 please produce any and all documentation that demonstrates the errors in such returns and the actions you took to correct these errors.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant as well.

*6. Please produce deed(s), contract(s), lease(s), or other similar documentary evidence of your ownership of any interest (including leasehold interests) in real property, from January 1, 1986 to present (regardless if you have transferred, sold, or otherwise disposed of these assets).*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Subject to these objections, none exist to Counterclaim Defendant's knowledge and certainly no such documents are in Counterclaim Defendant's possession other than the deed on my personal residence and adjoining property, which is equally available to you to obtain.

*7. Please produce all statements from any brokerage or other accounts, including online based accounts, issued from January 1, 1986 to present pertaining to any stocks, bonds, stock options, debentures, mutual funds or other financial investments in which you or Hamed have or had any interest.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant as well. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally, Object as seeking information that is not relevant and not likely to lead to relevant evidence.

*8. Please produce all documents relating to any cash withdrawn by the Partners from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object as seeking information that is not relevant and not likely to lead to relevant evidence, particularly prior to 2006. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*9. Please produce all documents relating to any cash withdrawn by you or your brothers from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*10. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to the Partners or to third parties on their behalves from January 1, 1986 to date including all documents relating to what was done with such funds.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*11. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you or your brothers or to third parties on*

you or your brothers behalves from January 1, 1986 to date including all documents relating to what was done with such funds.

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*12. Please produce all documents relating to any rent paid by or due from the Partnership for the Plaza Extra - East premises from January 1, 1986 to date including rent calculations, accounting records evidencing rent payments or rent due, claims or demands for rent, and rent payments.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Object to any materials prior to 2006 as being irrelevant. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*13. Please produce all documents either supporting, undermining, or relating to any of the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012 identified at FY004123-FY004210.*

None in Counterclaim Defendant's possession.

*14. Please produce all documents relating to any documents removed from the Plaza Extra Stores prior to the FBI raid in 2001 including any documents pertaining to the destruction of receipts or other documents.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Object to any materials prior to 2006 as being irrelevant. Finally object as the request as stated is confusing and not intelligible as worded.

*15. Please produce all documents relating to the "Black Book" and any pages missing from that document.*

Object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Object to any materials prior to 2006 as being irrelevant.

*16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.*

Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Comers and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses .*

Object as seeking information that is not relevant and not likely to lead to relevant evidence.

*18. Please produce any financial statements prepared by or for you from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*19. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including all documents pertaining to the source of funds for acquisition and improvement.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*20. Please produce all documents generated in or relating to the Criminal Case that pertain to your, Hamed's or your brothers' receipt of money in the*

*form of cash, checks or wire transfers from the Plaza Extra Stores or the Plaza Extra Accounts from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded.

*21. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you, Hamed and your family members from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*22. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you, Hamed, and your family members, other than salaries or direct reimbursements of costs.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*23. Please produce all documents relating to any claims or counterclaims you may have against Yusuf and United for any type of relief including, but not limited to, money damages.*

Object as seeking information that is not relevant and not likely to lead to relevant evidence, as no such counterclaims have been filed by Counterclaim Defendant at this juncture. Also object to the untimely service of the request -- which will not



be answered until the motion presently before the Court on the issue has been decided.

*24. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.*

Response: Object to as unduly burdensome, unduly harassing and not intelligible as worded, as Counterclaimants have not identified any claims they have against Counterclaim Defendant. Once that is done, this response will be supplemented. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*25. Please produce all documents relating to all amounts which you, Hamed and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*26. Please produce all documents relating to all funds removed by you, Hamed, or your family from the Plaza Extra Stores or Plaza Extra Accounts that were used to buy real estate or other assets, and list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*27. Please produce all documents relating to all investigations, reports, studies, surveys, valuations or expert advise [sic.] obtained by you, Hamed, and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.*

This request is objected to as calling for expert reports that are only discoverable through the limitations of Rule 26 and not by a Rule 34 request. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

28. Please produce all documents relating to all witnesses you, Hamed, or your family have interviewed and may or will call at trial in this matter. Provide all witness statements, notes and information provided by them to you.

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34.

*29. Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.*

This request is objected to as calling for expert reports that are only discoverable through the limitations of Rule 26 and not by a Rule 34 request. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*30. Please produce all records kept by you, Hamed, and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*31. Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

32. Please produce all documents supporting any claims of Hamed against United.

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34. Also, Object to as that request is not a proper request to this Counterclaim Defendant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

33. Please produce all documents supporting any claims of Hamed against Yusuf.

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34. Also, Object to as that request is not a proper request to this Counterclaim Defendant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

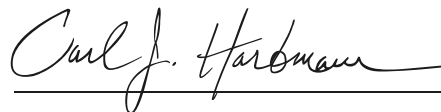
*34. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.*

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34.

*35 Please produce all documents relating to each exhibit you intend to introduce into evidence at the .trial of this case.*

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

**Dated:** June 26, 2014



**Carl J. Hartmann III, Esq.**  
Counsel for Waheed Hamed  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
Telephone: (340) 719-8941  
Email: carl@carlhartmann.com

## CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2014, I served a copy of the foregoing Motion by email, as agreed by the parties, on:

**Nizar A. DeWood**

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

**Gregory H. Hodges**

Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
ST.Thomas,VI00802  
[ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)

**Mark W. Eckard**

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

**Jeffrey B. C. Moorhead**

1132 King Street  
Christiansted, VI 00820  
[jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)

  
\_\_\_\_\_