

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

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

---

**OPPOSITION TO JULY 30<sup>TH</sup> EMERGENCY MOTION  
RE NEW SCHEDULING ORDER**

Defendants have once again sought another extension to this Court's Fourth Amended Scheduling Order. At the outset, it should be noted that Plaintiff<sup>1</sup> **agreed to another extension of time so long as this would be the last extension sought.** See **Exhibit 1.** This proposal met the terms in the Defendants' own proposed stipulation (attached as Group **Exhibit 2**) except (1) the extended dates were slightly shorter and (2) it required an agreement that no further extensions would be sought, both of which changes are needed so this case can proceed to trial as scheduled.

As this Court will recall, this parties initially stipulated to completing fact discovery

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<sup>1</sup> The counterclaim defendants have *not* agreed to this extension or the extension to August 8th as it appears from the moving papers.

by December 15, 2013. Over Plaintiff's objection, this Court has since granted four defense continuance requests, first extending the fact discovery deadline until March 15, 2014, and then again to April 30, 2014, while setting this matter for trial on December 1, 2014. See **Exhibit 3**. This Court then extended the fact discovery deadline a third time to June 6, 2014, and then a fourth time to July 11<sup>th</sup>, but keeping the December 1<sup>st</sup> trial date. See Group **Exhibit 3**.

Each time the Defendants sought the continuance based on Defendants' alleged need to review pre-2002 documents physically released by the U.S. Department of Justice. As Plaintiff has noted previously in its June 20, 2014 Statute of Limitations motion:

- These documents have been fully and completely available to defendant since 2003,<sup>2</sup> and available for copying since then (see two FBI affidavits submitted with that motion); and
- These documents are entirely irrelevant to the issues in this case as asserted in the same motion. As such, the expensive review of these documents is waste of time and resources.

In any event, the failure to expeditiously review these documents that have been in St. Thomas for months is not the Plaintiff's fault, as Plaintiff has agreed to every request made by Defendants to handle these documents. Indeed, it is difficult to understand why scanning before reviewing these documents is even needed since they are readily available to go through in St. Thomas.

---

<sup>2</sup> The SOL motion has as exhibits the affidavits of the FBI agents confirming that the documents have always been available and have been reviewed.

In any event, Plaintiff agreed to another extension of depositions until September 4<sup>th</sup> if this would be the last extension. See **Exhibit 1**. The Defendants' motion filed late yesterday now makes it clear that the negotiations to amicably resolve these scheduling issues were just a ploy to lead up to seeking a trial continuance, which they now say will be needed even if their proposed deadlines had been agreed to.

The failure to reach an agreement on any extension has resulted in fact discovery now being ended on July 11<sup>th</sup> and the Plaintiff's expert opinions due tomorrow (which will be filed if this emergency motion is not addressed before the). If this Court decides that another extension is appropriate, it is respectfully submitted that the Court should limit any extensions to a time frame that allows this case to proceed to trial as scheduled on December 1, 2014-- limited to the necessary depositions after further document review rather than re-opening all of fact discovery yet again.

Two final comments are in order. First, the stipulations exchanged between the parties included (1) a clause that the parties would simultaneously exchange expert reports on the issues where a party has an affirmative burden of proof and (2) an agreement that Fathi Yusuf would appear at a deposition to answer questions about the counterclaim damages (still being calculated from the documents being reviewed), mooting one motion pending before the Court on this issue. It is respectfully submitted that if a further extended discovery schedule is entered, it include these points as well.<sup>3</sup>

Second, Defendants appear to believe a Master will hear the damage claims in this case pursuant to Rule 53 of the Federal Rules of Civil Procedure. In this case, there

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<sup>3</sup> The parties also discussed moving the final pretrial from Wednesday, November 26<sup>th</sup> at 3:30 since this is believed to be a time when the Court is closed for the Thanksgiving holidays.

is a jury demand, which by itself removes the possibility of appointing a master under Rule 53 (A)(1)(B). Indeed, even if there were a non-jury trial, the claims involving conversion, breach of fiduciary duty, etc. will involve the need to weigh the credibility of the witnesses and make fact-findings after applying the relevant legal principles, none of which are proper subjects for a Master under Rule 53. See, e.g., *Bennerson v. Joseph*, 583 F.2d 633, 642 (3<sup>rd</sup> Cir. 1978)(even in a non-jury case, Master should not decide factual questions or have to apply legal principles to those facts).

In short, for the reasons set forth herein, it is respectfully requested that any further extensions include dates and conditions that meet the following three points:

- That the trial will proceed as scheduled;
- That Fathi Yusuf will be available for another deposition regarding the counterclaim damages being sought once fact discovery is completed; and
- That the exchange of expert reports will be simultaneous on the affirmative claims of each party, as contained in the drafts stipulations already exchanged (See **Exhibits 1 and 2**).

**Dated:** July 31, 2014

  
\_\_\_\_\_  
**Joel H. Holt, Esq.**  
*Counsel for Mohammad Hamed*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, VI 00820  
Email: holtvi@aol.com

**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 31<sup>st</sup> day of July, 2014, I served a copy of the foregoing 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

**Gregory H. Hodges**

**Greg Hodges**

Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
ST.Thomas, VI00802  
ghodges@dtflaw.com

**Mark W. Eckard**

Eckard, P.C.  
P.O. Box 24849  
Christiansted, VI 00824  
Email: mark@markeckard.com

**Jeffrey B. C. Moorhead**

CRT Brow Building  
1132 King Street, Suite 3  
Christiansted, VI 00820  
email : jeffreymlaw @yahoo.com



**From:** Joel Holt <holtvi@aol.com>

**To:** ghodges <ghodges@dtflaw.com>

**Cc:** dewoodlaw <dewoodlaw@gmail.com>; cperrell <cperrell@dtflaw.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>; mark <mark@markeckard.com>; jeffreymlaw <jeffreymlaw@yahoo.com>

**Subject:** Re: Plaza

**Date:** Sun, Jul 20, 2014 5:33 pm

**Attachments:** JHH\_edits-Fifth\_Amended\_Scheduling\_Order.ffd.docx (33K)

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Greg-here is our response with revised dates and some modified language. It is also contingent on the agreement that you will allow us to re-depose Fathi Yusuf as stated with your proposal. Let me know if it is acceptable.

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

**From:** Gregory H. Hodges <ghodges@dtflaw.com>

**To:** 'Joel Holt' <holtvi@aol.com>

**Cc:** Nizar A. DeWood (dewoodlaw@gmail.com) <dewoodlaw@gmail.com>; Charlotte Perrell <cperrell@dtflaw.com>

**Sent:** Thu, Jul 17, 2014 5:38 pm

**Subject:** RE: Plaza

Attached is a draft stipulation and proposed scheduling order for discussion. I am providing it subject to confirmation from our experts that they can accommodate the compressed expert discovery schedule.

As you can see, I have also addressed your desire to change the timing of expert reports so it is tied to the party with the burden of proof.

If we go through with this stipulation, can you get Carl to withdraw his deposition notice for Mike, since his "individual" deposition is a waste of time if you can re-depose Fathi?

Please note this communication is a compromise offer subject to Fed.R.Evid. 408.

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
Law House, 1000 Frederiksberg Gade  
St. Thomas, VI 00802  
Direct: (340) 715-4405  
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Web: [www.DTFLaw.com](http://www.DTFLaw.com)

Member

**LexMundi**  
World Ready





shall be provided no later than **October 17, 2014**. All reports shall provide the information required by Fed. R. Civ. P. 26(a)(2)(B). All expert discovery shall be completed, and discovery shall close, no later than **October 31, 2014**. Expert discovery can commence upon the filing of the initial expert reports. If any expert is deposed and then files a subsequent rebuttal report pursuant to this stipulation, he or she can re-deposed.

**3. STATUS CONFERENCE**

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

**4. FINAL PRETRIAL CONFERENCE**

A Final Pretrial Conference will be held on **Wednesday, November 26, 2014** at 3:30 p.m., in Courtroom No. 211, as currently set, **though the parties request that it be held at an earlier date set by the Court.**

**5. TRIAL DATE**

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:** July , 2014

**DOUGLAS A. BRADY, JUDGE**  
Judge of the Superior Court

ATTEST:

ESTRELLA GEORGE  
Acting Clerk of the Court

By: \_\_\_\_\_  
Court Clerk Supervisor



**From:** Gregory H. Hodges <ghodges@dtflaw.com>

**To:** 'Joel Holt' <holtvi@aol.com>

**Cc:** Nizar A. DeWood (dewoodlaw@gmail.com) <dewoodlaw@gmail.com>; Charlotte Perrell <cperrell@dtflaw.com>

**Subject:** RE: Plaza

**Date:** Thu, Jul 17, 2014 5:38 pm

**Attachments:** 1582222-Joint\_Stipulation\_to\_Further\_Extend\_Scheduling\_Deadlines.ffd.DOCX (41K), 1582227-Fifth\_Amended\_Scheduling\_Order.ffd.DOCX (32K)

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Attached is a draft stipulation and proposed scheduling order for discussion. I am providing it subject to confirmation from our experts that they can accommodate the compressed expert discovery schedule.

As you can see, I have also addressed your desire to change the timing of expert reports so it is tied to the party with the burden of proof.

If we go through with this stipulation, can you get Carl to withdraw his deposition notice for Mike, since his "individual" deposition is a waste of time if you can re-depose Fathi?

Please note this communication is a compromise offer subject to Fed.R.Evid. 408.

Gregory H. Hodges

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Member  
**LexMundi**  
World Ready



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THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, you are hereby

**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,
vs.	)	INJUNCTIVE RELIEF
	)	AND DECLARATORY RELIEF
<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	
	)	
Defendants/Counterclaimants,	)	<b>JURY TRIAL DEMANDED</b>
	)	
vs.	)	
	)	
<b>WALEED HAMED, WAHEED HAMED,</b>	)	
<b>MUFEED HAMED, HISHAM HAMED,</b> and	)	
<b>PLESSEN ENTERPRISES,</b>	)	
	)	
Additional Counterclaim Defendants.)	)	
	)	
_____	)	

**FIFTH AMENDED SCHEDULING ORDER**

THIS MATTER is before the Court on the Joint Stipulation To Further Extend Scheduling Deadlines, filed by the parties in this case on July \_\_\_\_, 2014. The premises having been considered, it is hereby

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

**1. FACTUAL DISCOVERY**

All factual discovery, including written discovery and fact witness depositions, shall be completed by **September 30, 2014**.

**2. EXPERT DISCOVERY**

Any expert report required pursuant to Federal Rule of Civil Procedures 26(a)(2)(B) shall be served by the party which bears the burden of proof for that issue no later than **October 20, 2014**. Any parties' expert report intended to rebut any other expert report shall be provided no later than **November 7, 2014**. All reports shall provide the information required by Fed. R. Civ. P. 26(a)(2)(B). All expert discovery shall be completed, and discovery shall close, no later than **November 26, 2014**.

3. STATUS CONFERENCE

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

4. FINAL PRETRIAL CONFERENCE

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

5. TRIAL DATE

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:** July , 2014

**DOUGLAS A. BRADY, JUDGE**  
Judge of the Superior Court

ATTEST:

ESTRELLA GEORGE  
Acting Clerk of the Court

By: \_\_\_\_\_  
Court Clerk Supervisor

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

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**JURY TRIAL DEMANDED**

**JOINT STIPULATION TO FURTHER EXTEND SCHEDULING DEADLINES**

The parties, by their undersigned counsel, hereby submit a proposed Fifth Amended Scheduling Order, attached as **Exhibit 1**, that extends certain deadlines by agreement. It is respectfully requested that the proposed Order as submitted be approved and entered by the Court.

The parties further stipulate as follows:

1. Plaintiff's Motion To Compel Defendants' Attendance At Deposition Re Counterclaim is withdrawn as moot because the parties agree that Defendant Fathi Yusuf may be deposed again.

**Dated:** July \_\_\_\_\_, 2014

For the Plaintiff:

\_\_\_\_\_  
**Joel H. Holt, Esq.**

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2132 Company Street,  
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Telephone: (340) 719-8941  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Dated: July \_\_\_\_\_, 2014

For the Defendants:

---

**Nizar A. DeWood**  
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Email: [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)

Counsel for Defendants

Dated: July \_\_\_\_\_, 2014

For Additional Counterclaim  
Defendants:

---

**Carl J. Hartmann III, Esq.**  
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Christiansted, VI 00820  
Telephone: (340) 719-8941  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Counsel for the Waheed Hamed

Mohammed Hamed v. Fathi Yusuf, et al.  
Civil No. SX-12-CV-370  
Page 3

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**Mark W. Eckard**  
Eckard, P.C.  
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Counsel for Waleed Hamed, Hisham Hamed  
and Mufeed Hamed

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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MOHAMMED HAMED BY HIS AUTHORIZED AGENT WALEED HAMED,

Plaintiff )

Vs. )

FATHI YUSUF AND  
UNITED CORPORATION

Defendant )

CASE NO. SX-12-CV-370

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

**NOTICE  
OF  
ENTRY OF JUDGMENT/ORDER**

TO: ✓ JOEL HOLT, Esquire

JOSEPH DIRUZZO, III, ESQ.

NIZAR DEWOOD, Esquire

CARL HARTMANN, Esquire

Please take notice that on AUGUST 15, 2013 Order was  
entered by this Court in the above-entitled matter.

Dated: August 19, 2013

VENETIA H. VELAZQUEZ, ESQ.

Clerk of the Superior Court



By: IRIS D. CINTRON

COURT CLERK II

2013-2614



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

MOHAMMAD HAMED by His Authorized )  
Agent WALEED HAMED, )  
*Plaintiff,* )  
v. )  
FATHI YUSUF and UNITED CORPORATION, )  
*Defendants.* )

---

CIVIL NO. SX-12-CV- 370  
ACTION FOR DAMAGES  
INJUNCTIVE AND  
DECLARATORY RELIEF  
JURY TRIAL DEMANDED

13  
APR-15 P4:59

SCHEDULING ORDER

The Parties having submitted a Joint Proposed Scheduling Order, it is hereby Ordered that the discovery schedule contained in the Joint Proposed Scheduling Order is approved and adopted as follows:

**1. RULE 26 DISCLOSURES**

The parties shall serve disclosures, pursuant to Fed. R. Civ. P 26(a)(i), by **August 1, 2013.**

**2. FACTUAL DISCOVERY**

All factual discovery, including written discovery and fact witness depositions, shall be completed by **December 15, 2013.**

**2. PLAINTIFF'S EXPERT REPORTS**

Plaintiff's expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2), if any, shall be submitted by **January 15 , 2014.**

**3. DEFENDANT'S EXPERT REPORTS**

Defendant's expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2), if any, shall be submitted by **February 28, 2014.**

mul 15



4. EXPERT DEPOSITIONS

Depositions of experts shall be completed by April 15, 2014.

5. MEDIATION

Mediation shall be completed not later than January 31, 2014.

6. MOTIONS

All dispositive motions shall be filed by May 15, 2014.

7. STATUS CONFERENCE.

A status conference will be held ~~as scheduled by the Court~~

*ON Monday, February 10, 2014 @ 3:30 p.m.*

8. TRIAL DATE

A trial date will be scheduled by the Court.

*August 15, 2013*

*[Signature]*  
HON. DOUGLAS BRADY

ATTEST: VENETIA VELASQUEZ  
Clerk of the Court

BY: *[Signature]*  
Deputy Clerk  
*8/15/13*

Dist: Joel H. Holt, Esq.  
Joseph A. DiRuzzo, III  
Nizar A. DeWood

CERTIFIED TO BE A TRUE COPY  
This *17* day of *Aug* 20*13*  
VENETIA H. VELAZQUEZ, ESQ.  
CLERK OF THE COURT  
By *[Signature]* Court Clerk

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

MOHAMMED HAMED by his authorized agent	)	
WALEED HAMED,	)	<b>CIVIL NO. SX-12-CV-370</b>
	Plaintiff, )	
v.	)	ACTION FOR DAMAGES,
	)	INJUNCTIVE AND
FATHI YUSUF and UNITED CORPORATON,	)	DECLARATORY RELIEF.
	Defendants. )	
<hr/>		(JURY)

**AMENDED SCHEDULING ORDER**

PURSUANT TO the Order Extending Scheduling Deadlines, entered simultaneously herewith, discovery schedule and case deadlines are amended as follows:

**1. RULE 26 DISCLOSURES**

Disclosures, pursuant to Fed. R. Civ. P 26(a)(i), should have been completed by August 1, 2013, **which date is not extended.**

**2. FACTUAL DISCOVERY**

All factual discovery, including written discovery and fact witness depositions, shall be completed by **March 15, 2014.**

**3. PLAINTIFF'S EXPERT REPORTS**

Plaintiff's expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by **April 15, 2014.**

**4. MEDIATION**

Mediation shall be completed no later than **April 30, 2014.**

**5. DEFENDANTS' EXPERT REPORTS**

Defendants' expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by **May 31, 2014.**

**6. STATUS CONFERENCE**

A status conference will be held on **Friday, June 20, 2014 at 9:00 a.m.**, in Courtroom No. 211.

**7. EXPERT DEPOSITIONS**

Depositions of experts shall be completed by **July 15, 2014**.

**8. MOTIONS**

All dispositive motions shall be filed by **August 15, 2014**.

**9. FINAL PRETRIAL CONFERENCE**

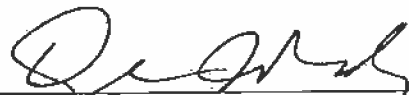
A Final Pretrial Conference will be held on **Wednesday, October 8, 2014 at 3:30 p.m.**, in Courtroom No. 211.

**10. TRIAL DATE**

Trial date will be set during the **October, November, or December, 2014 trial periods**.

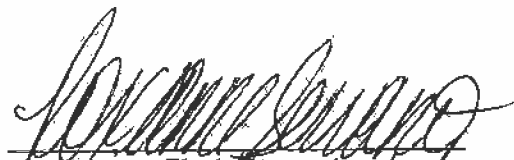
All dates set forth in the Scheduling Order dated August 15, 2013 are VACATED.


DONE and so Ordered this 5 day of December, 2013

  
\_\_\_\_\_  
Douglas A. Brady  
Judge of the Superior Court

ATTEST:

VENETIA H. VELASQUEZ  
Clerk of the Court

By:   
\_\_\_\_\_  
Court Clerk Supervisor  
12/5/13

CERTIFIED TO BE A TRUE COPY  
This 5<sup>th</sup> day of Dec 20 13  
VENETIA H. VELAZQUEZ, ESQ.  
CLERK OF THE COURT  
By  Court Clerk

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

MOHAMMED HAMED by his authorized agent )  
WALEED HAMED, )  
Plaintiff, ) CIVIL NO. SX-12-CV-370  
v. )  
FATHI YUSUF and UNITED CORPORATON, )  
Defendants. )  
ACTION FOR DAMAGES, *et al.*

---

**ORDER EXTENDING SCHEDULING DEADLINES**

THIS MATTER is before the Court on Defendants Emergency Motion to Extend Scheduling Order Deadlines, filed November 21, 2013 (“Motion”) and Plaintiff’s Response to Defendants’ Emergency Motion to Extend Scheduling Deadlines, filed December 3, 2013 (“Response”). For the following reasons, Defendants’ Motion is granted, as follows.

On August 5, 2013 the Parties submitted a Proposed Stipulated Discovery Order which was approved by Scheduling Order entered August 15, 2013, which, among other things, set a December 15, 2013 deadline for the completion of factual discovery (including witness depositions). Defendants now seek an additional six (6) months to complete discovery.

Defendants argue that this Court’s failure to rule on Defendants’ Renewed Motion to Dismiss, and in the Alternative for a More Definite Statement, and Motion to Strike Pursuant to Rules 12(b)(6), 12(e), and 12(f) Respectively of the Federal Rules of Civil Procedure prevents the Parties from conferring “until the scope of discovery is clarified.” *See* Defendants’ Motion, at 3. However, that concern is cured by the Court’s denial of Defendants’ Renewed Motion to Dismiss by Order entered this date.

Defendants put forward three additional considerations in support of their request for an additional six months to complete discovery, namely that: (1) voluminous documents still need to be tendered; (2) certain tax records and tax return filings still need to be completed (which


should be available "shortly"); and (3) certain financial documents are still in the possession of the U.S. Department of Justice regarding the ongoing criminal action, which should be available following a sentencing hearing to take place "in the near future." *Id.*, at 4.

Plaintiff opposes any further extension as "nothing but another unnecessary delaying tactic that should be summarily denied." *See* Plaintiff's Response, at 1. Plaintiff claims that Defendants cite no valid reasons for a discovery extension and expresses concern that extending discovery deadlines will unduly delay scheduling the trial. *Id.*, at 3.

Given the volumes of information exchanged in this litigation, the Court accepts Defendants' argument that some additional time to complete discovery is appropriate. However, there seems no need to add an additional six months to a discovery schedule to which Defendants recently stipulated. With the Parties acting diligently in completing discovery, there is no reason that the case cannot come to trial within the next year. As such, all discovery deadlines will be extended by three (3) months. An appropriate Amended Scheduling Order is issued simultaneously herewith. On the basis of the foregoing, it is hereby

ORDERED that Defendants' Emergency Motion to Extend Scheduling Order Deadlines is GRANTED extending discovery deadlines by three (3) months.

December 5, 2013


  
\_\_\_\_\_  
Douglas A. Brady  
Judge of the Superior Court

ATTEST:

VENETIA H. VELASQUEZ  
Clerk of the Court

By:   
\_\_\_\_\_  
Court Clerk Supervisor  
12/5/13

CERTIFIED TO BE A TRUE COPY  
This 5<sup>th</sup> day of Dec 20 13

VENETIA H. VELASQUEZ, ESQ.  
CLERK OF THE COURT  
By:  Court Clerk

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

MOHAMMAD HAMED By His )  
Authorized Agent WALEED HAMED, )  
)  
Plaintiff/Counterclaim Defendant, )

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

vs. )

ACTION FOR DAMAGES  
INJUNCTIVE AND DECLARATORY  
RELIEF.

FATHI YUSUF AND UNITED )  
CORPORATION, )  
)  
Defendants/Counterclaimants. )

**(JURY)**

vs. )

WALEED HAMED, WAHEED HAMED, )  
MUFEEED HAMED, HISHAM HAMED, )  
And PLESSSEN ENTERPRISES, INC., )  
)  
Counterclaim Defendants. )

**SECOND AMENDED SCHEDULING ORDER**

THIS MATTER is before the court on Defendants/Counterclaimants' "Motion to Further Extend Scheduling Order Deadlines," filed February 19, 2014, and Plaintiff's Opposition thereto, filed March 3, 2014. The premises having been considered, it is hereby

ORDERED discovery schedule and case deadlines are amended as follows:

**1. FACTUAL DISCOVERY**

All factual discovery, including written discovery and fact witness depositions, shall be completed by **April 30, 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 **May 30, 2014**.

**3. MEDIATION.**

Mediation shall be completed no later than **June 15, 2014**.



**4. DEFENDANTS' EXPERT REPORTS**

Defendants' expert disclosures pursuant to Federal Rules of Civil Procedure 26(1)(2), if any, shall be submitted by **July 15, 2014**.

**5. STATUS CONFERENCE**

A Status Conference shall be held on **Monday, July 28, 2014 at 2:30 p.m.**, in Courtroom No. 211.

**6. EXPERT DEPOSITIONS**

Depositions of experts shall be completed by **August 30, 2014**.

**7. MOTIONS**

All dispositive motions shall be filed by **September 30, 2014**.

**8. FINAL PRETRIAL CONFERENCE**

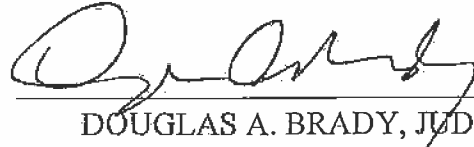
A Final Pretrial Conference will be held on **Monday, November 24, 2014 at 9:00 a.m.**, in Courtroom No. 211.

**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 December 5, 2013 Amended Scheduling Order are VACATED.

DATED: March 24, 2014.

  
\_\_\_\_\_  
DOUGLAS A. BRADY, JUDGE

A T T E S T:  
ESTRELLA GEORGE  
Acting Clerk of the Court

By: \_\_\_\_\_  
Court Clerk Supervisor

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

THIRD AMENDED SCHEDULING ORDER

THIS MATTER is before the Court on the Joint Stipulation To Further Extend Scheduling Deadlines, filed by the Parties in this case on April 17, 2014. The premises having been considered, it is hereby

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

1. FACTUAL DISCOVERY

All written discovery shall be completed by April 30, 2014, and all fact depositions shall be completed by June 6, 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 June 16, 2014.

3. MEDIATION.

Mediation shall be completed no later than July 10, 2014.



Third Amended Scheduling Order  
Hamed v. Yusef v. Hamied, SX-12-CV-370  
Page 2

4. DEFENDANTS' EXPERT REPORTS

Defendants' expert disclosures pursuant to Federal Rules of Civil Procedure 26(a)(2), if any, shall be submitted by August 1, 2014.

5. STATUS CONFERENCE

A Status Conference shall be held on Tuesday, August 5, 2014 at 2:30 p.m., in Courtroom No. 211.

6. EXPERT DEPOSITIONS

Depositions of experts shall be completed by September 15, 2014.

7. MOTIONS

All dispositive motions shall be filed by September 30, 2014.

8. FINAL PRETRIAL CONFERENCE

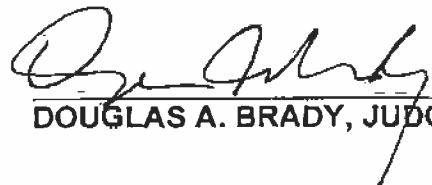
A Final Pretrial Conference will be held on Monday, November 24, 2014 at 9:00 a.m., in Courtroom No. 211.

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

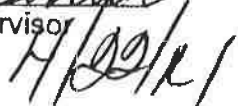
ORDERED that all dates set forth in this Court's March 24, 2014, Second Amended Scheduling Order are VACATED.

Dated: April 22, 2014

  
DOUGLAS A. BRADY, JUDGE

ATTEST:  
ESTRELLA GEORGE  
Acting Clerk of the Court

By:   
Court Clerk Supervisor



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

MOHAMMED HAMED by his authorized agent )  
WALEED HAMED, )  
Plaintiff/Counterclaim Defendant, )  
v. )  
FATHI YUSUF and UNITED CORPORATON, )  
Defendants/Counterclaimants )  
v. )  
WALEED HAMED, WAHEED HAMED, )  
MUFEED HAMED, HISHAM HAMED, and )  
PLESSEN ENTERPRISES, INC. )  
Counterclaim Defendants. )

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CIVIL NO. SX-12-CV-370  
ACTION FOR DAMAGES, etc.

**FOURTH AMENDED SCHEDULING ORDER**

THIS MATTER is before the Court on Defendants' Emergency Motion to Further Extend Scheduling Order Deadlines as a Result of New Information ("Motion"), filed May 7, 2014. Defendants indicate that "a proposed Fourth Amended Scheduling Order" was submitted to the Court, however no such proposed order was received, nor is the length of the extension sought set forth in Defendants' Motion. Because Defendants' Motion sets forth good cause for an extension pursuant to Fed R. Civ. P. 16(b)(4), Defendants' Motion is granted and the discovery schedule and case deadlines are amended as follows:

✓ **1. FACTUAL DISCOVERY**

All factual discovery, including written discovery and fact witness depositions, shall be completed by **July 11, 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 1, 2014**.

✓ 3. **MEDIATION**

Mediation shall be completed no later than **August 31, 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 5, 2014**.

✓ 5. **STATUS CONFERENCE**

A status conference will 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 **September 26, 2014**.

✓ 7. **MOTIONS**

All dispositive motions shall be filed by **October 03, 2014**; any response to be filed 14 days thereafter; and any reply 10 days following a response.

✓ 8. **FINAL PRETRIAL CONFERENCE**

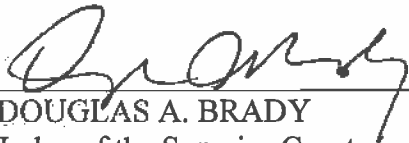
A Final Pretrial Conference will be held on Wednesday, **November 26, 2014 at 3:30 p.m.**, in Courtroom No. 211.

✓ 9. **TRIAL DATE**

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

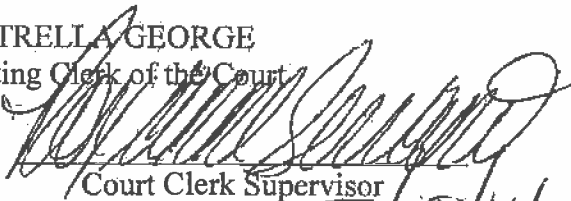
ORDERED that all dates set forth in the Third Amended Scheduling Order entered April 28, 2014 are VACATED.

May 15, 2014

  
DOUGLAS A. BRADY  
Judge of the Superior Court

ATTEST:

ESTRELLA GEORGE  
Acting Clerk of the Court

By:   
Court Clerk Supervisor  
5/15/14

CERTIFIED TO BE A TRUE COPY  
This 15<sup>th</sup> day of May 20 14

CLERK OF THE COURT

By  Court Clerk TT