

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

MOHAMMAD HAMED , by his authorized agent WALEED HAMED ,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-370
)	
v.)	ACTION FOR DAMAGES, INJUNCTIVE AND DECLARATORY RELIEF
)	
FATHI YUSUF and UNITED CORPORATION ,)	
)	
Defendants.)	JURY TRIAL DEMANDED
)	

**FATHI YUSUF'S OBJECTIONS AND RESPONSES TO
COUNTERCLAIM DEFENDANT WAHEED HAMED'S REQUESTS FOR ADMISSION**

Defendant Fathi Yusuf ("Yusuf"), through his undersigned counsel, subject to the objections set forth below, respectfully answers as follows to Counterclaim Defendant Waheed Hamed's Requests for Admissions ("Requests").

PRELIMINARY STATEMENT

These answers and objections are made solely for the purpose of this action. Each answer is subject to any and all objections as to competence, relevance, materiality, propriety, and admissibility; and any and all objections and grounds that would require the exclusion of any statement contained in any response, if such request were asked of, or any statement contained therein were made by, a witness present and testifying in court, all of which objections and grounds are hereby reserved and may be interposed at the time of trial.

The following answers are based upon information presently available to Yusuf and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Yusuf has answered or objected to any request should not be taken as an admission that he accepts or admits the existence of any facts set forth or assumed by such

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

Request, or that such answer constitutes admissible evidence. The fact that Yusuf has answered part or all of any such Request is not intended and shall not be construed to be a waiver by Yusuf of all or any part of any objection to such Request.

GENERAL OBJECTIONS

Yusuf makes the following general objections to the Requests. Although these general objections apply to all of the Requests, for convenience, they are set forth herein and are not necessarily repeated after each objectionable request. The assertion of the same, similar, or additional objections in the individual objections to these Requests, or the failure to assert any additional objections to a request does not waive any of Yusuf's objections as set forth below:

1. The Requests were served on July 5, 2014. At that time, the parties were operating under the Fourth Amended Scheduling Order ("Fourth Scheduling Order") entered by the Court on May 15, 2014. The Fourth Scheduling Order provided that fact discovery, including written discovery was to be completed by July 11, 2014. Despite the parties' efforts to attempt to agree to an extension of the discovery deadlines, no agreement has been reached. Yusuf and United Corporation ("United") have filed an Emergency Motion To Further Extend Discovery Deadlines and are hopeful that the Court will extend the fact discovery given the various circumstances described in the Emergency Motion. However, since fact discovery is currently closed and the Requests were not served in sufficient time to allow Yusuf 30 days to respond within the established discovery period, no response is required by Yusuf.

As a result of the expiration of the period for fact discovery on July 11, 2014, Yusuf's response to the Requests is not due and there is no legal effect to be drawn from the absence of a

specific response to the Requests, none of which may be deemed admitted. Moreover, Yusuf sets forth the following additional objections:

2. Yusuf objects to each Request that uses the words “any” and “all” as being overbroad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

3. Yusuf objects to each Request that seeks information that is not relevant to his or Waheed Hamed’s claims or defenses.

4. Yusuf objects to each Request to the extent it seeks the disclosure or production of documents or information protected by the attorney-client, work product or other privileges.

5. Yusuf objects to each Request to the extent that it uses terms or phrases that are vague, ambiguous, or undefined.

6. Yusuf objects to each Request that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.


7. Yusuf objects to each Request to the extent it seeks information outside of his possession, custody or control on the ground that it would subject Yusuf to undue burden, oppression and expense, and impose obligations not required by the Federal Rules of Civil Procedure.


8. The information sought by the Requests may be as much as twenty-seven (27) years old. Documents that may have contained information relevant to the Requests may no longer be in existence. Thus any information provided herein may not be, and should not be considered complete, and may be subject to supplementation if additional information becomes available.

9. Yusuf objects to defined terms and instruction to the extent that they vary from applicable law and/or impose different obligations than those set forth in the Federal Rules of Civil Procedure.

Dated: August 7, 2014

Respectfully Submitted,


Gregory H. Hodges, Esq. *Clark K. Perrell*
Dudley, Topper and Feuerzeig, LLP *VI Bar # 1281*
Law House
1000 Frederiksberg Gade
P. O. Box 756
St. Thomas, VI 00804
Email: ghodges@dtflaw.com
Counsel for Defendant


Nizar A. DeWood, Esq. *Clark K. Perrell*
The DeWood Law Firm *VI Bar # 1281*
V.I. Bar No: 1177
2006 Eastern Suburb, Suite 102
St. Croix, USVI 00820
Tel: 340.773.3444
Fax: 888.398.8428
Email: dewood@gmail.com
Counsel for Defendant

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing FATHI YUSUF'S OBJECTIONS AND RESPONSES TO COUNTERCLAIM DEFENDANT WAHEED HAMED'S REQUESTS FOR ADMISSION was served via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the 7th day of August, 2014 to wit:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, V.I. 00820
Email: holtvi@aol.com

Carl Hartmann, III, Esq.
5000 Estate Coakley Bay, #L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

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

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, VI 00820
Email: jeffreymlaw@yahoo.com

via: CM/ECF | Mail | Fax | Hand Delivery | Email

