

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

**FATHI YUSUF'S ADDITIONAL REQUESTS FOR PRODUCTION OF DOCUMENTS TO
MOHAMMED HAMED**

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

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 34, hereby propounds the following Requests for Production of Documents to Mohammed Hamed to be answered separately and fully in writing within thirty (30) days from the date hereof.

INSTRUCTIONS FOR ANSWERING

1. You are required, in responding to this request to obtain and furnish all information available (or available, upon demand) to you and any of your representatives, employees, agents, brokers, servants, or attorneys and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants or attorneys. In addition, "control" under Fed. R. Civ. P. 34 is broadly construed and, therefore, you are obligated to produce documents requested as long as you may have the legal right and/or ability to obtain the documents from another source on demand.
2. Each request which seeks information relating in any way to communications to, from, or within a business and/or corporate entity is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents and/or servants of the business and/or corporate entity.
3. Each request should be responded to separately. However, a document that is responsive to more than one request may, if the relevant portion is marked or indexed, be produced and referred to in a later response.
4. All documents produced shall be segregated and identified by the request to which they are primarily responsive. For any documents that are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and identify the file from which such documents were taken.
5. If you object to part of any request, please furnish documents responsive to the remainder of the request.
6. Each request refers to all documents that are either known by you to exist or that can be located or discovered by reasonably diligent efforts.
7. The documents produced in response to this request shall include all attachments, metadata, and enclosures.
8. The documents requested for production include those in the possession, custody, or control of you, your agents, representatives, or attorneys.
9. References to the singular include the plural.

10. The use of any tense of any verb shall be considered also to include within its meaning all other tenses of the verb so used.
11. Please note that you are under a continuing duty to seasonably supplement the production with documents obtained subsequent to the preparation and filing of a response to each request.
12. All documents called for by any request for which you claim a privilege or statutory authority as a ground for non-production shall be listed chronologically as follows:
 - a) The place, date and manner of recording or otherwise preparing the document;
 - b) The name and title of the sender;
 - c) The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;
 - d) The identity of each person to whom the contents of the document have been communicated by copy, exhibition, sketch, reading or substantial summarization, the dates of such communication, and the employer and title of such person at the time of the communication;
 - e) Type of document;
 - f) Subject matter (without revealing the relevant information for which privilege or statutory authority is claimed); and
 - g) Factual and legal basis for claim, privilege or specific statutory or regulatory authority which provides the claimed ground for non-production.
13. Each request to produce a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in, or subject to, directly or indirectly, the control of the party to whom this request is addressed. In addition, each request should be considered as including a request for separate production of all copies and, to the extent applicable, preliminary drafts of documents that differ in any respect from the original or final draft or from each other (e.g., by reason of differences in form or content or by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies thereof).
14. All documents produced in response to this request shall be produced notwithstanding the fact that portions thereof may contain information not requested.
15. If any documents requested have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter.
16. Where exact information cannot be furnished, estimated information is to be supplied to the extent possible. Where estimation is used, it should be so indicated, and an

explanation should be given as to the basis on which the estimate was made and the reason exact information cannot be furnished.

17. With respect to any document requested which was once in your possession, custody or control, but no longer is, please indicate the date the document ceased to be in your possession, custody or control, the manner in which it ceased, and the name and address of its present custodian.
18. Unless otherwise indicated, each request is to be construed as encompassing all documents which pertain to the stated subject matter and to events which transpired giving rise to this litigation up to the present.
19. Foreign language (i.e. in a language other than English) documents must be produced if the meaning and/or definition of the words in the document may cause the document to be responsive to any request. If you are in possession of English and foreign language versions of the same document, all versions of the document must be produced.

DEFINITIONS

A. For the purpose of these Requests, the following words shall have the meaning indicated below:

- A. The term "Waleed" shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Hamed, as defined herein.
- B. The term "Hamed" and "You" or "Your" shall mean Mohammed Hamed, the Plaintiff in this case.
- C. The term "Yusuf" shall mean Fathi Yusuf, a Defendant in this case.
- D. The term "United" shall refer to United Corporation, a Defendant in this case.
- E. The term "Plessen" shall refer to Plessen Enterprises, a Counterclaim Defendant in this case.
- F. The term "Criminal Case" shall refer to V.I. District Court Case No. 1:05-cr-00015-RLF-GWB.

- G. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- H. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- I. "Document" as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.
- J. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- K. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- L. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- M. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or

limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.

- N. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamed to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamed presently intends to rely at trial.
- O. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- P. "Identify" means as follows:

(A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer

in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overhead it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

- Q. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.
- R. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- S. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- T. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- U. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- V. "Plaza Extra -Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- W. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- X. "2001 Partial Reconciliation" refers to the tallying of receipts and checks by Maher Yusuf and Mufeed Hamed relating to funds withdrawn by Yusuf and Hamed family members from Plaza Extra-East shortly before the raid by the FBI in the fall of 2001.
- Y. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contributed \$1 million dollars to acquire and donate to charity.

As used in this demand for production, unless it is otherwise provided or the context requires a different meaning, words importing the singular include and apply to several persons or things; words importing the masculine gender include the feminine; words used in the present tense include the future.

Documents must be catalogued by number to correspond to the appropriate request.

Whenever you wish to object for any reason to a request, you shall state the nature of your objections, identify the subject matter to which your objection pertains, and cite the legal rule upon which you rely in effecting your objection.

**DUDLEY, TOPPER
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REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you have or had at any bank or financial institution anywhere in the world from 1986 through the present.
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 have or had any legal or equitable interest from January 1, 1986 to date.
3. Please produce all documents provided to your accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.
4. 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.
5. 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.
6. Please produce all documents relating to any cash withdrawn by any of the Hamed family members from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.
7. 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.
8. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you, Hamed family members or to third parties on you or your sons behalves from January 1, 1986 to date including all documents relating to what was done with such funds.
9. 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.

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10. 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.
11. 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.
12. Please produce all documents relating to any claim Hamed may have with respect to stock losses allegedly caused by Yusuf including all documents reflecting checks deposited into any account used by Yusuf to generate such losses.
13. Please produce all documents relating to any claim you may have with respect to expenses incurred in the Criminal Case including all documents reflecting checks issued from the Plaza Extra Accounts to pay such expenses.
14. 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 documents pertaining to the source of funds for acquisition and improvement.
15. Please produce all documents relating to the "Black Book" and any pages missing from that document.
16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.
17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses.
18. Please produce any financial statements prepared by or for you from January 1, 1986 to date.
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.

20. Please produce all documents reflecting payment of United's insurance and Gross Receipts Taxes from Plaza Extra Accounts from January 1, 1986 to date including checks issued for such payment.
21. Please produce all documents generated in or relating to the Criminal Case that pertain to your or your sons' 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.
22. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you and your family members from January 1, 1986 to date.
23. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you and your family members, other than salaries or direct reimbursements of costs.
24. 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.
25. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.
26. Please produce all documents relating to all amounts which you and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.
27. Please produce all documents relating to all funds removed by you 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.
28. Please produce all documents relating to all investigations, reports, studies, surveys, valuations or expert advice obtained by you and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.
29. Please produce all documents relating to all witnesses you 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.
30. Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.

31. Please produce all records kept by you and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.
32. Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.
33. Please produce all documents supporting any claims of Hamed against United.
34. Please produce all documents supporting any claims of Hamed against Yusuf.
35. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.
36. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: August 27, 2014

By:



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CERTIFICATE OF SERVICE


I hereby certify that on this 27th day of August, 2014, I caused the foregoing Fathi Yusuf's Additional Requests For Production Of Documents To Mohammed Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)
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