

**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 HISHAM HAMED'S  
SECOND (2<sup>ND</sup>) SUPPLEMENTED RESPONSES TO DEFENDANTS'  
MAY 23<sup>RD</sup> REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Counterclaim Defendant Hisham Hamed hereby supplements his prior responses to the Rule 34 request served on him on May 23, 2014.

**GENERAL OBJECTIONS**

Hisham Hamed 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 Request, or the failure to assert any additional objections to a request does not waive any of the objections as set forth below:

1. Hisham Hamed objects to each Request that seeks information that is not relevant to the claims asserted against him in this case.
2. Hisham Hamed 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.
3. Hisham Hamed objects to each Request that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.
4. The information sought by the Requests may be as much as twenty-seven (27) years old. Documents that may be 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.
5. Hisham Hamed objects to defined terms and instructions to the extent that they vary from applicable law and/or impose different objections than those set forth in the Federal Rules of Civil Procedure.

## **RESPONSES**

*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.*

2<sup>nd</sup> Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as it is confusing as worded. Subject to this objection, please see the attached **Exhibit A - List of Documents Produced**.

*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.*

2<sup>nd</sup> Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as it is confusing as worded. Subject to those objections, to the extent I understand this request, I have no such records for the tax years prior to 2002, although some of those records were seized by the FBI for some of the years prior to that, which records have been made available to you so that you have the same access to them as I do. For additional documents, please see the attached **Exhibit A - List of Documents Produced**.

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

2<sup>nd</sup> Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please see the attached **Exhibit A - List of Documents Produced**.

*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).*

2<sup>nd</sup> Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, to the extent I still have any such documents regarding real property in my name; please see the attached **Exhibit A - List of Documents Produced**.

*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.*

2<sup>nd</sup> Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as the term “financial investment” is vague and not capable of clear understanding as to what was intended to be covered. Subject to these objections, to the extent this request is understood, please see the attached **Exhibit A - List of Documents Produced**. I know that some documents fitting the description of items covered by this request were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*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.*

2<sup>nd</sup> Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please see the attached **Exhibit A - List of Documents Produced**. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do, although the removal of cash by the partners prior to 2002 often did not involve the retention of such records, as Mike Yusuf testified in his deposition.

*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.*

2<sup>nd</sup> Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. It is also objected to as seeking information that is not relevant and not likely to lead to relevant evidence. Finally, it is objected to as seeking information related to another suit, which is an improper use of discovery. This request is also objected to as too vague and confusing to comprehend what documents are being sought as far as the “acquisition” of the corporation is concerned. Notwithstanding these objections, to the extent this request is understood and without waiving any objections raised, please see the attached **Exhibit A - List of Documents Produced**.

*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.*

2<sup>nd</sup> Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections, please see the attached **Exhibit A - List of Documents Produced**.

Respectfully submitted,

**ECKARD, PC**

By:   
\_\_\_\_\_  
Mark W. Eckard, Esquire

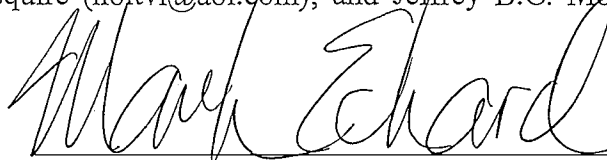
Dated: September 22, 2014

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Counsel to Hisham Hamed

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of September 2014, I served a disk containing responsive documents and a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on: Nizar A. DeWood, Esquire ([dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com)); Gregory H. Hodges, Esquire ([ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)); Joel H. Holt, Esquire ([holtvi@aol.com](mailto:holtvi@aol.com)); and Jeffrey B.C. Moorhead, Esquire ([jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)).

  
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**Hisham Hamed**  
**Exhibit A - List of Documents Produced**  
**September 22, 2014**

| <b>Bate Range</b>     | <b>RFPD No.</b> |
|-----------------------|-----------------|
| HAMD610809-HAMD610810 | 2               |
| HAMD611002-HAMD611004 | 2               |
| HAMD610836-HAMD610837 | 2               |
| HAMD610959-HAMD611001 | 3, 6            |
| HAMD608906-HAMD608907 | 3, 8            |
| HAMD610845-HAMD610852 | 6               |
| HAMD610735-HAMD610740 | 7               |
| HAMD610795-HAMD610801 | 7               |
| HAMD610827-HAMD610835 | 7               |
| HAMD610811-HAMD610817 | 7               |
| HAMD610767-HAMD610773 | 7               |
| HAMD610698-HAMD610703 | 7               |
| HAMD610818-HAMD610824 | 7               |
| HAMD610712-HAMD610717 | 7               |
| HAMD610825-HAMD610826 | 7               |
| HAMD610696-HAMD610697 | 7               |
| HAMD610802-HAMD610808 | 7               |
| HAMD610729-HAMD610734 | 7               |
| HAMD610667-HAMD610672 | 7               |
| HAMD610673-HAMD610679 | 7               |
| HAMD610781-HAMD61078  | 7               |
| HAMD610741-HAMD610746 | 7               |
| HAMD610747-HAMD610752 | 7               |
| HAMD610760-HAMD610766 | 7               |
| HAMD610686-HAMD610690 | 7               |
| HAMD610691-HAMD610695 | 7               |
| HAMD610774-HAMD610780 | 7               |
| HAMD610724-HAMD610728 | 7               |
| HAMD610651-HAMD610653 | 7               |
| HAMD610788-HAMD610794 | 7               |
| HAMD610718-HAMD610723 | 7               |
| HAMD610658-HAMD610659 | 7               |
| HAMD610704-HAMD610705 | 7               |
| HAMD610660-HAMD610666 | 7               |
| HAMD610753-HAMD610759 | 7               |
| HAMD610680-HAMD610685 | 7               |
| HAMD610706-HAMD610711 | 7               |
| HAMD609356-HAMD609358 | 17              |
| HAMD609265-HAMD609268 | 17              |
| HAMD609255-HAMD609258 | 17              |
| HAMD609262-HAMD609264 | 17              |
| HAMD609227-HAMD609227 | 17              |
| HAMD609228-HAMD609250 | 17              |
| HAMD609259-HAMD609261 | 17              |

**Hisham Hamed**  
**Exhibit A - List of Documents Produced**  
**September 22, 2014**

| <b>Bate Range</b>  | <b>RFPD No.</b> |
|--|-----------------|
| HAMD609203-HAMD609212  | 17              |
| HAMD609196-HAMD609202  | 17              |
| HAMD609224-HAMD609224  | 17              |
| HAMD609362-HAMD609369  | 17              |
| HAMD609308-HAMD609310  | 17              |
| HAMD609335-HAMD609344  | 17              |
| HAMD609359-HAMD609361  | 17              |
| HAMD609352-HAMD609352  | 17              |
| HAMD609225-HAMD609226  | 17              |
| HAMD609275-HAMD609307  | 17              |
| HAMD609185-HAMD609190  | 17              |
| HAMD609191-HAMD609191  | 17              |
| HAMD609182-HAMD609184  | 17              |
| HAMD609345-HAMD609351  | 17              |
| HAMD609269-HAMD609269  | 17              |
| HAMD609251-HAMD609251  | 17              |
| HAMD609252-HAMD609254  | 17              |
| HAMD609353-HAMD609355  | 17              |
| HAMD609270-HAMD609274  | 17              |
| HAMD609311-HAMD609313  | 17              |
| HAMD609314-HAMD609326  | 17              |
| HAMD609213-HAMD609223  | 17              |
| HAMD609192-HAMD609195  | 17              |
| HAMD609327-HAMD609334  | 17              |
| HAMD611005-HAMD611337  | 19              |
|  |                 |
| <b>Document Previously Produced - Not Included in thi Production</b> |                 |
|  |                 |
| HAMD563329-HAMD563332  | 4               |
| HAMD607770-HAMD607838  | 4               |
| HAMD277364-HAMD277398  | 4               |
| HAMD277469-HAMD277503  | 4               |
| HAMD563327-HAMD563328  | 4               |
| HAMD277294-HAMD277324  | 4               |
| HAMD608118-HAMD608222  | 6               |
| HAMD608010-HAMD608097  | 6               |