

**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
)	
v.)	
)	
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES,)	
)	
Additional Counterclaim Defendants.))	

**FATHI YUSUF’S OBJECTIONS AND RESPONSES TO
COUNTERCLAIM DEFENDANT WAHEED HAMED’S REQUESTS FOR THE
PRODUCTION OF DOCUMENTS**

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 the Production of Documents (“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 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. Yusuf objects to each Request that seeks information that is not relevant to his or Waheed Hamed's claims or defenses.
2. 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.
3. Yusuf 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 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.

5. 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.

SPECIFIC RESPONSES

1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you or your wife have or had at any bank or financial institution anywhere in the world from 1986 through the present.

RESPONSE:

Yusuf objects to Request to Produce No. 1 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (“Waheed”) (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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

RESPONSE:

Yusuf objects to Request to Produce No. 2 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

3. Please produce all documents to your or United'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:

Yusuf objects to Request to Produce No. 3 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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

RESPONSE:

Yusuf objects to Request to Produce No. 4 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

5. If you content 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:

Yusuf objects to Request to Produce No. 5 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (as he has made not claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

6. Please produce deed(s), contract(s), leases(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:

Yusuf objects to Request to Produce No. 6 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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 your wife have or had any interest.

RESPONSE:

Yusuf objects to Request to Produce No. 7 on the grounds that said information is not relevant to any defenses or claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

8. Please produce all documents relating to such 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:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that information reflecting the cash withdrawals by the Partners to the extent available to Yusuf have already been produced in this litigation or such information is equally available and accessible to Waleed Hamed. In particular, Yusuf shows that:

Bates No.s FY004123-FY004210 reflect receipt information as to cash removed by Hamed family members;

Bates No.s FY003615–FY003627 reflect cash removed by Yusuf family members;

In addition, see also:

Documents produced in the *Hamed v. Yusuf* (SX-12-CV-377)(FY000001-FY002142);

Documents produced in *United v. Waleed Hamed* (SX-13-cv-03)(UC-000199-UC001672);

Documents produced in *United v. Waheed Hamed* (ST-12-CV-101)(UC001673-UC002614);

Documents produced in the Rule 26 Disclosures – seven (7) CD's at Bates No.s Defendant's 0017308-0104300.

To the extent that additional information is contained in the FBI documents recently scanned, said information has been made equally available to Waheed Hamed.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf incorporates his response to Request No. 8 as if fully set forth herein verbatim.

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:

Subject to the above-stated objections and without waiving any objections, Yusuf incorporates his response to Request No. 8 as if fully set forth herein verbatim.

11. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you or your sons or to third parties on you or your son's behalves from January 1, 1986 to date including all documents relating to what was done with such funds.

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf incorporates his response to Request No. 8 as if fully set forth herein verbatim.

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:

Subject to the above-stated objections and without waiving any objections, Yusuf incorporates his August 12, 2014 Declaration and Exhibits as if fully set forth herein verbatim as responsive to this Request.

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.

RESPONSE:

Subject to the above-stated objections and without waiving any objections, the documents identified at FY004123-FY004210 include the supporting documentation for the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012.

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:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that Bates Nos. FY004123 – FY004210 reflect calculations of the partnership accounts which necessarily include calculations undertaken prior to the 2001 FBI raid and receipts destroyed prior to the raid.

16. Please produce all documents reflecting your or United's and the source of funds for your or United's investment in any business other than Plaza Extra Supermarkets and United Corporation.

RESPONSE:

Yusuf objects to Request to Produce No. 16 on the grounds that said information is not relevant to any defenses or claims of Waheed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Mattress Pal, or any mattress or furniture related business

including all documents pertaining to the organization, existence, and ownership of such businesses.

RESPONSE:

Yusuf objects to Request to Produce No. 17 on the grounds that said information is not relevant to defenses or any claims of Waheed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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

RESPONSE:

Yusuf objects to Request to Produce No. 18 on the grounds that said information is not relevant to any defenses or claims of Waheed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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:

Yusuf objects to Request to Produce No. 19 on the grounds that said information is not relevant to any defenses or claims of Waheed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that information reflecting the cash withdrawals by the Partners to the extent available to Yusuf have already been produced in this litigation or such information is equally available and accessible to Waheed Hamed. Further, Yusuf incorporates by reference his response to Request No. 8 as if fully set forth herein verbatim.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that information reflecting the cash withdrawals by the Partners to the extent available to Yusuf have already been produced in this litigation or such information is equally available and

accessible to Waleed Hamed. Further, Yusuf incorporates by reference his response to Request No. 8 as if fully set forth herein verbatim.

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 or your family members, other than salaries or direct reimbursements of costs.

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that information reflecting the cash withdrawals by the Partners to the extent available to Yusuf have already been produced in this litigation or such information is equally available and accessible to Waheed Hamed. Further, Yusuf incorporates by reference his response to Request No. 8 as if fully set forth herein verbatim.

23. Please produce all documents relating to any accounting claims – or other claims or counterclaims you may have against Hamed, his sons or Plaza Extra Supermarkets for any type of relief including, but not limited to, money damages.

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that information reflecting the cash withdrawals by the Partners to the extent available to Yusuf have already been produced in this litigation or such information is equally available and accessible to Waheed Hamed. Further, Yusuf incorporates by reference his response to Request No. 8 as if fully set forth herein verbatim.

24. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Hamed.

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf objects that this Request No. 24 is not relevant to any defenses or claims of Waheed Hamed (as he has made no claims) and therefore, is not reasonably calculated to lead to the discovery of admissible evidence. Nonetheless, Yusuf further shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's Response to Plaintiff's First Request for Production of Documents ("January Responses"), Request No. 12. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 24.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 14. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 25.

26. Please produce all documents relating to all funds removed by you or your family from United Corporation, 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:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 16. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 26.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 17. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 27.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 18. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 28.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 20. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 29.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that withdrawals and amounts due were kept track through various methods including: 1) receipts or chits; 2) checks or 3) payment to third parties such as for construction. Yusuf shows that information reflecting the cash withdrawals by the Partners to the extent available to Yusuf have already been produced in this litigation or such information is equally available and accessible to Waleed Hamed.

Further responding, Yusuf incorporates his response to Request No. 8 as if fully set forth herein verbatim as his response to Request No. 30.

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

RESPONSE:

Subject to the above-stated objections and without waiving any objections, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 26. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 31.

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

RESPONSE:

Yusuf objects to Request to Produce No. 32 on the grounds that said information is irrelevant to any defenses or claims of Waheed Hamed (as he has raised no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

To the extent that a response is required, Yusuf shows that this request was previously submitted by Mohammed Hamed and responded to on January 4, 2014 in his Defendant Fathi Yusuf's January Responses to Request No. 10. Yusuf incorporates his January Response, attached hereto as **Exhibit A** as if fully set forth herein verbatim as his response to this Request No. 32. Yusuf further incorporates his Request No. 8 as if fully set forth herein as responsive to this Request No. 32.

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

RESPONSE:

Yusuf objects to Request to Produce No. 33 on the grounds that said information is irrelevant to defenses or any claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

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

RESPONSE:

Yusuf objects to Request to Produce No. 34 on the grounds that said information is irrelevant to any defenses or claims of Waheed Hamed (as he has made no claims) and, therefore, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted,

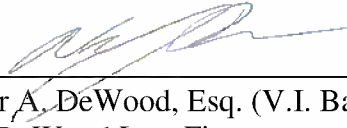
DUDLEY, TOPPER AND FEUERZEIG, LLP

Dated: September 22, 2014

By:

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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2014, I caused the foregoing **Fathi Yusuf's Objections and Responses to Counterclaim Defendant Waheed Hamed's Requests for the Production of Documents** to be served upon the following via e-mail:

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