

**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.))	
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**UNITED CORPORATIONS’ OBJECTIONS AND RESPONSES TO
COUNTERCLAIM DEFENDANT WAHEED HAMED’S
INTERROGATORIES**

Defendant United Corporation (“United”), through its undersigned counsel, subject to the objections set forth below, respectfully answers as follows to Counterclaim Defendant Waheed Hamed’s Interrogatories (“Interrogatories”).

PRELIMINARY STATEMENT

These answers and objections are made solely for the purpose of this action. Each answer is subject to all objections as to competence, relevance, materiality, propriety, and admissibility; 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 United and, except for explicit facts provided herein, no incidental or implied admissions are intended hereby. The fact that United has answered or objected to any Interrogatory should not be taken as an admission that United accepts or admits the existence of any facts set forth or assumed by such Interrogatory, or that such answer constitutes admissible evidence. The fact that United has answered part or all of any such Interrogatory is not intended and shall not be construed to be a waiver by United of all or any part of any objection to such Interrogatory.

GENERAL OBJECTIONS

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

1. United objects to each Interrogatory that seeks information that is not relevant to the claims or defenses in this matter.
2. United objects to each Interrogatory to the extent it seeks the disclosure or production of documents or information protected by the attorney-client, work product or other privileges.
3. United objects to each Interrogatory 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 Interrogatories may be as much as twenty-seven (27) years old. Documents that may have contained information relevant to the Interrogatories 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. United 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. Describe all accounting records presently in existence that reflect the gross amount of sales of the Plaza Extra supermarkets from 1986 to 2011, and for each record, state the amount of sales for that year.

RESPONSE:

United objects to Interrogatory 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 Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further responding, United states that Waheed has acted in a managerial role as to the Plaza Extra supermarkets and is fully aware of all the financial and accounting records demonstrating the gross amount of sales for the period in question and likewise, has equal access to all the financial and accounting records for the Plaza Extra supermarkets. Therefore, United further objects to this Interrogatory on the basis that Waheed has equal access to the information sought.

2. Describe generally how, from 1986 to 2002, cash was removed from Plaza Extra Supermarket sales reporting by the Hameds and Yusufs. For each method or technique used, provide specificity about: A. Methods used to remove (“skim”) the cash; B. Where cash first went after being skimmed; C. Which individuals Hameds or Yusufs were involved; D. What intermediate accounts or transfer instruments and methods were used (i.e. that the case was used to purchase or create); E. What final destinations the cash (or instruments into which the cash had been converted) were placed, deposited or otherwise used to purchase assets; F. What funds existed in foreign bank accounts now, obtained with such funds; G. What property or assets exist in the U.S. Virgin Islands now, obtained with such funds; and, H. What property or assets exist in foreign countries now, obtained with such funds.

RESPONSE:

United objects to Interrogatory No. 2 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further responding, United states that Waheed has acted in a managerial role as to the Plaza Extra supermarkets and is fully aware of how cash was handled in the Plaza Extra supermarkets.

3. Describe all accounting records presently in existence that reflect the gross amount of sales of the Plaza Extra supermarkets removed as cash prior to accounting and reporting (“skimmed”) from 1986 to 2011, and for each record, state the amount of sales for that year.

RESPONSE:

United objects to Interrogatory No. 3 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further responding, United states that Waheed has acted in a managerial role as to the Plaza Extra supermarkets and is fully aware of how cash was handled in the Plaza Extra supermarkets.

4. With regard to the skimmed cash set forth in your response to #3, describe all accounting records presently in existence that reflect the gross amount of sales of the Plaza Extra supermarkets skimmed from 1986 to 2011 that went to Fathi Yusuf, Mohammad Hamed, Willie Hamed, Wally Hamed and Mike Yusuf; and for each such record, state the amount of skimmed sales directed to each for that year.

RESPONSE:

United objects to Interrogatory No. 4 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further responding, to the extent that this Interrogatory requests information as to Waheed's defalcations, United incorporates by reference as if fully set forth herein verbatim Bates No. UC001673-UC002614 as its response to Interrogatory No. 4.

5. Describe United's board's and management's understanding of why cash was removed or "skimmed" from the sales of the Plaza Extra supermarkets. Give their understanding of the purpose and goals of those acts and what results were achieved or sought to be achieved, and state:
- A. Whose idea was the skimming
 - B. Who was "in charge" of the skimming
 - C. Who kept the records of the skimming and what records were kept.

RESPONSE:

United objects to Interrogatory No. 5 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

6. State whether United falsified tax documents to hide evidence of such removal or cash and skimming, who within the corporation directed or was involved with this and how they did so.

RESPONSE:

United objects to Interrogatory No. 6 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

7. For each of the years from 1986 to 2001, state the approximate amount United believes was skimmed from the sales of Plaza Extra supermarkets.

RESPONSE:

United objects to Interrogatory No. 7 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further responding, to the extent that this Interrogatory requests information as to Waheed's defalcations, United incorporates by reference as if fully set forth herein verbatim Bates No. UC001673-UC002614 as its response to Interrogatory No. 7.

8. Describe in detail whether the amount reflected in the plea agreement in the criminal case (where tax evasion by underreporting of sales in 2002 was part of the allocation) for the actual and reported sales is correct, and for the amount that was not reported, state what United understands was done with those funds.

RESPONSE:

United objects to Interrogatory No. 8 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

9. Describe all bank accounts and property which United directly or indirectly owns presently as a result of the 1985-2002 skimming transactions set forth above.

RESPONSE:

United objects to Interrogatory No. 9 on the grounds that the information sought is not relevant to any claim or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

10. Describe all bank accounts and property known to United which Waleed Hamed directly or indirectly owns presently as a result of the transaction set forth above.

RESPONSE:

United objects to Interrogatory No. 10 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

11. Describe all funds which Fathi Yusuf, Wally Hamed or Willie Hamed used for gambling ---and provide the amount gambled, won and lost by year for the years 1990-2008.

RESPONSE:

United objects to Interrogatory No. 11 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

12. Describe in detail the net worth, assets and liabilities of United Corporation and Mattress Pal as of the date of your responses hereto.

RESPONSE:

United objects to Interrogatory No. 12 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

13. Describe all funds obtained by removing cash and otherwise skimming from Plaza Extra sales used by United or Plaza Extra supermarkets for investing in stock options – and provide the amount invested, gains and losses by year for the years 1990-2008.

RESPONSE:

United objects to Interrogatory No. 13 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

14. State how any monies skimmed were provided to United; and state what amount United should correctly have received from these funds.

RESPONSE:

United objects to Interrogatory No. 14 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Further responding, to the extent that this Interrogatory requests information as to Waheed's defalcations, United incorporates by reference as if fully set forth herein verbatim Bates No. UC001673-UC002614 as its response to Interrogatory No. 14.

15. With regard to your response to Interrogatory #14, state how monies skimmed by the United should have properly received in the splitting of those amounts and what amounts United obtained beyond what he should correctly have received of these funds.

RESPONSE:

United objects to Interrogatory No. 15 on the grounds that the wording utilized is unclear and to the extent it can be understood the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

16. State how monies skimmed by the Hameds and Yusufs were divided among Yusuf family members and United; and state what amounts United, Fathi and Mike Yusuf should have correctly received of these funds.

RESPONSE:

United objects to Interrogatory No. 16 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

17. Describe when and how the Associated Grocers (AG) membership and stock were obtained, what funds were used to obtain them and who Fathi Yusuf presently believes is the rightful owner of them.

RESPONSE:

United objects to Interrogatory No. 17 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

18. Describe in detail the relationship between Seaside Market and AG, and whether the AG membership or stock are involved and how.

RESPONSE:

United objects to Interrogatory No. 18 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

19. Describe the sale or transfer of any goods, assets, inventory or other thing of value to Seaside Market from January 1, 2014 to August 1, 2014; and for each such sale or transfer state:
- A. The date and item(s) or amount(s)
 - B. Whether the sale or transfer went through the cashiers in the front of the store.
 - C. How the sale or transfer was paid for, if it was.
 - D. Which Hamed family member agree to the process or the individual sale or transfer.
 - E. Whether any Hamed family member objected to such sales and transfers.

RESPONSE:

United objects to Interrogatory No. 19 on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

19(sic.) Describe the time spent by any employee of United working at Seaside Market from January 1, 2014 to August 1, 2014; and for each occasion state:

- A. The date and amount of time
- B. Whether the person was paid their regular salary at Plaza Extra Supermarkets
- C. Which Hamed family member agreed to the process or use of that time
- D. Whether any Hamed family member objected to such a use of that time.

RESPONSE:

United objects to Interrogatory No. 19 (sic.) on the grounds that the information sought is not relevant to any claims or defenses between these parties and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

Dated: September 24, 2014

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Attorneys for Fathi United and United Corporation

CERTIFICATE OF SERVICE

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

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VERIFICATION OF RESPONSES

DATED: 9-24-2014



FATHI YUSUF

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 24th DAY
OF SEPTEMBER, 2014



NOTARY PUBLIC

