

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

MOHAMMAD HAMED, by his)
authorized agent **WALEED HAMED**,)
)
Plaintiff/Counterclaim Defendant,)

vs.)

CIVIL NO. SX-12-CV-370

FATHI YUSUF and)
UNITED CORPORATION,)
)
Defendants/Counterclaimants,)

vs.)

**ACTION FOR DAMAGES
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

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

JURY TRIAL DEMANDED

MOTION TO SHOW CAUSE

As noted yesterday in a filing with the Court, the payroll for each of the three Plaza Extra Stores is transferred electronically after the Yusuf and Hamed managers approve it. Since the Preliminary Injunction was entered, the weekly payroll has not been a problem.

However, this week the electronic transfer for payroll for the Plaza East store was not approved by Fathi Yusuf because he wanted to make a unilateral change (without an Order from this Court) by deleting Wally Hamed from the payroll. As such, while the payroll for the other two stores was processed and paid, none of the 200 employees for Plaza East were paid through the established electronic payroll.

As Yusuf insisted on unilaterally not paying Waleed Hamed despite this Court's Preliminary Injunction requiring the status quo to be maintained he had checks signed only by 1 person -- Fathi or Yusuf Yusuf -- individually written to employees which he then **admits through his counsel** that Plaza Extra Supermarkets was made to cash, **even though no Hamed manager had signed the checks** (the Hamed manager had already approved the electronic payroll checks). See **Exhibit 1** attached.

In short, just like the unilateral removal of funds that started this litigation, Fathi Yusuf has decided he can circumvent this Court's Preliminary Injunction Order as he wishes--without seeking a modification from the Court as required by that Order. Thus, it is respectfully requested that this Court issue a show cause order to Fathi Yusuf to show cause why he should not be held in contempt for violating this Court's Preliminary Injunction (PI) Order by:

- 1) By not processing the electronic payroll as has been done in all three stores for years, thus unilaterally changing the Plaza East store's procedures without a Court Order modifying the PI;
- 2) By cashing payroll checks that had not been signed by any Hamed manager, as expressly directed by this Court in the PI; and
- 3) By not paying Waleed Hamed, again unilaterally bypassing this Court's PI Order.

It is respectfully submitted that this Court needs to protect the integrity of the PI Order by issuing a show case Order to Fathi Yusuf. It also respectfully suggested that this Court should inquire as to whether any counsel for the Defendants were involved in the decision to circumvent this Court's PI Order.

Dated: September 25, 2014



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Email: carl@carlhartmann.com
Tele: (340) 719-8941

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2014, I served a copy of the foregoing by email, as agreed by the parties, on:

Nizar A. DeWood
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2006 Eastern Suburb, Suite 101
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From: Gregory H. Hodges <ghodges@dtflaw.com>

To: 'Joel Holt' <holtvi@aol.com>; dewoodlaw <dewoodlaw@gmail.com>; Charlotte Perrell <cperrell@dtflaw.com>; mark <mark@markeckard.com>; jeffreymlaw <jeffreymlaw@yahoo.com>

Cc: carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>

Subject: RE: Plaza

Date: Thu, Sep 25, 2014 10:53 am

Originals. Mr. Yusuf or his son. 

Gregory H. Hodges

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From: Joel Holt [<mailto:holtvi@aol.com>]

Sent: Thursday, September 25, 2014 9:46 AM

To: holtvi@aol.com; dewoodlaw@gmail.com; mafihamed@hotmail.com; Gregory H. Hodges; Charlotte Perrell; mark@markeckard.com; jeffreymlaw@yahoo.com

Cc: carl@carlhartmann.com; kimjapinga@gmail.com; wallyhstx@yahoo.com; williemhamed@yahoo.com; shawnhamed@live.com

Subject: Re: Plaza

Your response? 



Joel H. Holt, Esq.
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-----Original Message-----

From: Joel Holt <holtvi@aol.com>
To: dewoodlaw <dewoodlaw@gmail.com>; mafihamed <mafihamed@hotmail.com>; ghodges <ghodges@dtflaw.com>; cperrell <cperrell@dtflaw.com>; mark <mark@markeckard.com>; jeffreymlaw <jeffreymlaw@yahoo.com>
Cc: carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>; wallyhstx <wallyhstx@yahoo.com>; williemhamed <williemhamed@yahoo.com>; shawnhamed <shawnhamed@live.com>
Sent: Thu, Sep 25, 2014 8:12 am
Subject: Re: Plaza

The originals or copies? Who sign them?



Joel H. Holt, Esq.
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-----Original Message-----

From: Nizar DeWood, Esq. <dewoodlaw@gmail.com>
To: 'Joel Holt' <holtvi@aol.com>; mafihamed <mafihamed@hotmail.com>; ghodges <ghodges@dtflaw.com>; cperrell <cperrell@dtflaw.com>; mark <mark@markeckard.com>; jeffreymlaw <jeffreymlaw@yahoo.com>
Cc: carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>; wallyhstx <wallyhstx@yahoo.com>; williemhamed <williemhamed@yahoo.com>; shawnhamed <shawnhamed@live.com>
Sent: Thu, Sep 25, 2014 8:08 am
Subject: RE: Plaza

They're all at Plaza Extra – East.



From: Joel Holt [<mailto:holtvi@aol.com>]
Sent: Thursday, September 25, 2014 8:07 AM
To: dewoodlaw@gmail.com; mafihamed@hotmail.com; ghodges@dtflaw.com; cperrell@dtflaw.com; mark@markeckard.com; jeffreymlaw@yahoo.com
Cc: carl@carlhartmann.com; kimjapinga@gmail.com; wallyhstx@yahoo.com; williemhamed@yahoo.com; shawnhamed@live.com
Subject: Re: Plaza

How were checks cut without a Hamed signature? Please send me copies of those checks



Joel H. Holt, Esq.

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-----Original Message-----

From: Nizar DeWood, Esq. <dewoodlaw@gmail.com>
To: 'mafi hamed' <mafihamed@hotmail.com>; 'Joel Holt' <holtvi@aol.com>; ghodges <ghodges@dtflaw.com>; cperrell <cperrell@dtflaw.com>; mark <mark@markeckard.com>; jeffreymlaw <jeffreymlaw@yahoo.com>
Cc: carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>; wallyhstx <wallyhstx@yahoo.com>; williemhamed <williemhamed@yahoo.com>; shawnhamed <shawnhamed@live.com>
Sent: Thu, Sep 25, 2014 8:03 am
Subject: RE: Plaza

Attorney Holt,

How is it that you did not know that the employees were paid?



Sincerely,

Nizar A. DeWood, Esq.

DeWood Law Firm

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St. Thomas: Windward Prof. Bldg. Suite 208, St. Thomas, V.I. 00802 | t. (340) 774.0405 | f. (888) 398.8428

From: mafi hamed [<mailto:mafihamed@hotmail.com>]
Sent: Thursday, September 25, 2014 8:02 AM
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Cc: carl@carlhartmann.com; kimjapinga@gmail.com; wallyhstx@yahoo.com; williemhamed@yahoo.com; shawnhamed@live.com
Subject: Re: Plaza

In the footnote, it says none of the hamed managers were there. I was at plaza in the morning.



Sent from my BlackBerry 10 smartphone.

From: Nizar DeWood, Esq.

Sent: Thursday, September 25, 2014 7:47 AM

To: 'Joel Holt'; ghodges@dtflaw.com; cperrell@dtflaw.com; mark@markeckard.com; jeffreymlaw@yahoo.com

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Subject: RE: Plaza

See attached.



Sincerely,

Nizar A. DeWood, Esq.

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From: Joel Holt [<mailto:holtvi@aol.com>]

Sent: Wednesday, September 24, 2014 2:41 PM

To: ghodges@dtflaw.com; dewoodlaw@gmail.com; cperrell@dtflaw.com; mark@markeckard.com; jeffreymlaw@yahoo.com

Cc: carl@carlhartmann.com; kimjapinga@gmail.com; mafihamed@hotmail.com; wallyhstx@yahoo.com; williemhamed@yahoo.com; shawnhamed@live.com

Subject: Plaza

Pls see attached Notice-please get the Yusufs to approve this payroll so all employes can get paid (even if now it will be late)

Joel H. Holt, Esq.

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Christiansted, St. Croix

